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COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1938

Vol. 22. HARRISBURG, PA., MONDAY, JULY 25, 1938. No. 1

SENATE

MONDAY, July 25, 1938, 7 o'clock P. M., E. S. T.

This being the day and hour fixed by the Governor of the Commonwealth in his Proclamation, and Supplements convening the General Assembly in Extraordinary Session, the members of the Senate assembled in the Senate Chamber.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) called the Senate to order at 7 o'clock P. M.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, LL. D., offered the following prayer:

O God, Creator of earth, and sea and sky, Sovereign of the races of men—We acclaim The Giver of every good gift.

Helpless ourselves, in mute eloquence of distress, we bear before Thee a bruised and bleeding world, forgetful of Thee, angry with itself. Thou knowest all—O tell us what, and why, and how!

May Thy Grace rest upon the sessions of this Assembly and those who labor in this fellowship. A double portion of Thy Spirit be upon these Senators; upon him who presides so graciously over the deliberations of this body; upon those invested with directive responsibilities of leadership.

We remember an aged, honored Senator, detained by the ills of bodily affliction. In the shelter of Thy love, may he find comfort and peace. And lately there comes to us the word again that another of our senators sturdy strong, capable through all the years, too young to fall by the wayside and drop out of the active and useful life and we ask Thy blessing upon him. If possible give to him strength and health and keep him for years to come in the service of his day and generation.

Bless our country, our noble leader; our Commonwealth our good Governor and his associates. Keep him strong and true, and steadfast in his devotion to the humanities of life.

In the days ahead, our Father, we would covet moderation, seeking light, rather than heat; and for wisdom, may ask of Thee, who giveth liberally and upbraideth not. Amen.

ROLL CALL

The PRESIDENT: The Chief Clerk will call the roll.

The Chief Clerk called the roll and the following Senators were present.

William G. Barthold.
Theodore Lane Bean.
Anthony Caval nte.
Leroy E. Chapman.
Joseph F. Dando.
George N. Dietrick.
John H. Dent.
Anthony J. DiSilvestro.
Charles H. Ealy.
W. J. Eroe, Jr.
Edward R. Frey.
Frederick T. Gelder.
Samuel L. Gilson.
John J. Haluska.
P. J. Henney.
Weldon H. Heyburn.
John W. Howell.
Harvey Huffman.
Robert Lee Jacobs.
H. Jerome Jaspan.
I. Dana Kahle.
Thomas E. Kilgallen.
George Kunkel.
Henry E. Lanius.
Glen R. Law.
Charles R. Mallery.
John J. McCreesh.
Bernard B. McGinnis.
Leo C. Mundy.
Henry J. Pierson.
Walter S. Pytko.
George Rankin, Jr.
J. Albert Reed.
John S. Rice.
George A. Rupp.
Frank W. Ruth.
Samuel W. Salus.
George B. Scarlett.
Harry Shapiro.
C. Hale Sipe.
Charles W. Sones.
Andrew J. Sordoni.
Israel Stiefel.
Edward Jackson Thompson.
C. Gilbert Wolfenden.
George Woodward.

ABSENT

Clarence J. Buckman.
John G. Homsher.
G. Mason Owlett.
William B. Rodgers.

LEAVES OF ABSENCE

Mr. Rice asked and obtained leave of absence for the Senator from Allegheny, Mr. RODGERS for the week.

Mr. Ealy asked and obtained leave of absence for the Senator from Lancaster, Mr. HOMSHER on account of sickness.

He also asked and obtained leave of absence for the Senator from Bucks, Mr. BUCKMAN on account of sickness.

He also asked and obtained leave of absence for the Senator from Tioga, Mr. OWLETT for the week.

The PRESIDENT: A quorum of the Senate being present, the Senate is ready to proceed with the business of the Session.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communications in writing from His Excellency the Governor of the Commonwealth, which were laid on the table.

PROCLAMATION OF THE GOVERNOR

The PRESIDENT. The Chief Clerk will read the Proclamation of the Governor, and Supplements.

The Chief Clerk read the Proclamation, and Supplements thereto, as follows:

PROCLAMATION

In the Name and by Authority of the

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

HARRISBURG

PROCLAMATION

Whereas, Grave charges have been made against the Governor of the Commonwealth and other civil officers involving the administration of their high offices; and

Whereas, The constitutional rights of the legislative and executive branches of the government are in danger of being invaded; and

Whereas, It is imperative that charges against high public officers be heard publicly and as expeditiously as possible, to the end that the innocent should be vindicated and the guilty exposed and punished; and

Whereas, The General Assembly alone is empowered openly and publicly to conduct an investigation of such charges; and

Whereas, The apropriations heretofore made by the General Assembly in relief of the unemployed will be exhausted before the convening of the General Assembly in regular session, thereby necessitating further appropriations for the purpose aforesaid; and

Whereas, Other conditions have arisen in the Commonwealth requiring remedial or enabling legislation appropriate thereto:

Now, therefore, I, George H. Earle, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by Article IV, Section 12, of the Constitution, do hereby convene the General Assembly in extraordinary session, to meet in the Capitol, at Harrisburg, on Monday, July 25, one thousand nine hundred thirty-eight, at seven o'clock, post meridian (Eastern Standard Time), of that day, to consider legislation and appropriate action upon the following subjects:

1. Investigation of charges of, or involving, misdemeanor in office on the part of any person holding a civil office under the Commonwealth of Pennsylvania, with such further proceedings as may be necessary and proper, and the appropriation of the necessary funds to conduct such investigation and proceedings.

2. Regulating investigations of charges of, or involving, misdemeanor in office and defining the procedure thereof; regulating and defining the scope and respective jurisdictions of the General Assembly and of the courts of quarter sessions and oyer and terminer of the Commonwealth in investigations of charges of, or involving, misdemeanor in office; and regulating investigations by the grand jury of charges of, or involving, misdemeanor in office by public officers.

3. Defining and regulating the respective powers and duties of the Attorney General and district attorneys.

4. Appropriations from the General Fund to the Department of Public Assistance, for public assistance, as provided by law, including expenses incident thereto.

5. Amending or supplementing existing laws to obtain the full benefits of the Federal Social Security Act, with respect to the payment of grants to blind persons.

6. Defining, clarifying and regulating the responsibility for medical care for indigent persons in the Commonwealth who are not receiving institutional care.

7. Appropriations to the Department of Property and Supplies for the payment by the Commonwealth of rates, rentals and other charges on new or additional projects to be constructed hereafter by The General State Authority, in order that additional Federal grants of funds may be obtained.

8. Enlarging the scope of the powers of The General State Authority, authorizing the construction and improvement of public school buildings, and conferring the power to acquire lands necessary therefor, and to lease as lessor to any school district any project constructed by said authority.

9. Empowering school districts to lease public school buildings and grounds from, and to make conveyances of land and buildings to, The General State Authority, and providing means whereby school districts and the Commonwealth of Pennsylvania may contribute jointly to the payment of the rentals provided for in such leases; and to enact other legislation affecting the organization of school districts.

10. Further defining and limiting the power of, and enabling, school districts of the first class to levy and collect taxes, and to validate certain levies by such school districts heretofore made, in order to offset adverse court decisions with respect thereto.

11. Providing for the abatement of tax penalties and interest on taxes imposed by the various political subdivisions, poor districts and school districts of the Commonwealth.

12. Regulating the sale, exposure, or offering for sale, use, distribution, or possession of fireworks, and defining the meaning thereof.

13. Relating to the widening of the Philadelphia approaches to the Delaware River Bridge, and otherwise relating to the Delaware River Joint Bridge Commission.

14. Relating to the change of venue in criminal proceedings.

15. Making illegal the use of devices or methods of transmission of information or advices in furtherance of gambling.

16. Amending Paragraphs (d) and (e) of Section 202; Paragraph (a) of Section 409; Section 412; Paragraph (a) of Section 601; and Sections 702, 704, 808, 1201 and 1311 of the Public Utility Law (Act of May 28, 1937, P. L. 1053).

17. Creating and authorizing the appointment of a commission to investigate the operation of the oil industry in this Commonwealth, and conferring necessary powers and imposing duties thereof, and making an appropriation therefor.

18. Validating commissions heretofore created by joint resolution of the Legislature, their actions, expenses and expenditures, and making appropriations therefor.

19. Authorizing the receipt of the report and recommendations of the Pennsylvania Anthracite Coal Industry Commission, and taking such action upon the recommendations contained in the report as may be deemed appropriate, and making appropriations to supply deficiencies incurred by the said commission.

20. Appropriations to the Department of Health to supply the deficiency incurred and needed for the purpose of pumping flood waters from coal mines and slate quarries, in accordance with the provisions set forth in the Act of June 16, 1936, P. L. 16 (First Special Session of 1936).

21. Amending and supplementing existing laws relating to the number of exits and means of egress from buildings.

22. Enabling the Commonwealth, or any agency thereof, to enter into agreements with housing authorities to purchase and acquire real estate from said authorities.

23. Enabling the State to care for the mentally ill and feeble-minded.

24. Appropriations for the expenses of the special session.

(SEAL)

Given under my hand and the Great Seal of the State, at the City of Harrisburg, this twenty-second day of July, in the year of our Lord, one thousand nine hundred thirty-eight, and of the Commonwealth the one hundred sixty-third.

GEORGE H. EARLE.

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BY THE GOVERNOR:
DAVID L. LAWRENCE
Secretary of the Commonwealth.

In the Name and by Authority of the
COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
HARRISBURG

SUPPLEMENTAL PROCLAMATION

Whereas, an extraordinary session of the General Assembly of the Commonwealth of Pennsylvania has been called, under authority of Article IV, Section 12, of the Constitution, to meet in the Capitol at Harrisburg, on Monday, July 25, one thousand nine hundred thirty-eight, at seven o'clock, post meridian (Eastern Standard Time), of that day:

Now, therefore, I, George H. Earle, Governor of the Commonwealth, do hereby designate the following additional subjects for the consideration of the General Assembly:

1. Appropriations to the Pennsylvania Turnpike Commission to provide for the payment of salaries, rights of way, and other expenses.
2. Relating to the widening of the Philadelphia approaches to the Delaware River Bridge, and otherwise relating to the Delaware River Joint Commission.

(SEAL) Given under my hand and the Great Seal of the State, at the City of Harrisburg, this twenty-third day of July, in the year of our Lord, one thousand nine hundred thirty-eight, and of the Commonwealth the one hundred sixty-third.

GEORGE H. EARLE.

BY THE GOVERNOR:
ISAAC W. KEIM
Deputy Secretary of the Commonwealth.

In the Name and by Authority of the
COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
HARRISBURG

SECOND SUPPLEMENTAL PROCLAMATION

Whereas, an extraordinary session of the General Assembly of the Commonwealth of Pennsylvania has been called, under authority of Article IV, Section 12, of the Constitution, to meet in the Capitol at Harrisburg, on Monday, July 25, one thousand nine hundred thirty-eight, at seven o'clock, post meridian (Eastern Standard Time), of that day:

Now, therefore, I, George H. Earle, Governor of the Commonwealth, do hereby designate the following additional subjects for the consideration of the General Assembly:

1. Amending Paragraphs (a), (b), (l), and (s) of Section 4 of Article 1; Section 309 of Article 3; Paragraphs (a) and (e) of Section 401 of Article 4; Section 403 of Article 4; Section 404 of Article 4; and Section 501 of Article 5 of the Unemployment Compensation Law (Act of December 5, 1936, P. L. 2897, as amended by Act of May 18, 1937, P. L. 658).
2. Amending Article 2 of the Workmen's Compensation Act (Act of June 2, 1915, P. L. 736, as re-enacted, amended, or further amended by Act of June 4, 1937, P. L. 1552).

(SEAL) Given under my hand and the Great Seal of the State, at the City of Harrisburg, this twenty-fifth day of July, in the year of our Lord, one thousand nine hundred thirty-eight, and of the Commonwealth the one hundred sixty-third.

GEORGE H. EARLE.

BY THE GOVERNOR:
DAVID L. LAWRENCE
Secretary of the Commonwealth.

In the Name and by Authority of the
COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
HARRISBURG

THIRD SUPPLEMENTAL PROCLAMATION

Whereas, and extraordinary session of the General Assembly of the Commonwealth of Pennsylvania has been called, under authority of Article IV, Section 12, of the Constitution, to meet in the Capitol at Harrisburg, on Monday, July 25, one thousand nine hundred thirty-eight, at seven o'clock, post meridian (Eastern Standard Time), of that day:

Now Therefore, I, George H. Earle, Governor of the Commonwealth, do hereby designate the following additional subjects for the consideration of the General Assembly:

1. Legislation to provide for any legislative deficits.
2. Legislation relative to the employment or dismissal and the compensation of employes of the General Assembly.

(SEAL) Given under my hand and the Great Seal of the State, at the City of Harrisburg, this twenty-fifth day of July, in the year of our Lord, one thousand nine hundred thirty-eight, and of the Commonwealth the one hundred sixty-third.

GEORGE H. EARLE.

BY THE GOVERNOR:
DAVID L. LAWRENCE,
Secretary of the Commonwealth.

NOTIFICATION FROM THE HOUSE

Messrs. Gerard, Flannery, and Mallen, A Committee of the House of Representatives, being introduced, informed the Senate that it was duly organized and ready to proceed with the business and were extended the thanks of the Senate.

COMMUNICATION FROM THE GOVERNOR

The Chair cleared his table and laid before the Senate communication in writing from His Excellency, the Governor of the Commonwealth which was read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 25, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

If it meets with the approval of the General Assembly, I should like to address the members in Joint Session this evening at eight o'clock Eastern Standard Time.

GEORGE H. EARLE.

PRESIDENT PRO TEMPORE TO APPOINT SPECIAL AND STANDING COMMITTEES

Mr. MUNDY offered the following resolution, which was twice read, considered and agreed to:

In The Senate, July 25, 1938.

Resolved, That the President Pro Tempore of the Senate be authorized to appoint all special and standing committees of the Senate during the Extraordinary Session, and shall be ex-officio a member of all standing, special and Joint Legislative Committees.

NOTIFICATION TO THE HOUSE

Mr. DiSILVESTRO offered the following resolution which was twice read, considered and agreed to:

Resolved, That a committee of three be appointed to inform the House of Representatives that the Senate is now in Session and ready to proceed to business.

THE PRESIDENT. The President Pro Tempore appoints as said Committee the Senator from Lehigh, Mr. Rupp, the Senator from Dauphin, Mr. Kunkel, and the Senator from Susquehanna, Mr. Gelder.

COMMITTEE TO NOTIFY THE GOVERNOR

Mr. KILGALLEN offered the following resolution, which was twice read, considered and agreed to:

In the Senate, July 25, 1938.

Resolved (if the House of Representatives concur), That a committee of three on the part of the Senate be appointed to act with a similar committee on the part of the House, if the House shall appoint such committee to wait upon His Excellency, the Governor of the Commonwealth, and inform him that the General Assembly is convened in Extraordinary Session in conformity with the proclamation of July 22, 1938, and the supplements thereto of July 23, and July 25, 1938, and is ready to receive any communications he may have to make.

JOINT SESSION

Mr. LAW offered the following resolution, which was twice read, considered and agreed to:

In the Senate, July 25, 1938.

Resolved (if the House of Representatives concur), That the Senate and House of Representatives meet in Joint Session, Monday evening, July 25, 1938, at eight o'clock, Eastern Standard Time, in the Hall of the House for the purpose of hearing an address of His Excellency, the Governor of the Commonwealth.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

ADOPTION OF RULES

Mr. McGINNIS, offered the following resolution which was twice read, considered and agreed to:

In the Senate, July 25, 1938.

Resolved, That the standing rules of the Senate during the Regular Session of 1937, be adopted for the government of the Senate for the present Extraordinary Session.

DISPOSITION OF PETITIONS, MEMORIALS AND REMONSTRANCES

Mr. STIEFEL offered the following resolution, which was twice read, considered and agreed to:

In the Senate, July 25, 1938.

Resolved, That a reference to all petitions, memorials and remonstrances and special reports be noted in the Journal, filed with the Chief Clerk of the Senate, and printed only in the Appendix if specifically ordered by the Senate.

POSTAGE ON LEGISLATIVE JOURNAL

Mr. LANIUS offered the following resolution, which was twice read, considered and agreed to:

In the Senate, July 25, 1938.

Resolved (if the House of Representatives concur), That the Chief Clerks of the Senate and the House of Representatives be directed to make arrangements for the necessary postage so that the Legislative Journal may be mailed according to the requirements of the Post Office Department, and the Appropriations Committee provide for the cost of the same in the bill providing for the expenses of the Extraordinary Session.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

AUTHORIZING PAYMENT OF SALARIES OF MEMBERS OF THE GENERAL ASSEMBLY

Mr. RUTH offered the following resolution, which was twice read, considered and agreed to:

In the Senate, July 25, 1938.

Resolved (if the House of Representatives concur), That the State Treasurer be and is hereby authorized to pay on warrant of the Auditor General to each member of the General Assembly the sum of $250.00 on account of the salary of $500 00, and $50.00 in postage, to which each member is entitled for an Extraordinary Session of the General Assembly by virtue of the provisions of the Act of Assembly approved the second day of June, A. D. 1933, P. L. 1422; and the balance of said $500.00, namely $250.00, on the day of final adjournment of the Extraordinary Session of the General Assembly, convened in session on call of the Governor, July 25, 1938.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

HOUSE MESSAGE

The Clerk of the House of Representatives being introduced informed the Senate that the House had concurred in resolution from the Senate as follows:

In the Senate, July 25, 1938.

Resolved (if the House of Representatives concur), That the Senate an House of Representatives meet in Joint Session, Monday evening, July 25, 1938, at eight o'clock, Eastern Standard Time, in the Hall of the House for the purpose of hearing an address of His Excellency, the Governor of the Commonwealth.

COMMITTEE TO ESCORT THE GOVERNOR TO THE HALL OF THE HOUSE

Mr. RICE offered the following resolution, which was twice read, considered and agreed to:

In the Senate, July 25, 1938.

Resolved (If the House of Representatives concur), That a committee of three on the part of the Senate be appointed to act with a similar committee on the part of the House (if the House shall appoint such Committee), to escort the Governor to the Hall of the House to address the members of the General Assembly in Joint Session at eight o'clock P. M., July 25, 1938, pursuant to a concurrent resolution already adopted by the Senate and House of Representatives.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

REPORT OF COMMITTEE OF NOTIFICATION TO HOUSE

Mr. RUPP. Mr. President, the Committee appointed by the Senate to notify the House the Senate is duly organized and ready to proceed to business desires to report that it has performed that duty.

The PRESIDENT. The Committee is discharged with the thanks of the Senate.

HOUSE MESSAGES

The Clerk of the House of Representatives being introduced informed the Senate that the House had concurred in resolution from the Senate as follows:

COMMITTEE TO NOTIFY THE GOVERNOR

In the Senate, July 25, 1938.

Resolved (if the House of Representatives concur), That

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a committee of three on the part of the Senate be appointed to act with a similar committee on the part of the House, if the House shall appoint such committee, to wait upon His Excellency, the Governor of the Commonwealth, and inform him that the General Assembly is convened in Extraordinary Session in conformity with the proclamation of July 22, 1938, and the supplement thereto of July 23, 1938, and is ready to receive any communications he may have to make.

And has appointed as a Committee on the part of the House Messrs. Flinchbaugh, Welliver, and Kane.

The PRESIDENT. The President pro tempore appoints as said Committee on the part of the Senate the Senator from Northampton, Mr. Barthold, the Senator from Lawrence, Mr. Eroe. and the Senator from Indiana, Mr. Wolfenden.

He Also informed the Senate that the House has concurred in resolution from the Senate as follows:

COMMITTEE TO ESCORT THE GOVERNOR TO THE HALL OF THE HOUSE

In the Senate, July 25, 1938.

Resolved (if the House of Representatives concur), That a committee of three on the part of the Senate be appointed to act with a similar committee on the part of the House (If the House shall appoint such Committee), to escort the Governor to the Hall of the House to address the members of the General Assembly in Joint Session at eight o'clock P. M., July 25, 1938, pursuant to a concurrent resolution already adopted by the Senate and House of Representatives.

And has appointed as a Committee on the part of the House Messrs. Patterson, Hirsch, and Atkins.

The PRESIDENT. The President pro tempore appoints as said committee on the part of the Senate the Senator from Washington, Mr. Reed, the Senator from Cumberland, Mr. Jacobs, and the Senator from Luzerne, Mr. Sordoni.

REPORT OF COMMITTEE APPOINTED TO WAIT UPON THE GOVERNOR

Mr. BARTHOLD. Mr. President, the Committee appointed by the Senate to act in conjunction with a similar committee of the House of Representatives to inform the Governor that the General Assembly is organized and ready to receive any communications he may be pleased to make has performed its duty.

The PRESIDENT. The Committee is discharged with the thanks of the Senate.

AUTHORIZING THE PRINTING OF APPOINTMENTS MADE BY THE GOVERNOR

Mr. DENT, offered the following resolution, which was twice read, considered and agreed to:

In the Senate, July 25, 1938.

Resolved, That the list of appointments which may be sent to the Senate by the Governor, as having been made since the last regular session, be printed for the use of the Senate under the direction of the Chief Clerk.

SENATE PROCEEDS TO HOUSE TO HEAR GOVERNOR'S MESSAGE

Messrs. WESTRICK and WOOD, a Committee of the House of Representatives, being introduced, informed the Senate that the House was ready for the reception of the President and members of the Senate for the purpose of listening to the reading of a message by His Excellency, the Governor.

Whereupon,

The President and members of the enate proceeded to the Hall of the House of Representatives.

SENATE RETURNS FROM HOUSE

After some time the President and Senators returned to the Senate Chamber.

CONSIDERATION OF NOTARY PUBLIC NOMINATIONS

Mr. SIPE offered the following resolution, which was twice read, considered and agreed to.

In the Senate, July 25, 1938.

Whereas, The reference to committee of nominations by the Governor for appointment of Notaries Public has resulted in the past in a duplication of printing and an avoidable expense in the matter of printing, therefore be it

Resolved, That nominations by the Governor for the appointment of Notaries Public be laid on the table until further action.

RESOLUTION EXTENDING SYMPATHY TO FAMILY OF HONORABLE WILLIAM P. GALLAGHER.

Mr. MUNDY offered the following resolution, which was twice read, considered and agreed to:

In the Senate, July 25, 1938.

William P. Gallagher, Chief Clerk of the Senate from May, 1917 to January, 1927, died in Wilkes-Barre on May 25, 1938.

He was a native of the near-by borough of Plymouth, was educated at St. Vincents School, Wilkes-Barre High School, Bloomsburg State Teachers' College and the University of Pennsylvania, taught school for a short period, and devoted the balance of his life to journalism and the public service.

The members of the Senate will always remember "Billy" Gallagher as a genial, efficient and accommodating official and gentleman, and will deeply mourn his death as a personal loss, as well as a loss to the Commonwealth.

Resolved, That the Senate hereby record its sorrow over the passing of an ecteemed public official, the Honorable William P. Gallagher who at one time served as Chief Clerk of the Senate of Pennsylvania and who at the time of his death was Chief Clerk of the House of Representatives of the General Assembly.

Resolved, That a copy of this resolution, properly certified be transmitted to the family of the deceased by the Secretary of the Senate.

OFFICERS AND EMPLOYES OF THE SENATE

Mr. McCREESH offered the following resolution which was twice read, considered and agreed to.

In the Senate, July 25, 1938.

Resolved, That the following persons be elected officers and employes of the Senate, Extraordinary Session of 1938, to fill existing vacancies:

EXECUTIVE CLERK

William Smith, 3227 Rorer St., Philadelphia. Vice Joseph J. Fields, resigned.

TRANSCRIBING CLERKS

Michael Cavalcante, Jr., McClellandtown, Fayette County. Vice Joseph Kubachka, resigned.

Eugene Redmond, 2835 N. Sixth St., Philadelphia. Vice Thomas L. McLaughlin, resigned.

ASSISTANT SERGEANTS-AT-ARMS

John Ferko, McKees Rocks, Allegheny County. Vice Edward J. Maloney, resigned.

C. W. Deibler, Apollo, Armstrong County. Vice Robert E. Smouse, resigned.

Edward Haluska, Patton, Cambria County. Vice Albert L. Haluska, resigned.

CLERKS TO COMMITTEES

James J. Snee, 427 S. River St., Wilkes-Barre. Vice William F. McGuire, resigned.

Michael Ranish, R. D., Patton, Cambria County. Vice Helen F. Yoder, resigned.

PAGES

John W. Lightner, Newport, Perry County. Vice William A. Miller, resigned.

John P. Brandt, Newport, Perry County. Vice Walter S. McKelvey, resigned.

Banks Jacobs, Mifflin, Juniata County. Vice Charles E. Yocum, resigned.

Woodrow Wilson Warfield, Lemoyne, Cumberland County. Vice Robert S. Moose, resigned.

Mr. SHAPIRO offered the following resolution, which was twice read, considered and agreed to:

In the Senate, July 25, 1938.

Be it resolved that the following Sergeant-at-Arms and the following Assistant Sergeants-at-Arms elected at the Regular Session of 1937 and hereby continued:

SERGEANT-AT-ARMS

John B. Smith, Lattimer Mines, Luzerne County.

ASSISTANT SERGEANTS-AT-ARMS

Edward E. Stambaugh, Spring Grove, York County.

William H. Hoffer, 14 N. Front St., Philipsburg, Centre County.

John W. English, 510 S. Oakland Ave., Sharon, Mercer County.

Lewis R Jaspan, 878 N. Seventh St., Philadelphia, Philadelphia County.

The following is recommended for election as

ASSISTANT SERGEANTS-AT-ARMS

Thomas L. Kennedy, Jr., Luzerne County, Pa.

Other Assistant Sergeants-at-Arms elected during the Regular Session of 1937, have either resigned or been removed for cause.

ANNOUNCEMENT

The PRESIDENT: "The President pro tempore of the Senate has requested me to announce the Committees of the Senate will stand as at the Regular Session of 1937, with the exception that vacancies will be filled in accordance with the Rules of the Senate."

APPOINTMENT OF LIBRARIAN OF THE SENATE.

SENATE OF PENNSYLVANIA

Harrisburg, Pa., June 21, 1938.

Mr. Dennis J. Mulvihill,
Chief Clerk of the Senate,
Harrisburg, Pa.

Dear Mr. Mulvihill:

I have this day appointed Hal H. Harris of Stroudsburg as Librarian of the Senate to fill the vacancy caused by the resignation of Mr. Ellwood T. Bauman.

Very truly yours,

(Signed) HARVEY HUFFMAN.

HOUSE MESSAGES

The Clerk of the House of Representatives being introduced informed the Senate that the House had concurrred in resolutions from the Senate as follows:

POSTAGE ON LEGISLATIVE JOURNAL

In the Senate July 25, 1938.

Resolved (if the House of Representatives concur), That the Chief Clerks of the Senate and the House of Representatives be directed to make arrangements for the necessary postage so that the Legislative Journal may be mailed according to the requirements of the Post Office Department, and the Appropriations Committee provide for the cost of the same in the bill providing for the expenses of the Extraordinary Session.

AUTHORIZING PAYMENT OF SALARIES OF MEMBERS OF THE GENERAL ASSEMBLY

In the Senate, July 25, 1938.

Resolved (if the House of Representatives concur), That the State Treasurer be and is hereby authorized to pay on warrant of the Auditor General to each member of the General Assembly the sum of $250 on account of the salary of $500, and $50 in postage, to which each member is entitled for an Extraordinary Session of the General Assembly by virtue of the provisions of the Act of Assembly approved the second day of June, A. D. 1933, P. L. 1422; and the balance of said $500 namely $250, on the day of final adjournment of the Extraordinary Session of the General Assembly, convened in session on call of the Governor, July 25, 1938.

APPOINTMENT BY THE PRESIDENT

In the Senate, July 25, 1938.

The President announces the following appointment:

PAGE TO PRESIDENT

Walter Miller, 809 N. 17th St., Harrisburg, Dauphin County.

BILLS INTRODUCED

Mr. CAVALCANTE. Mr. President, I ask unanimous consent to introduce a bill at this time.

Mr. PRESIDENT. Is there objection?

The Chair hears none.

Mr. CAVALCANTE read in his place and presented to the Chair Senate Bill No. 1, entitled:

A Supplement to the act approved the eighteenth day of March, one thousand eight hundred and seventy-five (P. L. 30), entitled "An Act to authorize changes of venue in criminal cases," forbidding changes of venue in criminal prosecutions by any court on application of the Commonwealth or prosecutor.

Which was committed to the Committee on Judiciary General.

Mr. WOODWARD. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection?

The Chair hears none.

Mr. WOODWARD read in his place and presented to the Chair Senate Bill No. 2, entitled:

A Joint Resolution proposing an amendment to section four, article nine of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Constitutional Changes.

He also read in his place and presented to the Chair Senate Bill No. 3, entitled:

A Joint Resolution proposing an amendment to article twelve of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Constitutional Changes.

He also read in his place and presented to the Chair Senate Bill No. 4, entitled:

A Joint Resolution proposing an amendment to section one, article nine of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Constitutional Changes.

Mr. RICE. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection?

The Chair hears none.

Mr. Rice read in his place and presented to the Chair Senate Bill No. 5, entitled:

An Act to amend section two of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven, (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," by re-defining "assistance" so as to provide for medical care in place of services.

Which was committed to the Committee on Welfare.

Mr. KUNKEL. Mr. President, I ask unanimous consent to introduce a bill at this time.

THE PRESIDENT. Is there objection?

The Chair hears none.

Mr. KUNKEL read in his place and presented to the Chair Senate Bill No. 6, entitled:

An Act to amend paragraph (c) of section nine of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven, (P. L. 205), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board;" by classifying blind persons entitled to receive assistance from those entitled to receive pensions.

Which was committed to the Committee on Welfare.

Mr. THOMPSON. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection?

The Chair hears none.

Mr. THOMPSON read in his place and presented to the Chair Senate Bill No. 7, entitled:

An Act to amend section four of the act approved the twenty-eighth day of June, one thousand nine hundred and thirty-five, (P. L. 452), entitled "An act to promote the welfare of the people of the Commonwealth; creating a General Authority as a body corporate and politic with power to construct improve and operate projects, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey, or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act," as amended; by providing for additional projects and providing for the leasing of projects by the Authority to school districts.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 8, entitled:

An Act to amend article six of the act approved the eighteenth day of May, one thousand nine hundred and eleven, (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by authorizing school districts, singly or jointly with other districts, to convey or lease property to the General State Authority, to acquire additional property for such purposes, to contract with and lease property from said Authority and to levy additional taxes to pay rentals; and authorizing the Commonwealth to join with school districts in such contracts and leases, and in such cases, defining the assistance to be rendered by the Commonwealth.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 9, entitled:

An Act making an appropriation to the Department of Public Instruction to pay rentals and expenses in connection with public school buildings constructed or improved by the General State Authority.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair Senate Bill No. 10, entitled:

A supplement to the act approved the sixteenth day of June, one thousand nine hundred and thirty-six, (P. L. 16), entitled "An act making an appropriation to the Department of Health to defray the cost of pumping the water from slate quarries and anthracite and bituminous coal mines which have been flooded, directly or indirectly, by the high waters during March, one thousand nine hundred thirty-six," by making a further appropriation to supply the deficiency incurred and needed under the provisions of said act.

Which was committed to the Committee on Appropriations.

ANNOUNCEMENTS BY THE SECRETARY

The following committees will meet tomorrow:

The Committee on Welfare will meet in Room 400, at 11:30 E. S. T.

The Committee on Judiciary General will meet in Room 302 at 11:00 o'clock E. S. T.

The Republican Caucus will be held in Room 300, one hour before the convening of the Senate tomorrow.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn until tomorrow at 12:00 o'clock, Eastern Standard Time.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 9:43 P. M., until 12:00 o'clock (Eastern Standard Time) Tuesday, July 26, 1938.

HOUSE OF REPRESENTATIVES

Monday, July 25, 1938.

EXTRAORDINARY SESSION

The Speaker, the Honorable Roy E. Furman, called the House to order.

The SPEAKER. This being the day and the hour fixed by His Excellency, the Governor of the Commonwealth in his Proclamation convening the General Assembly in Extraordinary Session by virtue of the authority conferred upon him under Article IV, Section 12 of the Constitution of Pennsylvania, the Members of the House of Representatives here assembled will now come to order.

PRAYER

The SPEAKER. Following the prayer by the Chaplain, the members will remain standing in silence until the gavel falls in memory of the Hon. William J. Munley, a former member of this House, from the County of Lackawanna, who died March 9, 1938.

The Hon. Charles H. Richter, a former member of this House, from the County of Adams, who died June 24, 1938.

The Hon. William P. Gallagher, former Chief Clerk of this House, from the County of Luzerne, who died May 25, 1938.

The Hon. C. J. Goodnough, a former Speaker of this House, from the County of Cameron, who died July 21, 1938.

The Chaplain, Rev. EPHRAIM Z. GALLAHER, offered the following prayer:

O Lord, as we again gather in this House, as lawmakers, it is fitting that we call upon Thee, earnestly and solemnly asking Thy Divine presence and guidance in our deliberations, that we may strive to know Thy will and follow Thy way. With the devotion of David, the Shepherd, may we desire that the words of our mouths and the meditations of our hearts be acceptable in Thy sight, O Lord, our Strength and Redeemer. Amen.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency, the Governor.

PROCLAMATION OF THE GOVERNOR

The SPEAKER. The Clerk will read the Proclamations and Supplements of the Governor.

The Clerk read the Proclamations and Supplements as follows:

In the Name and by Authority of the
COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
HARRISBURG

PROCLAMATION

Whereas, Grave charges have been made against the Governor of the Commonwealth and other civil officers involving the administration of their high offices; and

Whereas, The constitutional rights of the legislative and executive branches of the government are in danger of being invaded; and

Whereas, It is imperative that charges against high public officers be heard publicly and as expeditiously as possible, to the end that the innocent should be vindicated and the guilty exposed and punished; and

Whereas, The General Assembly alone is empowered openly and publicly to conduct an investigation of such charges; and

Whereas, The appropriations heretofore made by the General Assembly in relief of the unemployed will be exhausted before the convening of the General Assembly in regular session, thereby necessitating further appropriations for the purpose aforesaid; and

Whereas, Other conditions have arisen in the Commonwealth requiring remedial or enabling legislation appropriate thereto:

Now, therefore, I, George H. Earle, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by Article IV, Section 12, of the Constitution, do hereby convene the General Assembly in Extraordinary Session, to meet in the Capitol, at Harrisburg, on Monday, July 25, one thousand nine hundred thirty-eight, at seven o'clock, post meridian (Eastern Standard Time), of that day, to consider legislation and appropriate action upon the following subjects:

1. Investigation of charges of, or involving, misdemeanor in office on the part of any person holding a civil office under the Commonwealth of Pennsylvania, with such further proceedings as may be necessary and proper, and the appropriation of the necessary funds to conduct such investigation and proceedings.

2. Regulating investigations of charges of, or involving, misdemeanor in office and defining the procedure thereof; regulating and defining the scope and respective jurisdictions of the General Assembly and of the Courts of Quarter Sessions and Oyer and Terminer of the Commonwealth in investigations of charges of, or involving, misdemeanor in office; and regulating investigations by the grand jury of charges of, or involving, misdemeanor in office by public officers.

3. Defining and regulating the respective powers and duties of the Attorney General and district attorneys.

4. Appropriations from the General Fund to the Department of Public Assistance, for public assistance, as provided by law, including expenses incident thereto.

5. Amending or supplementing existing laws to obtain the full benefits of the Federal Social Security Act, with respect to the payment of grants to blind persons.

6. Defining, clarifying and regulating the responsibility for medical care for indigent persons in the Commonwealth who are not receiving institutional care.

7. Appropriations to the Department of Property and Supplies for the payment by the Commonwealth of rates, rentals and other charges on new or additional projects to be constructed hereafter by The General State Authority, in order that additional Federal grants of funds may be obtained.

8. Enlarging the scope of the powers of The General State Authority, authorizing the construction and improvement of public school buildings, and conferring the power to acquire lands necessary therefor, and to lease as lessor to any school district any project constructed by said authority.

9. Empowering school districts to lease public school buildings and grounds from, and to make conveyances of land and buildings to, The General State Authority, and providing means whereby school districts and the Commonwealth of Pennsylvania may contribute jointly to the payment of the rentals provided for in such leases; and to enact other legislation affecting the organization of school districts.

10. Further defining and limiting the power of, and enabling, school districts of the first class to levy and collect taxes, and to validate certain levies by such school districts heretofore made, in order to offset adverse court decisions with respect thereto.

11. Providing for the abatement of tax penalties and interest on taxes imposed by the various political subdivisions, poor districts and school districts of the Commonwealth.

12. Regulating the sale, exposure, or offering for sale, use, distribution, or possession of fireworks, and defining the meaning thereof.

13. Relating to the widening of the Philadelphia approaches to the Delaware River Bridge, and otherwise relating to the Delaware River Joint Bridge Commission.

14. Relating to the change of venue in criminal proceedings.

15. Making illegal the use of devices or methods of transmisison of information or advices in furtherance of gambling.

16. Amending Paragraphs (d) and (e) of Section 202; Paragraph (a) of Section 409; Section 412; Paragraph (a) of Section 601; and Sections 702, 704, 808, 1201 and 1311 of the Public Utility Law (Act of May 28, 1937, P. L. 1053).

17. Creating and authorizing the appointment of a commission to investigate the operation of the oil industry in this Commonwealth, and conferring necessary powers and imposing duties thereof, and making an appropriation therefor.

18. Validating commissions heretofore created by joint resolution of the Legislature, their actions, expenses and expenditures, and making appropriations therefor.

19. Authorizing the receipt of the report and recommendations of the Pennsylvania Anthracite Coal Industry Commission, and taking such action upon the recommendations contained in the report as may be deemed appropriate, and making appropriations to supply deficiencies incurred by the said commission.

20. Appropriations to the Department of Health to supply the deficiency incurred and needed for the purpose of pumping flood waters from coal mines and slate quarries, in accordance with the provisions set forth in the Act of June 16, 1936, P. L. 16 (First Special Session of 1936).

21. Amending and supplementing existing laws relating to the number of exists and means of egress from buildings.

22. Enabling the Commonwealth, or any agency thereof, to enter into agreements with housing authorities to purchase and acquire real estate from said authorities.

23. Enabling the State to care for the mentally ill and feeble-minded.

24. Appropriations for the expenses of the special session.

Given under my hand and the Great Seal of the State, at the City of Harrisburg, this twenty-second day of July, in the year of our Lord, one thousand nine hundred thirty-eight, and of the Commonwealth the one hundred sixty-third.

(SEAL)

GEORGE H. EARLE.

By the Governor:

DAVID L. LAWRENCE
Secretary of the Commonwealth.

In the Name and by Authority of the

COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
HARRISBURG

SUPPLEMENTAL PROCLAMATION

Whereas, An Extraordinary Session of the General Assembly of the Commonwealth of Pennsylvania has been called, under authority of Article IV, Section 12, of the Constitution, to meet in the Capitol at Harrisburg, on Monday, July 25, one thousand nine hundred thirty-eight, at seven o'clock, post meridian (Eastern Standard Time), of that day:

Now, Therefore, I, George H. Earle, Governor of the Commonwealth, do hereby designate the following additional subjects for the consideration of the General Assembly:

1. Appropriations to the Pennsylvania Turnpike Commission to provide for the payment of salaries, rights of way, and other expenses.

2. Relating to the widening of the Philadelphia approachse to the Delaware River Bridge, and otherwise relating to the Delaware River Joint Commission.

Given under my hand and the Great Seal of the State, at the City of Harrisburg, this twenty-fifth day of July, in the year of our Lord, one thousand nine hundred thirty-eight, and of the Commonwealth the one hundred sixty-third.

(SEAL)

GEORGE H. EARLE.

By the Governor:

ISAAC W. KEIM,
Deputy Secretary of the Commonwealth.

In the Name and by Authority of the

COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
HARRISBURG

SECOND SUPPLEMENTAL PROCLAMATION

Whereas, An Extraordinary Session of the General Assembly of the Commonwealth of Pennsylvania has been called, under authority of Article IV, Section 12, of the Constitution, to meet in the Capitol at Harrisburg, on Monday, July 25, one thousand nine hundred thirty-eight, at seven o'clock, post meridian (Eastern Standard Time), of that day:

Now, Therefore, I, George H. Earle, Governor of the Commonwealth, do hereby designate the following additional subjects for the consideration of the General Assembly:

1. Amending Paragraphs (a), (b), (l),and (s) of Section 4 of Article 1; Section 309 of Article 3; Paragraphs (a) and (e) of Section 401 of Article 4; Section 403 of Article 4; Section 404 of Article 4; and Section 501 of Article 5 of the Unemployment Compensation Law (Act of December 5, 1936, P. L. 2897, as amended by Act of May 18, 1938, P. L. 658).

2. Amending Article 2 of the Workmen's Compensa-

tion Act (Act of June 2, 1915, P. L. 736, as re-enacted, amended, or further amended by Act of June 4, 1937, P. L. 1552).

Given under my hand and the Great Seal of the State, at the City of Harrisburg, this twenty-third day of July, in the year of our Lord, one thousand nine hundred thirty-eight, and of the Commonwealth the one hundred sixty-third.

(SEAL)

GEORGE H. EARLE.

By the Governor:

DAVID L. LAWRENCE,
Secretary of the Commonwealth.

In the Name and by Authority of the

COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
HARRISBURG

THIRD SUPPLEMENTAL PROCLAMATION

Whereas, An Extraordinary Session of the General Assembly of the Commonwealth of Pennsylvania has been called, under authority of Article IV, Section 12, of the Constitution, to meet in the Capitol at Harrisburg, on Monday, July 25, one thousand nine hundred thirty-eight, at seven o'clock, post meridian (Eastern Standard Time), of that day:

Now, Therefore, I, George H. Earle, Governor of the Commonwealth, do hereby designate the following additional subjects for the consideration of the General Assembly:

1. Legislation to provide for any legislative deficits.
2. Legislation relative to the employment or dismissal and the compensation of employes of the General Assembly.

Given under my hand and the Great Seal of the State, at the City of Harrisburg, this twenty-fifth day of July, in the year of our Lord, one thousand nine hundred thirty-eight, and of the Commonwealth the one hundred sixty-third.

GEORGE H. EARLE.

By the Governor:

DAVID L. LAWRENCE,
Secretary of the Commonwealth.

The SPEAKER. The Proclamations and supplements will be spread upon the Journal of the House and printed in full in the Legislative Journal.

ROLL CALL

The SPEAKER. The Clerk will call the roll.

The roll of the members was called by the Clerk and the folowing members answered as being present:

Achterman,	Flinchbaugh,	McElroy,	Shugarts,
Alexander,	Ganser,	McFall,	Siegel,
Allmond,	Gerard,	McGee,	Simon,
Arnold,	Gillette,	McKinney,	Skale,
Atkins,	Gorski,	McShane,	Sloan,
Aukerman,	Habbyshaw,	Melchiorre,	Smith, James A.
Baine,	Haberlen,	Mellott,	Smith, John A.,
Baker, F. T.,	Hagerty,	Mihm,	Snyder,
Baker, J. J.,	Hall,	Moomaw,	Sollenberger,
Balthaser,	Hamilton, F. P.,	Mooney,	Spengler,
Bierly,	Hamilton, R. S.,	Moran,	Sproul,
Blank,	Harkins,	Moul,	Stackpole,
Bohn,	Harmuth,	Muir,	Stank,
Boies,	Hays,	Munley,	Stewart,
Boltz,	Hering,	Murrin,	Stockham,
Boose,	Hess,	Nagel,	Strode,
Boyer,	Hetrick,	O'Connor,	Terry,
Bradley,	Hindman,	O'Keefe,	Thomas,
Brancato,	Hirsch,	Ominsky,	Thompson,
Brigerman,	Holland,	O'Neill,	Tronzo,
Broad,	Holmes,	Ostroff,	Trout,
Brown,	Holstrom,	Patterson, J. W.,	Tumelty,
Brownfield,	Hontz,	Peale,	Turner,
Burrows,	Horting,	Pearson,	Vallibus,
Cadwalader,	Huntley,	Perry,	VanAllsburg,
Caputo,	Imbrie,	Pershing,	VanSickle,
Chervenak,	Jirolanio,	Piole,	Vogt,
Coakley,	Kane,	Powers,	Wagner,
Cohen, H. B.,	Keenan,	Preston,	Wall,
Cohen, R. E.,	Kelso,	Readinger,	Walsh,
Coleman,	Kilroy,	Reese,	Wampole,
Coolahan,	Kline,	Reising,	Watkins,
Corrigan,	Kroll,	Richter,	Webster,
Costanzo,	LaRue,	Robinson,	Weidemann,
Davies,	Leisey,	Rothenberger,	Welliver,
Decker,	Levy,	Royer,	Welsh,
DeNote,	Lewis,	Ruffennach,	Westrick,
Dickinson,	Long,	Rush,	Whalen,
Donohoe,	Longaker,	Sarraf,	Whitenight,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Lyons,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Flanagan,	McDevitt,	Shoemaker,	Furman,
Flannery,			

The SPEAKER. One hundred and ninety-two members having answered to their names a quorum of the House is present. The House is ready to proceed with the business of the session.

RESOLUTIONS

RULES OF THE HOUSE

Mr. ACHTERMAN offered the following resolution which was twice read, considered and adopted.

In the House of Representatives, July 25, 1938.

Resolved, That the Rules adopted at the last session of the House of Representatives be the rules of this Extraordinary Session.

STANDING COMMITTEES

Mr. OMINSKY offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 25, 1938.

Resolved That the Standing Committees of the House of Representatives as constituted in the 1937 Regular Session, be the Standing Committees for this Session, and Rules 27 and 28 as amended, are hereby suspended for the duration of this Extraordinary Session.

COMMITTEE TO WAIT UPON SENATE

Mr. GERARD offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, July 25, 1938.

Resolved, That a committee of three be appointed by the Speaker to wait upon the Senate and inform that body that the House of Representatives is convened in Extraordinary Session, pursuant to the call of His Excellency, the Governor of the Commonwealth, and is ready to proceed with the business of the session.

APPOINTMENT OF COMMITTEE

The SPEAKER. The Chair appoints as a Committee to wait upon the Senate to inform that body that the House of Representatives is organized and ready to proceed with business, Messrs. Gerard, Flannery and Hall.

The Committee will proceed in the performance of its duty.

CHIEF CLERK PRESENTED

The SPEAKER. The Chair wishes at this time to present to the Members of the House of Representatives, the new Chief Clerk, the Hon. Thomas J. Callahan, of Luzerne County.

HON. THOMAS J. CALLAHAN, CHIEF CLERK. Mr. Speaker and Honorable Members of the House. I want to thank you for the honor conferred upon me in appointing me as Chief Clerk. I promise that my office will be at your service at all times. Thank you.

LEAVES OF ABSENCE

Mr. O'Keefe asked and obtained leave of absence for Mr. SAMUEL A. WEISS, and filed the following telegram as his reason:

"Take care of matters for me as 9 pound baby boy arrived this morning."

The Speaker asked and obtained leave of absence for Mr. CAESER on account of illness in family.

Mr. Scanlon asked and obtained leave of absence for Mr. FITCH on account of illness, for balance of week.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency, the Governor, which was read as follows:

REASONS FOR PARDONS

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 25, 1938.

To the Honorable, The House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to present herewith the reasons for pardons granted by me from January 5, 1937 to date.

GEORGE H. EARLE.

The SPEAKER. The communication will be noted in the Journals of the House and the reasons for pardons printed in the Appendix to the Legislative Journal.

REQUEST TO ADDRESS JOINT ASSEMBLY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 25, 1938.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

If it meets with the approval of the General Assembly, I should like to address the members in joint session this evening at eight o'clock, Eastern Standard Time.

GEORGE H. EARLE.

GOVERNOR INVITED TO ADDRESS JOINT ASSEMBLY

Mr. PRESTON. Mr. Speaker, I move that the Governor be invited to the Hall of the House to address the General Assembly at a time to be fixed by concurrent resolution.

The motion was agreed to.

REPORT OF DOLLAR SAVING BANK

The SPEAKER laid before the House the report of the Dollar Savings Bank of Pittsburgh as of December 1, 1937.

(For Report see Appendix).

REPORT OF SAVING FUND SOCIETY OF GERMANTOWN

The SPEAKER laid before the House the Classifications of Accounts on the books of the Saving Fund Society of Germantown as of December 31, 1937 also the eighty-third annual statement.

(For classification of Accounts and Report see Appendix.)

REPORT OF WESTERN SAVING FUND SOCIETY OF PHILADELPHIA

The SPEAKER laid before the House the ninety-first annual report of the Western Saving Fund Society of Philadelphia.

(For Report see Appendix.)

REPORT OF PHILADELPHIA SAVING FUND SOCIETY

The SPEAKER laid before the House the Report of the Philadelphia Saving Fund Society for the year ending December 31, 1937.

(For Report see Appendix.)

REPORT OF DELAWARE RIVER JOINT COMMISSION

The SPEAKER laid before the House the Report of the Delaware River Joint Commission for the year 1937.

(For Report see Appendix.)

REPORT AND DISCHARGE OF COMMITTEE

Mr. GERARD. Mr. Speaker your committee appointed to inform the Senate that the House has convened and is ready for business has performed that duty.

The SPEAKER. The Committee is discharged with the thanks of the House.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, July 25, 1938.

Resolved (if the House of Representatives concur), that a committee of three on the part of the Senate be appointed to act with a similar committee on the part of the House, (if the House shall appoint such committee), to await His Excellency, the Governor of the Commonwealth, and inform him that the General Assembly has convened in Extraordinary Session in conformity with the proclamation of July 22, 1938, and the supplements thereto of July 23 and July 25, 1938, and is ready to receive any communications he may have to make.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question.

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMITTEE APPOINTED TO WAIT UPON THE GOVERNOR

The SPEAKER. The Chair appoints as a committee on the part of the House to act in conjunction with a similar committee on the part of the Senate to wait upon His

Excellency, the Governor, Messrs. Flinchbaugh, Welliver and Gillette.

Ordered, That the Clerk inform the Senate accordingly.

NOTIFICATION FROM THE SENATE

A Committee on the part of the Senate being introduced informed the House that the Senate is now organized and ready to proceed with the business of the session.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, July 25, 1938.

Resolved (if the House of Representatives concur), that the Senate and House of Representatives meet in Joint Session, Monday evening, July 25, 1938, at eight o'clock, Eastern Standard Time, in the Hall of the House for the purpose of hearing an address of His Excellency, the Governor of the Commonwealth.

Ordered That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

REPORT AND DISCHARGE OF COMMITTEE

Mr. FLINCHBAUGH. Mr. Speaker, your committee, appointed to act with a similar committee on the part of the Senate to wait upon His Excellency, the Governor, and inform him that the General Assembly is organized, has performed that duty.

The SPEAKER. The Chair extends the thanks of the House to the Committee.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, July 25, 1938.

Resolved (if the House of Representatives concur), that a committee of three on the part of the Senate be appointed to act with similar committee on the part of the House (if the House shall appoint such committee,) to escort the Governor to the Hall of the House to address the members of the General Assembly in Joint Session at eight o'clock P. M., July 25 1938, pursuant to a concurrent resolution already adopted by the Senate and House of Representatives.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMITTEE APPOINTED TO ESCORT GOVERNOR

The SPEAKER. The Chair appoints as a committee to act in conjunction with a similar committee on the part of the Senate to escort the Governor to the Hall of the House, Messrs. Simon, Hirsch and Atkins.

Ordered, that the Clerk inform the Senate accordingly.

RESOLUTION

COMMITTEE TO ESCORT SENATE TO HALL OF HOUSE

Mr. WESTRICK offered the following resolution which was twice read, considered and adopted.

Resolved, That the Chair appoint a committee of two to escort the members of the Senate to the Hall of the House this day at eight o'clock, for the purpose of attending the Joint Session of the General Assembly.

COMMITTEE APPOINTED TO ESCORT SENATE

The SPEAKER. The Chair appoints as a committee to escort the Senate to the Hall of the House, Messrs. Westrich and Wood.

REPORT AND DISCHARGE OF COMMITTEE

Mr. WESTRICH. Mr. Speaker your committee appointed to escort the members of the Senate to the Hall of the House for the purpose of attending a Joint Session has performed that duty and the members of the Senate are now present.

The SPEAKER. The committee is discharged with the thanks of the House. The President of the Senate is invited to preside over the Joint Session of the General Assembly; the President Pro Tempore is invited to a seat on the rostrum and the members of the Senate will be seated in the chairs provided for them in the front of the House.

JOINT SESSION

LIEUTENANT-GOVERNOR, THOMAS KENNEDY, PRESIDING

The SERGEANT-AT-ARMS OF THE SENATE. Mr. President, I have the honor to present to you the Committee appointed to escort the Governor of the Commonwealth to the Hall of the House to address the Joint Assembly.

Mr. REED. Mr. President, I have the honor to present to you His Excellency, the Governor of the Commonwealth.

LIEUTENANT-GOVERNOR KENNEDY. Members of the General Assembly, I have the pleasure at this time to present His Excellency, the Governor of the Commonwealth, George H. Earle, who will now address the General Assembly.

ADDRESS OF THE GOVERNOR

To the Honorable, the General Assembly of the Commonwealth of Pennsylvania.

Ladies and Gentlemen of the General Assembly:

I have convened your honorable body in Extraordinary Session to repel an unprecedented judicial invasion of the Executive and Legislative branches of our government.

In this invasion the powers vested in the Legislative branch have been usurped, Constitutional guarantees of the independence of Executive and Legislative branches have been violated, and a dictatorial overlordship of the Judiciary has been asserted.

In all the 300 years of this State's history no such action has ever before succeeded. Time and again the courts have consistently respected the Constitutional provision under which our State Government is divided into three coordinate branches—Executive, Legislative and Judicial—

none of which is subject to domination or control by the other.

Now, by its present action, the Judiciary has made a scrap of paper of the Constitution and its own prior decisions. It has summoned the Dauphin County Grand Jury, under its direction, to conduct an investigation into the operations of the Executive branch. In so doing it has likewise granted similar inquisitorial rights to the District Attorney of every one of the sixty-seven counties of the Commonwealth.

The situation would be comparable on a much larger scale if any United States Attorney, in even the most remote and sparsely-settled State, were to launch a Grand Jury invesigation of the official conduct of the President of the United States and the officers of his Cabinet.

I need not remind you that the operations of the Executive Department involve the entire State, not any single county, and that therefore they must be under the supervision of that agency which represents the entire State, which is the General Assembly.

That point is abundantly clear in Article VI, Section 3, of our Constitution, which provides that:

"The Governor and all other civil officers shall be liable to impeachment for any misdemeanor in office, but judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of trust or profit under this Commonwealth; the person accused, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law."

The same Article provides that the House of Representatives shall have the sole power of impeachment, and that all impeachments shall be tried by the Senate.

The Supreme Court has in numerous instances recognized this mandate of the Constitution.

In Governor Hartranft's Appeal, the Supreme Court in 1877 ruled specifically that the Governor cannot be investigated by a Grand Jury of any county.

Said the Supreme Court in that case:

"Where does the Court of Quarter Sessions, or any other Court, get the power to call this man (meaning the Governor) before it, and compel him to answer for the manner in which he has discharged his constitutional functions as executor of the laws . . .?

"If . . . we once begin to shift the supreme executive power, from him upon whom the Constitution has conferred it, to the judiciary, we may as well do the work thoroughly and constitute the courts the absolute guardians and directors of all governmental functions whatever. If, however, this cannot be done, we had better not take the first step in that direction . . .

"The Governor cannot thus be placed under the guardianship and tutelage of the courts.

"To the people, under the methods prescribed by law, not to the courts is he answerable for his doings or misdoings.

"It is his duty from time to time, to give to the General Assembly information of the state of the Commonwealth,' but it is not his duty to render such an account to the Grand Jury of Allegheny or any other county."

What language could be clearer that that—"it is not his duty to render such an account to the Grand Jury of Allegheny or any other county."

Again, only a month ago, the Supreme Court, while the effect of its action was otherwise, paid lip service to the decision in the Hartranft case and the Constitution in these words:

"We recognize the strength of the language used in the Constitution, Article IV, Section 2, providing that the supreme executive power shall be vested in the Governor . . . it is basic and fundamental in our system of government that the powers of the three coordinate branches of government are and should be separate and kept clear, the one from the other. The Judicial branch cannot assume overlordship of the Executive or Legislative, or vice versa . . ."

I do not propose, now or in the future, to plead immunity for public officials charged with crime, from the normal processes of law—arrest, indictment, trial and punishment. I dismissed the former Attorney General because he refused to procure the arrest of those he charged with crime. I demanded of the District Attorney of Dauphin County that he arrest any person against whom he had evidence of wrong-doing, and I again call upon him now to take such action if he has evidence to warrant it.

I demand that any investigation of the Executive branch be conducted by that body exclusively empowered by the Constitution to conduct such investigation, the General Assembly. In view of the wide currency given to unsupported charges against myself and other high civil officers, I request and recommend that such investigation be made, in order that the guilty, if any, may be punished, and the innocent vindicated.

I have no quarrel with our Judicial system or with the courts as such. I recognize the Judiciary as a coordinate branch of our government of checks and balances. All three branches operate under the Constitution, which prescribes the boundaries of their jurisdiction.

When the Judiciary transgresses those boundaries it prostitutes and abuses judicial process, violating the Constitution and the rights of the people.

If the Judiciary is to be permitted to assume overlordship of the Executive, and to usurp the functions of the Legislature with impunity, then Constitutional government dies and judicial distatorship takes its place.

In these times, when the world suffers from the pestilence of dictatorships, the appearance of such tendencies in our Judiciary is an ominous sign, for the history of civilization has demonstrated that the most cruel and oppressive of all dictatorships have been those of Judicial bodies. The Inquisition, the Bloody Assizes, the ill-famed Court of Star Chamber and other black milestones of history stand as grim reminders of Judicial tyranny.

Nothing tends more to undermine our fundamental democracy than the abuse of the wide discretion granted to our Judiciary, since it permits the subtle and stealthy destruction of the people's rights behind the cloak of Judicial privilege. Freemen the world over have been obliged to revolt, time and time again, against such abuse.

I will not have it said of me that during my term of office I violated my solemn oath by failing to protect and defend the Constitutional prerogatives of the high office which I hold. I will not permit the establishment of a precedent which will place every Governor who succeeds me under the thumb of the Judiciary, and under the inquisition of any District Attorney of any county who may find it politically expedient to drum up charges against the head of the government of the Commonwealth of Pennsylvania.

Nor will I permit the rights and prerogatives of the General Assembly to be trampled upon. I will defend Constitutional government at all costs.

I serve solemn warning that I will not permit the establishment of a Judicial dictatorship in this Commonwealth. I charge you to inquire fully into the present attempt to assert such overlordship, to exercise your Constitutional authority to resist it, and to take appropriate action with respect to all persons responsible for or partaking in it.

Time does not permit a full review of the recent developments giving rise to the present Constitutional crisis, but I wish to present a few of the salient facts.

In April of this year Charles J. Margiotti, who as Attorney General was my chief legal advisor as well as the chief law enforcement officer of the Commonwealth, charged in political speeches on behalf of his own candidacy for Governor that high officials of my Administration were guilty of various crimes. I demanded that he discharge his sworn duty as the State's chief law enforcement officer by prosecuting the accused, and dismissed him when he refused to do so

Mr. Margiotti, who had up to that time asserted his complete confidence in my own integrity, then entered into collaboration with the Republican District Attorney of Dauphin County in the preparation of a petition for a Grand Jury inquiry. This petition was presented to the three Republican Judges of the Dauphin County Court, who without study certified that it was founded on fact. These Republican Judges certified a petition which did not contain a single allegation that a crime had been committed within the jurisdiction of their court. The Supreme Court of Pennsylvania reviewed the petition and threw it out of court, at the same time publicly censuring the action of the Dauphin County Court as "unwarranted in law." The District Attorney then amended his petition, and again the Dauphin County Court certified it without investigation. The Supreme Court, in the face of a statement under oath by the Governor of the Commonwealth that the petition was based upon manufactured evidence and was a fraud upon the court, refused to review the evidence to determine whether such fraud existed.

Ignoring the affidavit of the Chief Executive, which vitally affected the validity of the petition, the Supreme Court accepted the petition at face value.

It then proceeded to throw all Judicial discretion to the winds, to reverse every one of its previous decisions, to flout the clear and unequivocal mandate of the Constitution. It arrogated to the Judiciary the right to investigate the Executive; thereby striking at the very heart of our government.

Apparently recognizing the enormity of its conduct, and shrinking from taking such action directly, it "passed the buck" to a lower court judge of its own selection, deputizing him to do what it dared not do itself. In this manner a Grand Jury investigation of the Executive branch was ordered.

In other words, upon unsupported charges of a disappointed office-seeker and dismissed public official, through the instrumentality and a petition drawn by a henchman of the Dauphin County Republican machine, the Dauphin County Court, consisting of three former Republican officeholders who are notoriously part and parcel even today of the same Republican machine, ordered a Grand Jury investigation. Rebuffed by the Supreme Court, which could not stomach such a petition, the Dauphin County District Attorney prepared a second petition, and without investigating sworn charges of fraud the Supreme Court then went ahead, and subsequently its hand-picked judge ordered the investigation.

It went ahead on the basis of unsupported statements that the public safety was endangered and the government disrupted. Where is there any evidence of this supposed danger to public safety? Where has it ever been charged that the laws of the Commonwealth have not been enforced, the public safety protected, the public health and convenience provided for? I ask that you consider those questions with care, for they form the only justification offered by either the Dauphin County Court or the Supreme Court for their action.

I charge that the District Attorney of Dauphin County has wilfully and maliciously, for political advantage, to defame innocent persons, and to bring discredit upon high civil officers, entered into a conspiracy to obstruct justice, that he has wilfully and knowingly committed a fraud upon the courts of this Commonwealth in furtherance of that objective, and that in this attempt he has been aided and abetted by the Judges of the Dauphin County Court. I further charge that the Judges of the Supreme Court of Pennsylvania have been guilty of gross abuse of their Judicial authority, that they have permitted themselves to be used as the instruments for the furtherance of a political conspiracy, and that they have transgressed upon the rights of both Executive and Legislative branches in contravention of the Constitution of Pennsylvania.

I recommend that you summon both the former Attorney General, Charles J. Margiotti, and the District Attorney of Dauphin County, Carl B. Shelley, compelling both to submit publicly such evidence as they may have of any wrong-doing involving the official acts of the Governor and all other Executive officers, and further requiring them to explain why they have not caused warrants to issue for the arrest of any individuals against whom they have evidence of criminal conduct.

I recommend that you summon any and all persons who may be in possession of any information relating to any wrong-doing involving such officers, as well as any documents or othere evidence that may have a hearing upon the subject, and that you take measures to have all such evidence disclosed publicly.

I recommend that all persons accused of wrong-doing, or otherwise named in connection with such wrong-doing, be given full opportunity to testify publicly in their own behalf.

I recommend that you consider carefully the implications involved in the fact that the assistants of the District Attorney of Dauphin County in the proposed investigation include Fred C. Morgan, Republican county chairman of Dauphin County; Earl Compton, attorney for the Republican organization; Lynn G. Adams, member of the Statewide research committee of the Republican organization, and other politically-motivated Republican henchmen.

I suggest also that you investigate the conduct of this District Attorney, his assistants, and all others identified with this situation. I make this suggestion because the entire situation which confronts us is clearly and unmistakably a shameless political conspiracy engineered by the Republican leadership in Pennsylvania, which is attempting to conduct its political campaign in the courts. The fact that the courts have permitted themselves to be

used for this purpose is the most damning indictment of our Judiciary within the memory of man.

The Republican leadership in this instance has resorted to a barrage of poison gas in a desperate effort to distract public attention from the epoch-making achievements of the present Administration and the present Legislature. Republican-dominated courts have been the willing tools of the Republican machine, and of the individuals who control that machine, in the present effort to tear down the entire structure of State Government in oder to reach and injure the Democratic officials who presently occupy it. No slander has been too base, no libel too malicious, no fraud too unscrupulous, for these conspirators who hurl their poisonous charges from the safe concealment of judicial protection.

I charge you to drag them into the open, so that they may be made answerable to the people and to the law for every false charge they may dare to make. The people of this State have a right to the facts; it is your duty to bring those facts before them.

I call upon you to repeal an invasion not only of the Executive and Legislative branches, but of the people's rights and prerogatives. It was the people who adopted the Constitution. It is their Constitution; their government. They, and they alone, are sovereign. Violation of the Constitution transgresses most of all upon them. In prescribing methods for the operation of their government they clearly decreed that any misconduct of either Executive or Judicial officers should be under the exclusive jurisdiction of their elected representatives in the Legislature. That decree of the people has not been obeyed by the Judiciary; it is your duty to enforce it.

Should there be any question in your minds concerning the wisdom of burdening the Commonwealth with the expense of a Special Session, I say that no price is too great to pay for the preservation of Constitutional government, but I hasten at the same time to point out that a Special Session would in all events have been necessary in October to provide appropriations for unemployment relief, so that the cost of such a Session would have been unavoidable under any circumstances.

In the call for this Special Session I have set forth a number of subjects which it is desirable for your honorable body to consider at this time.

Those subjects relative to the right of the Judiciary to investigate the Executive, and to the authority of Grand Juries, I have already discussed. The question of defining the powers of the Attorney General and district attorneys has been presented to make possible such legislation as will prevent the Judiciary from arbitrarily stripping the Attorney General, a Constitutional officer, of his historic and hitherto unquestioned powers.

Appropriations to provide moneys from the General Fund for unemployment relief and assistance are essential because the sum previously appropriated will be exhausted early in November. The impossibility of estimating in advance the extent of Federal work relief in Pennsylvania, or of anticipating the extent of relief needs, has been primarily responsible for this condition. We have kept our pledge that no one would starve in Pennsylvania.

We have relieved the real estate taxpayer by assuming under our unified assistance program many responsibilities formerly borne by local and county governments. We have for the first time provided adequate appropriations to take care not only of the unemployed, but of the aged, the blind, the widowed mothers and dependent children. This humanitarian endeavor has saved hundreds of thousands from destitution, has given new hope to the unfortunate, and in large measure has contributed to the maintenance of mass purchasing power. I am happy to report that despite the many financial responsibilities facing your State government we have not only a balanced budget but a substantial excess of income over expenditures, so that the necessary appropriations may be made directly from this excess in the General Fund without resort either to new taxation or to special fund borrowings.

The item relative to grants to the blind is designated to provide for legislation which will permit payment of existing blind pensions without change, and at the same time will permit the Commonwealth to receive Federal grants in proportion to the amount it spends for persons who are not only blind but also indigent.

Clarification of legislation relative to medical care for indigent persons is necessary because it is difficult to determine whether finincial responsibility for such care under existing laws rests upon the counties or upon the Commonwealth.

Appropriations to the Department of Property and Supplies for rental of new General State Authority buildings are necessary because existing legislation authorizes only the rental of buildings specified in the original State Authority program. These appropriations will permit the State to rent other buildings now proposed, and must be made now as evidence of the Commonwealth's good faith in order that additional Federal grants of funds may be obtained for such buildings by the General State Authority.

The suggested enlargement of the powers of the General State Authority to permit construction of school buildings and rental of such buildings to school districts is a matter of immediate and vital importance. It is estimated that 2000 new schools are needed in all parts of the Commonwealth. Many districts are in such financial distress that they could not possibly construct such buildings.

If the General State Authority is empowered to undertake such construction, and if it can obtain approval of the projects involved before the end of this September, the Federal Government will provide an outright grant of forty-five percent of the estimated $75,000,000 cost of 1000 such schools. With the General State Authority financing the remainder of the cost through sale of its own bonds, school districts will be enabled to obtain these desperately needed facilities by paying rentals to the Authority adequate to cover interest and Sinking Fund charges, such rentals to be paid either entirely by the school districts or in part by the Commonwealth, as the General Assembly may determine.

Further legislation relative to taxation by first class school districts is essential because of the invalidation of laws affecting such taxation; without it these school districts will lose many millions of dollars and will be seriously hampered in the conduct of their affairs.

Abatement of tax penalties and interest is recommended in view of the fact that many home-owners, who have been able to maintain their homes up to this time despite financial adversity, are in danger of losing those homes at a time when improving economic conditions promise at least partial relief in the near future.

Regulation of the sale and use of fireworks is so obviously necessary, in view of the terrible toll of death and injury during the recent celebration of Independence Day,

that it needs no further discussion. It will suffice to say that this subject was included in order that action might be taken while the matter was still fresh in the public consciousness.

Widening of the approaches to the Delaware River bridge has long been advocated, and plans to make this needed improvement at present await only the enactment of certain legislation relative to technical phases of the problem.

The proposal relative to change of venue in criminal proceedings is designed to protect the civil rights of defendants in criminal cases by preventing the Commonwealth from removing such defendants from the county in which the offense was committed for the purpose of trial.

I recommend the outlawing of ticker service which not only encourages gambling but also permits the defrauding of the public by enabling professional gamblers to receive early returns and to make wagers after such returns are received.

The suggested amendments to the Public Utility Law are necessary to correct certain technical defects which open the way for widespread evasion of the intent and purposes of the law.

New legislation affecting the Oil Commission and other similar commissions is recommended because of recent rulings that such commissions must be created by act rather than by resolution.

The problem of anthracite is one that cannot be ignored or slighted. For many months it has been exhaustively studied by the Anthracite Coal Industry Commission, which has submitted a report and recommendations. In addition to these recommendations there have been numerous suggestions from expert sources relative to the problem of inter-state markets, the question of monopolistic financial control, nationalization, and other pertinent phases of the general subject. It is my earnest desire, in order that we may leave no stone unturned in our search for solution, that your honorable body study the Commission's report with the greatest care.

Because of my intense personal interest, and my keen desire to discover any possible remedy, whether temporary or permanent, I shall be happy to discuss this matter further with the members of your honorable body at any time, and to give my support to any plan approved by the legislature which may afford a solution.

Further appropriations to pump flood waters from coal mines and slate quarries are indicated because the original appropriations were not adequate to permit the fulfillment of the terms of the act under which such work was undertaken by the Department of Health.

Amendment of laws relative to entrances and exits from buildings will remove a technical obstacle to the development of Federal-aided low-cost housing projects.

The provision to permit the Commonwealth to purchase real estate from housing authorities opens the way for acquisition of the tract needed for the proposed expansion of the State Capitol group.

The subject relative to State care for the mentally ill is presented in order to permit consideration of recent reports and recommendations by the State Welfare Commission, the Department of Welfare, and the legislative committee which has been studying this problem.

Legislation relative to the Turnpike Commission is recommended to remedy omissions in existing laws.

Appropriations for the expenses of the Special Session are recommended, to be provided as needed with the suggestion that every effort consistent with thoroughness be made to expedite action upon the subjects of the call in order to keep such expenses at a minimum.

In closing, may I again point out that the public interest requires the fullest public investigation of all charges that have been made, that they be brought out in the open rather than kept behind the closed doors of a Grand Jury. This I have demanded from the beginning, and insist upon now.

I am confident that you will discharge your duty in this Extraordinary Session in the same spirit of public service that marked your deliberations and your actions at the last session of your Honorable Body.

GEORGE H. EARLE.

LIEUTENANT-GOVERNOR KENEDY. The Chair wishes to express the thanks of the General Assembly to the Governor for the wonderful message delivered to us this evening. Thank you very much.

ADJOURNMENT OF JOINT SESSION

LIEUTENANT-GOVERNOR KENNEDY. The business for which the Joint Session of the General Assembly was convened having been transacted, the Joint Session is adjourned. The Senators will immediately assemble in the Senate Chamber.

The SPEAKER (Roy E. Furman) in the Chair.

PARLIAMENTARIAN APPOINTED

The SPEAKER. In compliance with the Act of Assembly, approved the 28th day of May, 1931 the Chair appoints S. Edward Moore of Cumberland County, as Parliamentarian.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The members are privileged to introduce their bills now by filing them with the Bill Clerk, making certain that all copies are legibly endorsed before handing them in.

SENATE MESSAGES

RESOLUTIONS FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, July 25, 1938.

Resolved, (if the House of Representatives concur), that the State Treasurer be and is hereby authorized to pay on warrant of the Auditor General to each member of the General Assembly the sum of $250.00 on account of the salary of $500.00 and $50.00 in postage, to which each member is entitled for an Extraordinary Session of the General Assembly by virtue of the provisions of the Act of Assembly approved the second day of June, A. D. 1933, P. L. 1422; and the balance of said $500.00 namely $250.00, on the day of final adjournment of the Extraordinary Session of the General Assembly, convened in session on call of the Governor, July 25, 1938.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered That the Clerk inform the Senate accordingly.

SENATE MESSAGE

Resolution for Concurrence

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, July 25, 1938.

Resolved, (if the House of Representatives concur), that the Chief Clerks of the Senate and the House of Representatives be directed to make arrangements for the necessary postage so that the Legislative Journal may be mailed according to the requirements of the Post Office Department, and the Appropriations Committee provide for the cost of the same in the bill providing for the expenses of the Extraordinary Session.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILLS INTRODUCED AND REFERRED

By Mr. HERBERT B. COHEN. HOUSE BILL No. 1.

An Act relating to the investigation of charges of, or involving, misdemeanor in office made against certain civil officers subject to impeachment; providing that the jurisdiction of the House of Representatives to make such investigations shall have precedence over the jurisdiction of grand juries; and limiting the circumstances under which Courts of Quarter Sessions may authorize grand juries to make such investigations.

Referred to the Committee on State Government.

By Mr. HERBERT B. COHEN. HOUSE BILL No. 2.

An Act defining the procedure for, and regulating, the investigation by the House of Representatives and its committees of charges of, or involving, misdemeanor in office on the part of civil officers liable to impeachment; authorizing the presentation of evidence by the Attorney General, district attorneys, other counsel, and the officers investigated; providing for the summoning of witnesses and for the punishment of persons refusing to appear, produce evidence, or testify; and authorizing the employment and compensation of counsel and other assistants.

Referred to the Committee on State Government.

By Mr. ACHTERMAN. HOUSE BILL No. 3.

An Act defining the relative powers of the Attorney General and of district attorneys in proceedings in the criminal courts; authorizing the judges thereof to appoint, subject to appeal to the Supreme Court, special prosecutors in certain cases, and providing for their compensation by the county.

Referred to the Committee on State Government.

By Mr. OMINSKY. HOUSE BILL No. 4.

An Act regulating grand jury investigations of charges of, or involving, misdemeanor in office on the part of certain public officers.

Referred to the Committee on State Government.

By Mr. HERBERT B. COHEN. HOUSE BILL No. 5.

An Act suspending, retroactively as well as prospectively, any other pending investigation, Legislative, Executive or Judicial, of charges of, or involving misdemeanor in office on the part of civil officers liable to impeachment, which the House of Representatives undertakes to investigate, and providing under what circumstances the suspended investigation may be resumed.

Referred to the Committee on State Government.

COMMITTEE MEETINGS

The Committee on State Government will meet tomorrow morning at ten o'clock in Room 323.

The Republican House Steering Committee will meet tomorrow morning at eleven o'clock, at the Hotel Harrisburger.

ADJOURNMENT

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1:00 p. m.

The motion was agreed to, and (at 9:07 p. m.) the House adjourned until Tuesday, July 26, 1938, at 1:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1938

Vol. 22 HARRISBURG, PA., TUESDAY, JULY 26, 1938. No. 2.

SENATE

The Senate met at 12 o'clock noon Tuesday, July 26, 1938, (E. S. T).

The PRESIDENT (Lieutenant Governor, Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. George Walker Buckner, L.L.D., offered the following prayer:

O God, our God, and beside Thee there is none other—Thou art the true and living God, our everlasting King; severe in sin, yet always so forgiving! For as the heaven is high above the earth, so great is thy mercy toward them that fear Thee. In the darkness of the hours, Thou hast blessed thy beloved with sleep, and the sunlight of the morning brings to us new vigor and strength.

Our Father, do Thou bless us now with the consciousness of Thy presence here at this place, at this hour at this moment, that we may know Thee as the One who kept us last night and throughout the yesterdays of life. Do Thou give to us a consciousness of Thy presence not alone, but do Thou bless us in the transactions of this day. May we seek and accept that guidance which Thou art ever so ready to give that on the morrow we may rejoice, as we look back upon the foot-prints of today. We ask it in His precious name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. SONES, the further reading was dispensed with, and the Journal was approved.

COMMUNICATIONS

The Chair cleared his table and laid before the Senate:

The Report of the Lehigh Coal and Navigation Company for the year 1937.

Report of the Delaware River Joint Commission for the year 1937.

Report of the Philadelphia Saving Fund Society for the year 1937.

Eighty-third Annual Statement of the Saving Fund Society of Germantown as of January 1, 1938.

Report of the Western Saving Fund Society for the year 1937.

The PRESIDENT. The reports will be noted in the Journal.

The members of the Senate will bear in mind that the resolution adopted last evening provides for these reports to be noted in the Journal unless specifically ordered to be read by the Senate.

NOMINATIONS BY THE GOVERNOR

The Chair cleared his table and laid before the Senate the following Executive Nominations:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 25, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

Willard Benge, Modena, Chester County, for appointment as Justice of the Peace in the Borough of Modena, Chester County, vice Charlton Willard, resigned, to serve until the first Monday in January, 1940.

Raymond B. Baker, 522 Elm Street, Stowe, Montgomery County, for appointment as Justice of the Peace in the Township of West Pottsgrove, Montgomery County, vice Raymond B. Baker, resigned, to serve until the first Monday in January, 1940.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency the Governor of the Commonwealth, which was read as follows:

NOMINATIONS RECALLED

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 26, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority invested in me as Governor of the Commonwealth, I do hereby recall the following nominations made to your Honorable Body on July 25, 1938:

Willard Benge, Modena, Chester County, for appointment as Justice of the Peace in the Borough of Modena, Chester County, vice Charlton Willard, resigned, to serve until the first Monday in January, 1940.

Raymond B. Baker, 522 Elm Street, Stowe, Montgomery County, for appointment as Justice of the Peace in the Township of West Pottsgrove, Montgomery County, vice Raymond B. Baker, resigned, to serve until the first Monday in January, 1940.

I respectfully request the return to me of the official messages of nominations in the premises.

Mr. SONES. Mr. President, at the request of His Excellency, the Governor, I move that these nominations be returned to the Governor.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

NOMINATIONS BY THE GOVERNOR

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

JUSTICES OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 26, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

Willard Benge, Modena, Chester County, for appointment as Justice of the Peace in the Borough of Modena, Chester County, vice Charlton K. Benge, resigned, to serve until the first Monday in January, 1940.

Raymond B. Baker, 522 Elm Street, Stowe, Montgomery County, for appointment as Justice of the Peace in the Township of West Pottsgrove, Montgomery County, vice Russell C. Bush, resigned, to serve until the first Monday in January, 1940.

ALDERMAN

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 26, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

William C. Teabay, 301 West Fulton Street, Butler, for appointment as Alderman in the Fifth Ward of the City of Butler, vice John Bixler, deceased.

REPORTS FROM COMMITTEE

Mr. KUNKEL, from the Committee on Judiciary General, reported as committed, Senate Bill No. 1, entitled:

A Supplement to the act approved the eighteenth day of March one thousand eight hundred and seventy-five, (P. L. 30), entitled "An act to authorize changes of venue in criminal cases," forbidding changes of venue in criminal prosecutions by any court on application of the Commonwealth or prosecutor.

He also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 7, entitled:

An Act to amend section four of the act approved the twenty-eighth day of June, one thousand nine hundred and thirty-five, (P. L. 452), entitled "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve and operate projects, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign convey, or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act," as amended; by providing for additional projects and providing for the leasing of projects by the Authority to school districts.

He also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 8, entitled:

An Act to amend article six of the act approved the eighteenth day of May, one thousand nine hundred and eleven, (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith;" by authorizing school districts, singly or jointly with other districts, to convey or lease property to the General State Authority, to acquire additional property for such purposes, to contract with and lease property from said Authority, and to levy additional taxes to pay rentals; and authorizing the Commonwealth to join with school districts in such contracts and leases, and in such cases defining the assistance to be rendered by the Commonwealth.

Mr. HENNEY, from the Committee on Welfare, reported as committed, Senate Bill No. 5, entitled:

An Act to amend section two of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven, (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," by re-defining "assistance" so as to provide for medical care in place of services.

BILLS INTRODUCED

Mr. CAVALCANTE read in his place and presented to the Chair Senate Bill No. 11 entitled:

An Act concerning the displacement or superseding of District Attorneys by the Attorney General.

Which was committed to the Committee on Judiciary Special.

Mr. REED read in his place and presented to the Chair Senate Bill No. 12 entitled:

A Joint Resolution proposing an amendment to article nine of the Constitution of the Commonwealth of Pennsylvania by adding section One-A.

Which was committed to the Committee on Constitutional Changes.

Mr. HALUSKA read in his place and presented to the Chair Senate Bill No. 13, entitled:

An Act to further amend section one of article four of the act, approved the ninth day of June, one thousand nine hundred and eleven, (P. L. 756), entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania, and for the protection and preservation of property connected therewith," by reducing the number of mine foremen required.

Which was committed to the Committee on Mines and Mining.

EMPLOYES OF THE SENATE

Mr. PYTKO offered the following resolution, which was twice read, considered and agreed to:

In the Senate, July 26, 1938.

Resolved, That the following persons be elected employes of the Senate, Extraordinary Session of 1938, to fill existing vacancies:

ASSISTANT SERGEANT-AT-ARMS

Joseph Ballantine, 437 N. 8th St., Philadelphia, vice Lewis R. Jaspan, resigned.

PAGE

Marvin Stone, Clearfield, Clearfield County, Vice Ellsworth Russell, resigned.

Mr. KUNKEL offered the following resolution, which was twice read, considered and agreed to:

In the Senate, July 26, 1938.

Resolved, That the following persons be elected employes of the Senate, Extraordinary Session of 1938, to fill existing vacancies:

PAGES

Lee Eslinger, R. D. 2, Harrisburg, Dauphin County, Vice Howard Rogow, resigned.

Leroy Reisser, 840 S. Cameron St., Harrisburg, Vice Sidney Rosenberg, resigned.

Frank P. McQuade, Jr., 1116 Green Street, Harrisburg Vice Frank F. Topi, resigned.

MOTION TO READ BILLS THE FIRST TIME

Mr. LAW. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. RUTH. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Ageeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1, entitled:

A Supplement to the act approved the eighteenth day of March, one thousand eight hundred and seventy-five, (P. L. 30), entitled "An act to authorize changes of venue in criminal cases," forbidding changes of venue in criminal prosecutions by any court on application of the Commonwealth or prosecutor.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 5, entitled:

An Act to amend section two of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven, (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," by re-defining "assistance" so as to provide for medical care in place of services.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 7, entitled:

An Act to amend section four of the act approved the twenty-eighth day of June, one thousand nine hundred and thirty-five, (P. L. 452), entitled "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve and operate projects, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey, or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act," as amended; by providing for additional projects and providing for the leasing of projects by the Authority to school districts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 8, entitled:

An Act to amend article six of the act approved the eighteenth day of May, one thousand nine hundred and eleven, (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith;" by authorizing school districts, singly or jointly with other districts, to convey or lease property to the General State Authority, to acquire additional property for such purposes, to contract with and lease property from said Auhtority, and to levy additional taxes to pay rentals; and authorizing the Commonwealth to join with school districts in such contracts and leases, and in such cases, defining the assistance to be rendered by the Commonwealth.

And said bill having been read at length the first time, Ordered To be laid aside for second reading.

ANNOUNCEMENTS BY THE SECRETARY

The SECRETARY. There will be sessions held every day this week.

There will be a Democratic Caucus tomorrow, Wednesday July 27, 1938 at 12:00 noon Eastern Standard Time in the Senate Caucus Room.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn until Wednesday, July 27, 1938 at 1:00 o'clock P. M. (Eastern Standard Time.)

Mr. LAW. Mr. President, I second the motion.

The Motion was agreed to.

The Senate adjourned at 1:05 o'clock P. M. until Wednesday July 27, 1938 at 1:00 o'clock P. M. (E. S. T.)

HOUSE OF REPRESENTATIVES

TUESDAY, JULY 26, 1938.

The House met at 1:00 p. m.

The SPEAKER, (Roy E. Furman), in the Chair.

PRAYER

The Chaplain, Rev. EPHRAIM Z. GALLAHER, offered the following prayer:

Our Heavenly Father we begin the day with praise and thanksgiving unto Thee. Thou are ever mindful of us and we give Thee first place in our lives. If we hallow Thy name, the work we do will be hallowed. The work of the State is usually measured in terms material, but he who said "We can not recover materially until we have recovered spiritually," spake for the ages. They, twain, must be companions. Therefore, we bow in reverence unto Thee. Thou art the hope for the day.

In His Blessed name, Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. ALLEN, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. O'CONNOR. HOUSE BILL No. 6.

An Act abating certain tax penalties, interest and costs on county, city (except city of the first class), borough, town, township, school district (except school district of the first class), and poor district taxes; authorizing the county treasurers of the several counties of the Commonwealth to accept payment at face value of all taxes returned to them for the year one thousand nine hundred and thirty-seven and all previous years; fixing the time for said payment; and repealing certain laws.

Referred to the Committee on Municipal Corporations.

By Mr. LONG. HOUSE BILL No. 7.

An Act to prohibit the sale of fireworks in the Commonwealth of Pennsylvania; providing for certain exemptions and for penalties for violation thereof.

Referred to the Committee on Public Health and Sanitation.

By Mr. JIROLANIO. HOUSE BILL No. 8.

An Act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by such department with the General State Authority for the use and occupancy by the Commonwealth of various projects, structures, buildings, and facilities of the Authority or for the services rendered by the Authority or its projects.

Referred to the Committee on Appropriations.

By Mr. BROAD. HOUSE BILL No. 9.

An Act abating certain tax penalties and interest on county, city (except city of the first class), borough, town, township, school district (except school district of the first class), and poor district taxes; prohibiting the sale of real property for the non-payment of any such taxes for a certain period; and preserving certain tax liens, and providing for the extension thereof.

Referred to the Committee on Municipal Corporations.

By Messrs. SCHOR, THOMPSON and SHEA. HOUSE BILL No. 10.

An Act authorizing the Secretary of Highways to change the width, grades and lines of Vine Street in Philadelphia, from the Delaware River Bridge approach to Parkway; the expense thereof and damages occasioned thereby to be paid by the Commonwealth. Authorizing the City of Philadelphia, persons, associations and corporations to enter into agreements with the Commonwealth to bear a portion of such expenses and damages and making an appropriation.

Referred to the Committee on Highways.

By Mr. HERBERT B. COHEN. HOUSE BILL No. 11.

A Supplement to the act approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (Appropriation Acts, page forty-five), entitled "An act making an appropriation to the Department of Public Assistance, for the purpose of carrying out the Public Assistance Law for the two years beginning June first, one thousand nine hundred thirty-seven, and for the payment of assistance and expenses accrued or incurred prior to, and remaining unpaid on, May thirty-first, one thousand nine hundred thirty-seven."

Referred to the Committee on Welfare.

By Mr. HERBERT B. COHEN. HOUSE BILL No. 12.

An Act making an appropriation to the Department of Public Assistance for the payment of salaries and general expenses of the Employment Board.

Referred to the Committee on Appropriations.

RESIGNATIONS OF MEMBERS

The SPEAKER. The Chair laid before the House the following communications.

The Clerk read the communications as follows:

Commonwealth of Pennsylvania
House of Representatives

Harrisburg, December 29, 1937.

Honorable Roy E. Furman,
Speaker of the House of Representatives,
Harrisburg, Pa.

Dear Roy:

I hereby submit my resignation as a Member of the House of Representatives of the Commonwealth of Pennsylvania from the Third Legislative District of Luzerne County, effective December 31, 1937.

Thanking you for your Christmas Greetings and wishing you a very happy and prosperous New Year.

Sincerely yours,
Signed (THOMAS A. TOOLE).

Commonwealth of Pennsylvania
House of Representatives

Harrisburg, Pa., April 25, 1938.

Honorable Roy E. Furman,
Speaker, House of Representatives,
Harrisburg, Penna.

My dear Mr. Speaker:

I hereby tender to you my resignation as a Member of the House of Representatives from the First Legislative District, Fayette County. Same to take effect this day, April 25, 1938.

Very truly yours,
Signed (HARRY J. BROWNFIELD).

Fairchance, Pa.

Harry J. Brownfield,
First Legislative District
Fayette County.

LEAVES OF ABSENCE

Mr. Gillette asked and obtained leave of absence for Mr. MERRELL for the balance of the week on account of illness.

Mr. SIMON asked and obtained leave of absence for himself for tomorrow.

Mr. Schumacher asked and obtained leave of absence for Mr. STACKPOLE on account of illness.

Mr. SIEGEL asked and obtained leave of absence for himself for tomorrow.

REPORTS FROM COMMITTEES

Mr. MOOMAW, from the Committee on State Government, reported as committed, House Bill No. 1, entitled:

An Act relating to the investigation of charges of, or involving, misdemeanor in office made against certain civil officers subject to impeachment; providing that the jurisdiction of the House of Representatives to make such investigations shall have precedence over the jurisdiction of grand juries; and limiting the circumstances under which courts of quarter sessions may authorize grand juries to make such investigations.

Mr. JOHN J. BAKER, from the Committee on State Government, reported as committed, House Bill No. 2, entitled:

An Act defining the procedure for, and regulating, the investigation by the House of Representatives and its committees of charges of, or involving, misdemeanor in office on the part of civil officers liable to impeachment; authorizing the presentation of evidence by the Attorney General, district attorneys, other counsel, and the officers investigated; providing for the summoning of witnesses and for the punishment of persons refusing to appear, produce evidence, or testify; and authorizing the employment and compensation of counsel and other assistants.

Mr. SCHOR, from the Committee on State Government, reported as committed, House Bill No. 3, entitled:

An Act defining the relative powers of the Attorney General and of district attorneys in proceedings in the criminal courts; authorizing the judges thereof to appoint, subject to appeal to the Supreme Court, special prosecutors in certain cases, and providing for their compensation by the county.

Mr. SHEA, from the Committee on State Government, reported as committed, House Bill No. 4, entitled:

An Act regulating grand jury investigations of charges of, or involving, misdemeanor in office on the part of certain public officers.

Mr. JOHN J. BAKER, from the Committee on State Government, reported as committed, House Bill No. 5, entitled:

An Act suspending, retroactively as well as prospectively, any other pending investigation, Legislative, Executive or Judicial, of charges of, or involving, misdemeanor in office on the part of civil officers liable to impeachment, which the House of Representatives undertakes to investigate, and providing under what circumstances the suspended investigation may be resumed.

BILLS ON FIRST READING

Mr. MOOMAW asked and obtained unanimous consent to have House Bill No. 1 read the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1, entitled:

An Act relating to the investigation of charges of, or involving, misdemeanor in office made against certain civil officers subject to impeachment; providing that the jurisdiction of the House of Representatives to make such investigations shall have precedence over the jurisdiction of grand juries; and limiting the circumstances under which courts of quarter sessions may authorize grand juries to make such investigations.

And said bill having read at length the first time,

Ordered, To be laid aside for second reading.

Mr. JOHN J. BAKER asked and obtained unanimous consent to have House Bill No. 2 read the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2, entitled:

An Act defining the procedure for, and regulating the investigation by the House of Representatives and its committees of charges of, or involving, misdemeanor in office on the part of civil officers liable to impeachment; authorizing the presentation of evidence by the Attorney General, district attorneys, other counsel, and the officers investigated; providing for the summoning of witnesses and for the punishment of persons refusing to appear, produce evidence, or testify; and authorizing the employment and compensation of counsel and other assistants.

And said bill having read at length the first time,

Ordered, To be laid aside for second reading.

Mr. SCHOR asked and obtained unanimous consent to have House Bill No. 3 read the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 3, entitled:

An Act defining the relative powers of the Attorney General and of district attorneys in proceedings in the criminal courts; authorizing the judges thereof to appoint, subject to appeal to the Supreme Court, special prosecutors in certain cases, and providing for their compensation by the county.

And said bill having read at length the first time,

Ordered, To be laid aside for second reading.

Mr. SHEA asked and obtained unanimous consent to have House Bill No. 4 read the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 4, entitled:

An Act regulating grand jury investigations of charges of, or involving misdemeanor in office on the part of certain public officers.

And said bill having read at length the first time,

Ordered, To be laid aside for second reading.

Mr. JOHN J. BAKER asked and obtained unanimous consent to have House Bill No. 5 read the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 5, entitled:

An Act suspending, retroactively as well as prospectively, any other pending investigation, Legislative, Executive or Judicial, of charges of, or involving, misdemeanor in office on the part of civil officers liable to impeachment, which the House of Representatives undertakes to investigate, and providing under what circumstances the suspended investigation may be resumed.

And said bill having read at length the first time,

Ordered, To be laid aside for second reading.

RECONSIDERATION OF VOTE

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the vote by which House Bill No. 4 passed first reading be reconsidered.

Mr. OMINSKY. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from York, Mr. Cohen vote on the first reading of this bill?

Mr. HERBERT B. COHEN. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Ominsky, vote on the first reading of this bill?

Mr. OMINSKY. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

WITHDRAWAL OF REPORT OF HOUSE BILL No. 4

Mr. SHEA asked and obtained unanimous consent to withdraw House Bill No. 4 which he reported from the Committee on State Government as committed.

The SPEAKER. Unanimous consent of the House having been given for the withdrawal of the report the bill will now be returned to the gentleman from Philadelphia, Mr. Shea.

REPORT FROM COMMITTEE

Mr. LEVY from the Committee on State Government, reported as committed House Bill No. 4, entitled:

An Act regulating grand jury investigations of charges of, or involving, misdemeanor in office on the part of certain public officers.

BILL ON FIRST READING

Mr. LEVY asked and obtained unanimous consent to have House Bill No. 4 read the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 4, entitled:

An Act regulating grand jury investigations of charges of, or involving misdemeanor in office on the part of certain public officers.

And said bill having been read at length the first time,

Ordered To be laid aside for second reading.

STATEMENT BY MR. WOODSIDE.

Mr. WOODSIDE asked and obtained unanimous consent to address the House.

Mr. Speaker and Members of the House: I feel that this is not the time to review the frenzied efforts of the Governor and his aids to avoid ε grand jury investigation of the crimes alleged by Democrats to have been committed by Democratic officials. However, as a life long citizen of Dauphin County, one of its representatives, and a member of the Bar of its Court, I feel I would be derelict in my duty if I were not to voice the indignation of the people of this County over the unjustified, unwarranted and misleading attack made by his Excellency on certain of our officials, particularly our courts.

The Governor intimated that the Supreme Court censored the judges of our County. The truth is that the Supreme Court not only did not censor them but had this to say about them in this case: "We express our complete confidence in the integrity, ability, fairness and impartiality of these judges, and we are certain had they remained in charge of these proceedings, they would have discharged the trust committed to their keeping in accordance with the highest and best Judicial traditions of the Commonwealth."

And that is not all. So unjustified was the Governor's previous attack upon our Court that his own attorney had to make this apology for him:

"It is a matter of personal regret to me that the subject matter of this case has been thrown into the political arena while the case is still pending before the Court. I wish to say that as far as I personally am concerned I have the greatest respect for the Dauphin County Court. I regard its members as men of the highest integrity."

The Governor suggested that because these judges at one time were members of the Senate, this House or connected with the Department of Justice, they were disqualified to pass upon the charges of crime made by the Democrats against the Democrats. The Governor should know that since before he was born, these judges as members of the Dauphin County Bar and as citizens and officials of this County were creating for themselves a reputation for integrity never questioned through the years.

The Governor did not call to your attention that the Common Pleas Judges of Dauphin County after serving over ten years on the bench were so highly thought of that they were reelected with the support of all parties including the Democratic organization of this County. He did not tell you that the Judges of Dauphin County have jealously guarded the criminal courts against politics as was demonstrated in the trial of Senator Clark and others. He did not tell you that the Dauphin County judges, after the unwarranted attack by the Governor, themselves requested to be relieved from any further connection with the case, and that it was then that the Supreme Court appointed Judge Paul N. Schaffer of Berks County to take charge of the case.

It must be remembered that Judge Schaffer is a Democrat; that he was sufficiently respected by the Democratic controlled Commission of this legislature investigating crime and criminal procedure in Pennsylvania, to be called before it for the purpose of giving his suggestions. It is to be remembered that the Governor himself recognized Judge Schaffer as a man of ability and integrity in appointing him to important public commissions.

Of course the Governor did not call to your attention that Judge Schaeffer was fearless enough to send to jail, prominent Democratic politicians of Berks County.

But of all things, imagine the audacity of the Governor saying that it was "criminal" for the President Judge of Dauphin County to have lunch with visiting Judge Schaeffer.

In Dauphin County we still have respect for these honorable judges of our Courts and resent the unjustified attack made upon them.

STATEMENT BY MR. HERBERT B. COHEN

Mr. HERBERT B. COHEN asked and obtained unanimous consent to address the House.

Mr. Speaker and Members of the House, I wish to compliment the gentleman from Dauphin, who is a member of the Dauphin County Bar, and, on behalf of the Democrats, I desire to wish him God Speed in his practice before the Dauphin County Court.

I hope the Dauphin County Judges will read of the high esteem in which the gentleman holds the Dauphin County Court.

CAUCUS OF MEMBERS

The Republicans will caucus in the Senate Caucus Room immediately after adjournment.

The Democrats will caucus in the House Caucus Room immediately after adjournment.

ADJOURNMENT

Mr. LOVETT. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1:00 p. m.

The motion was agreed to, and (at 2:08 p. m) the House adjourned until Wednesday, July 27, 1938, at 1:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1938

Vol. 22 HARRISBURG, PA., WEDNESDAY, JULY 27, 1938. No. 3.

SENATE

The Senate met at 1:00 o'clock P. M. (E. S. T.), Wednesday, July 27, 1938.

The PRESIDENT (Lieutenant Governor, Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. George Walker Buckner, L.L.D., offered the following prayer:

O Lord, our Lord—Thou who hast set Thy glory above the heavens—how excellent is Thy name in all the earth! The heavens declare Thy glory, and the firmament showeth Thy handiwork.

The earth is Thine, and the fullness thereof, the world, and all they that dwell therein—for Thou hast founded it upon the seas, and established it upon the floods.

Verily, the fool hath said, in his heart, "There is no God." Thou hast said, "Thou shalt have no other gods before me."

We would praise Thee with the whole heart, and show forth Thy marvelous works—for Thou art our light and our salvation.

Guide us in the labors of the day, that we forget not the meaning of our presence here; for we know that except the Lord build the house, they labor in vain that build it: except the Lord keep the city, the watchman waketh but in vain.

And may Thy kingdom come, Thy will be done, on earth as it is in heaven. To this end, the goal of human destiny, the poet's dream, the prophet's vision, the purpose and promise of our God, may we commit ourselves. Amen.

JOURNAL APPROVED

The PRESIDENT—A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. RICE, the further reading was dispensed with, and the Journal was approved.

LEAVES OF ABSENCE

Mr. Ealy asked and obtained leave of absence for the Senator from Lancaster County, Mr. PIERSON.

Mr. Gilson asked and obtained leave of absence for the Senator from Washington County, Mr. REED.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced presented communications in writing from His Excellency the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

JUSTICES OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 27, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following:

Harold J. Ranck, Cherry Tree, Indiana County, for appointment as Justice of the Peace in the Borough of Cherry Tree, Indiana County, to fill a vacancy, until the first Monday in January, 1940.

Harry A. Stein, Martins Creek, Northampton County, for appointment as Justice of the Peace in the Township of Lower Mt. Bethel, Northampton County, vice William J. Karabinus, resigned, until the first Monday in January, 1940.

COMMUNICATIONS FROM THE GOVERNOR

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows:

POSTAGE ON LEGISLATIVE JOURNAL

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 27, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor hereby to inform you that I have this day approved and signed a Resolution of the Senate and House of Representatives authorizing the proper arrangements for postage, in order that the Legislative Journal may be mailed according to the requirements of the Post Office Department, and directing that the Appropriations Committee provide for the cost of the same in the bill providing for the expenses of the Extraordinary Session.

SALARIES AND POSTAGE OF SENATORS AND MEMBERS

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 27, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor hereby to inform you that I have this day approved and signed a Resolution of the Senate and House of Representatives authorizing the State Treasurer to pay, on warrant of the Auditor General, the salaries of Members of the General Assembly, and postage, to which they are entitled for an extraordinary session by virtue of the provisions of the Act of June 2, 1933, P. L. 1422.

EMPLOYEES OF THE SENATE

The PRESIDENT PRO TEMPORE announces the following appointments, effective July 25, 1938:

CLERK TO COMMITTEE

Emanuel Wolfson, 1713 N. 31st. St., Phila., Pa., vice Maxwell S. Rosenfeld, 3220 W. Clifford St., Phila. Pa., resigned.

Joseph Nissley, Stenographer to President Pro Tempore, Vice Henrietta D. Jenkins, resigned.

The PRESIDENT. The resignations and appointments will be noted in the Journal.

POINT OF INFORMATION

Mr. HALUSKA. Mr. President, I rise to a point of information.

The PRESIDENT. The Senator from Cambria, Mr. Haluska, will state his point of information.

Mr. HALUSKA. Mr. President, I rise to a point of information from the Chair or this body pertaining to Senate Bill No. 13, that I introduced yesterday pertaining to legislation for bituminous coal mines. The information I desire is whether or not such legislation was called for by the Governor.

The PRESIDENT. The Chair understands the bill is to amend a certain section of the bituminous mining law. The bituminous mines are under the jurisdiction of a separate code of laws apart from the anthracite laws. The courts of the Commonwealth have always decided that anthracite is a subject for special legislation. The call of the Governor, nineteenth part, provides for authorizing the receipt of the report and recommendations of the Pennsylvania Anthracite Coal Industry Commission and to take such action upon the recommendations contained in the report as may be deemed appropriate in making appropriations to supply deficiencies incurred by the said Commission.

In the judgment of the Chair under this authorization legislation affecting the bituminous industry would not be in order under the call.

Mr. HALUSKA. Mr. President, if that be the case then I refer to call No. 20, pertaining to the health and condition of the bituminous coal mines and pumping water from the mines. My bill pertains to the same.

The PRESIDENT. The appropriation is made to the Department of Health for the purpose of dewatering mines and quarries. Under that provision, I do not think your bill would fit, in my judgment.

Mr. HALUSKA. Mr. President, I cannot see why, when legislating anything at all pertaining to the bituminous coal mines.

The PRESIDENT. The Chair suggests that you might have the Attorney General pass on that point, and that the remarks of the Chair are its decision. It is the ruling of the Chair that it is not permissible under the call.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1, entitled:

A Supplement to the act approved the eighteenth day of March one thousand eight hundred and seventy-five (Pamphlet Laws thirty) entitled "An act to authorize changes of venue in criminal cases" forbidding changes of venue in criminal prosecutions by any court on application of the Commonwealth or prosecutor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Hereafter in criminal prosecutions the venue may be changed by the Supreme Court of Pennsylvania or the court in which the indictment shall be pending on application of the defendant or defendants only and not on application of the Commonwealth or the prosecutor

Section 2 No writ of certiorari shall hereafter be issued by the Supreme Court of Pennsylvania to remove the record of any criminal prosecution thereto for the purpose of changing the venue on petition of the Commonwealth or the prosecutor but such writs shall issue only on petition of the defendant or defendants.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 5, entitled:

An Act to amend section two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty seven (Pamphlet Laws two thousand fifty-one) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" by re-defining "assistance" so as to provide for medical care in place of services

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1. Section two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws two thousand fifty-one) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" is hereby amended to read as follows

Section 2. Definitions As used in this act unless otherwise indicated

"Assistance" means assistance in money goods shelter [services] medical care or burial provided from or with State or Federal funds for indigent persons who reside in Pennsylvania and need assistance to enable them to maintain for themselves and their dependents a decent and healthful standard of living and for indigent homeless or transient persons The word assistance shall be construed to include pensions for those blind persons who are entitled to pensions as provided in this act

"Local Board" means any county board of assistance established under the provisions of this act and shall include any county relief board or Board of Trustees of the Mothers' Assistance Fund or Board of Trustees of Pension Fund for the Blind until abolished in accordance with law

The masculine pronoun includes the feminine.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 7, entitled:

An Act to amend section four of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred fifty-two) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" as amended by providing for additional projects and providing for the leasing of projects by the Authority to school districts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1. Section four of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred fifty-two) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" as amended by section one of the act approved the eighteenth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws six hundred seventy-six) is hereby further amended to read as follows

Section 4. Purposes and Powers General The Authority is created for the purpose of constructing improving maintaining and operating sewers sewer systems and sewage treatment works for State institutions of every kind and character (heretofore or hereafter constructed) public buildings for the use of the Commonwealth State arsenals armories and military reserves State airports and landing fields State institutions of every kind and character (heretofore or hereafter constructed) additions and improvements to land grant colleges school buildings for the use of the public schools State highways and bridges tunnels and traffic circles on State highways swimming pools and lakes on State land and dams and improvements to river embankments (any and all the foregoing being herein called "projects") and the Authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes including but without limiting the generality of the foregoing the following rights and powers

(a) To have perpetual existence as a corporation

(b) To sue and be sued implead and be impleaded complain and defend in all courts

(c) To adopt use and alter at will a corporate seal

(d) To acquire purchase hold lease as lessee and use any property real personal or mixed tangible or intangible or any interest therein necessary or desirable for carrying out the purposes of the Authority and (without limitation of the foregoing) to lease from the department or from any school district any property real personal or mixed or any interest therein now owned or hereafter acquired by the Commonwealth of Pennsylvania with the approval of the Governor or now owned or hereafter acquired by such school district for a term not exceeding ninety-nine years at a nominal rental or at such annual rental as may be determined and with the approval of the Governor to lease as lessor to the Commonwealth of Pennsylvania and any city county school district or other political subdivision or any agency department or public body of the Commonwealth or land grant college any project at any time constructed by the Authority and any property real personal or mixed tangible or intangible or any interest therein at any time acquired by the Authority

(e) To acquire by purchase lease or otherwise and to construct improve maintain repair and operate projects

(f) To make by-laws for the management and regulation of its affairs

(g) To appoint officers agents employes and servants to prescribe their duties and to fix their compensation

(h) To fix alter charge and collect rates rentals and other charges for the use of the facilities of or for the services rendered by the Authority or projects thereof at reasonable rates to be determined by it for the purpose of providing for the payment of the expenses of the Authority the construction improvement repair maintenance and operation of its facilities and properties the payment of the principal of and interest on its obligations and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations

(i) To borrow money make and issue negotiable notes bonds and other evidences of indebtedness or obligations (herein called "bonds") of the Authority and to secure the payment of such bonds or any part thereof by pledge or deed of trust of all or any of its revenues rentals and receipts and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds whether issued or to be issued as the Authority shall deem advisable and in general to provide for the security for said bonds and the rights of the holders thereof

(j) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business

(k) Without limitation of the foregoing to borrow money and accept grants from and to enter into contracts leases or other transactions with any Federal agency

(l) To have the power of eminent domain

(m) To pledge hypothecate or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority

(n) To do all acts and things necessary or convenient to carry out the powers granted to it by this act or any other acts

Provided however That the authority shall have no power at any time or in any manner to pledge the credit or taxing power of the Commonwealth or any of its cities counties or other political subdivisions nor shall any of its obligations or debts be deemed to be obligations of the Commonwealth or any of its cities counties or political subdivisions nor shall the Commonwealth or any city county or political subdivision thereof be liable for the payment of principal of or interest on such obligations.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeable to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 8, entitled:

An Act to amend article six of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescrib-

ing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by authorizing school districts singly or jointly with other districts to convey or lease property to the General State Authority to acquire additional property for such purposes to contract with and lease property from said Authority and to levy additional taxes to pay rentals and authorizing the Commonwealth to join with school districts in such contracts and leases and in such cases defining the assistance to be rendered by the Commonwealth

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article six of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended by adding thereto the following new sections

Section 636 Any school district shall have power and authority to grant assign and convey to the General State Authority with or without consideration any lands easements or rights in lands together with any improvements buildings or structures therein or thereon now owned by such school district or hereafter acquired by it needed or convenient to carry out the purposes of these amendments or to lease to the Authority for a term not exceeding ninety-nine (99) years at a nominal or such other rental as may be determined any or all such lands easements or rights in lands together with any improvements structures or buildings therein or thereon

Section 637 Any school district shall have power and authority in the manner hereinbefore provided to acquire title in the name of the school district to any additional lands or interests in lands which may be required to carry out the purposes of these amendments

Section 638 Any school district shall have power and authority to enter into contracts with the General State Authority to lease as lessee from the Authority any school building or any improvement thereto constructed by the Authority for a term not exceeding thirty (30) years at such rental or rentals as may be determined by the Authority and upon the completion of such school buildings or improvements the school district shall have power and authority to lease the same as lessee for a term not exceeding thirty (30) years at such rental or rentals as may be determined by the Authority

Section 639 The Department of Public Instruction shall have power and authority with the approval of the Governor to join with any school district in entering into any of the contracts and leases with the General State Authority authorized by the preceding section of this act Under all such contracts the Commonwealth shall pay to the Authority the following proportional parts of the rental or rentals agreed upon In the case of school districts which have a true valuation per teacher of assessable property of twenty-five thousand dollars ($25,000) or less seventy per centum (70%) of such rental or rentals in the case of districts which have a true valuation per teacher of assessable property of more than twenty-five thousand dollars ($25,000) and not more than fifty thousand dollars ($50,000) sixty per centum (60%) of such rental or rentals in the case of districts which have a true valuation per teacher of assessable property of more than fifty thousand dollars ($50,000) and not more than seventy-five thousand dollars ($75,000) fifty per centum (50%) of such rental or rentals in the case of districts which have a true valuation per teacher of assessable property of more than seventy-five thousand dollars $75,000) and not more than one hundred thousand dollars ($100,000) forty per centum (40%) of such rental or rentals in the case of districts which have a true valuation per teacher of assessable property of more than one hundred thousand dollars ($100,000) and not more than one hundred and fifty thousand dollars ($150,000) thirty per centum (30%) of such rental or rentals in the case of districts which have a true valuation per teacher of assessable property of more than one hundred and fifty thousand dollars ($150,000) and not more than two hundred thousand dollars ($200,000) twenty per centum (20%) of such rental or rentals and in the case of districts which have a true valuation per teacher of assessable property of more than two hundred thousand dollars ($200,000) ten per centum (10%) of such rental or rentals Provided That in the case of financially distressed school districts the Commonwealth shall pay all or such additional part of the rental or rentals as the State Council of Education shall from time to time determine

Section 640 The board of school directors of any school district availing itself of the provisions of these amendments are hereby authorized to levy annually a tax not exceeding five mills on the dollar of the total assessment of all property assessed and certified for taxation in the district to pay the share of the district of all rentals for school buildings agreed to be paid to the General State Authority Such tax shall not be invalidated or affected by reason of the fact that it may increase the total annual school tax levy of any school district beyond the millage fixed or limited by law.

Section 641 Any two or more school districts may jointly enter into contracts and leases with the General State Authority for the construction or improvement of a school building for the joint use of such school districts and may either jointly or individually convey or lease as hereinbefore provided to the Authority any lands and improvements now owned or hereafter acquired by any one or more of such school districts The sharing of the cost of such land and improvements and of the rental or rentals payable to the Authority shall be agreed upon by boards of directors of such districts so joining in such manner and in such proportions as they may agree upon All schools established under the provisions of this section shall be maintained governed and controlled as other joint public schools under the laws of this Commonwealth

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn until Thursday, July 28, 1938, at 5:00 o'clock P. M. (Eastern Standard Time).

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 2:20 P. M. until 5:00 o'clock P. M. (Eastern Standard Time).

HOUSE OF REPRESENTATIVES

WEDNESDAY, JULY 27, 1938.

The House met at 1:00 p. m.

The SPEAKER, (Roy E. Furman), in the Chair.

PRAYER

The Chaplain, REV. EPHRAIM Z. GALLAHER, offered the following prayer:

Enough to say, Lord, we commit ourselves into Thy keeping this day. They who trust in Thee have an inexhaustable security, and are wise. In his name. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. ROBINSON, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Messrs. REUBEN E. COHEN and LEWIS.

HOUSE BILL No. 13.

An Act removing Thomas B. Smith and Richard Weglein as members of the Delaware River Joint Commission.

Referred to the Committee on State Government.

By Mr. McDEVITT. HOUSE BILL No. 14.

An Act regulating the manufacture, possession, sale and use of fireworks, explosive fireworks or pyrotechnics. Providing for licensing of manufacturers and certain users and providing penalties.

Referred to the Committee on Public Health and Sanitation.

LEAVES OF ABSENCE

Mr. Sproul asked and obtained leave of absence for Mr. FRANCIS T. BAKER for the remainder of the week on account of illness.

Mr. Marino asked and obtained leave of absence for Mr. MURRIN for the remainder of the week on account of illness.

Mr. Frank P. Hamilton asked and obtained leave of absence for Mr. SHUGARTS for today's session.

RESOLUTIONS

The SPEAKER. If there are no objections the Chair takes up priviledged resolutions. The Chair hears none.

SYMPATHY EXTENDED

Mr. HUNTLEY offered a resolution which was twice read, considered and unanimously adopted by a rising vote:

In the House of Representatives, July 27, 1938.

C. J. Goodnough, former Chairman of the Pennsylvania Public Service Commission, died on July 21, 1938, at the age of seventy-one years. He was born on July 15, 1867, at Whitsville, New York. His father died when he was three, and his mother died when he was thirteen. He subsequently was hired out to a farmer and and because of the limited circumstances in which he found himself, he determined to spend his leisure in study, so as to qualify for a better position in life. At the age of sixteen he had secured a first class teaching certificate, and began the teaching of school. A few years later he moved to Emporium, Pennsylvania, and obtained a position as bookkeeper and clerk in the general store of that town. He succeeded at his work of clerkship and in 1894 ran for the office of prothonotary, register, recorder and clerk of the court, and was elected. He served four terms in that office. Subsequently thereto he became general manager of the Cameron Coal Company, later general manager of the Emporium Iron Company, a director of the First National Bank of Emporium, and was a charter member and president of the Emporium Trust Company, which latter office he held until his death.

During the business years of his life he was elected as a Member to the General Assembly and served in the General Assembly a total of nine years. During two of the terms he was elected as Speaker of that body. He was appointed Public Service Commissioner on December 1, 1932, and was appointed chairman of that body on May 6, 1933. He continued to be chairman of that Commission until the new Public Utility Commission was created.

He was a man of self-respect and a man respected by all. He was a man of quiet dignity and pleasant manner. As a Speaker of this House he was well informed as to the rules, and was known for the fairness of his decisions, and endeavored to avoid any appearance of partisanship. He possessed many of the old fashioned virtues and brought much distinction to himself as well as great honor to Cameron County, in which he spent most of his life. In fact Cameron County regards him as one of her most distinguished sons.

He leaves surviving him his wife, Florence Olmstead Goodnough..

Resolved, That the Members of the House of Representatives express their sincere sympathy to his wife on her bereavement, and that a copy of this resolution be transmitted to her by the Chief Clerk of this House.

SYMPATHY EXTENDED

Mr. COLEMAN offered a resolution a which was twice read, considered and unanimously adopted:

In the House of Representatives, July 27, 1938.

Resolved, That the Speaker appoint a committee of five Members to arrange for memorial services to be held in the House of Representatives at a time to be fixed by the committee as a further mark of respect to the memory of:

The Honorable William P. Gallagher of Luzerne County, late Chief Clerk of this House;

The Honorable William J. Munley, a former Member from the County of Lackawanna;

The Honorable Charles Henry Richter, a former Member from the County of Adams; and

The Honorable C. J. Goodnough, a former Speaker of this House, from the County of Cameron.

APPOINTMENT OF COMMITTEE

The SPEAKER. Pursuant to the resolution adopted by the House the Chair appoints as a Committee to arrange memorial services, Messrs. Coleman, Bohn, Moomaw, Huntley and Longaker.

SYMPATHY EXTENDED

Messrs. MELCHIORRE, FALKENSTEIN and Miss BRANCATO offered the following resolution which was twice read, considered and unanimously adopted:

In the House of Representatives, July 27, 1938.

Charles Turchi, the Assistant Sergeant-at-Arms of the House of Representatives, died on August 21, 1937. Charles Turchi had been appointed Assistant Sergeant-at-Arms of the House in January, 1935, and served in that capacity up until the time of his death.

In his capacity as Sergeant-at-Arms he was always firm, but courteous, and careful to give offense to no one. He was liked by every one and will be greatly missed by his friends.

Resolved, That the Members of this House of Representatives express their sincere sympathy to the wife and family of Charles Turchi in their bereavement, and that a copy of this resolution be transmitted to his wife and an additional copy to his parents, Mr. and Mrs. Ralph Turchi.

CONGRATULATIONS

Messrs. McGEE and WALSH offered the following resolution which was twice read, considered and unanimously adopted:

In the House of Representatives, July 27, 1938.

At the now twice famous Lying-in Hospital in the City of Philadelphia, there was born to the faithful wife of our fellow member "Leo" Ceasar, a splendid nine pound boy, who already at this early age gives definite promise of following closely in the footsteps of his worthy sire; therefore be it,

Resolved, That the House of Representatives is happy to recognize this momentous occasion in the life of one of

its members, and to welcome to the ranks of its junior members this most recent newcomer.

Resolved, That a copy of this resolution, properly certified, be presented to the Honorable J. Leo Ceasar.

STATEMENT BY MR. JOHN A. SMITH

Mr. JOHN A. SMITH asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, "When called to the chief magistracy of the State, I found her finances embarrassed, her citizens oppressed by taxation, her improvement system involved, and the still more precious system which gives the blessings of education to the children of all alike, sustaining a feeble and precarious existence. At the present time, no tax burdens the tiller of the soil, no increase of debt has been made to justify taxation hereafter, resources of easy and cheap credit are open, confidence is restored, and with it business is reviving, the school system is out of danger, the public improvements are in a condition of economical management."

Those were the official words, members of the House, of a Republican Governor of Pennsylvania one hundred years ago in addressing for the last time the General Assembly of Pennsylvania. This afternoon at 6:30 the people of Cumberland county will honor its only past Governor of the Commonwealth, the Honorable Joseph Ritner by naming the highway connecting Carlisle and Shippensburg in his honor. Governor Ritner occupied a unique position in the history of Pennsylvania. His position is unique for three or four reasons. The first reason is that he became famous because he repudiated his campaign promises. In the first place, he set up a precedent of a century for the Republican party, and in the second place he redeemed the public school system from a very precarious condition because during the administration of Governor George Wolf this school system had been launched under the able leadership of Thaddeus Stevens, but there were so many loopholes in the law that the school system could scarcely function. Therefore, after having promised to relieve the taxpayers of Pennsylvania from the terrible debt that was going to be incurred by this innovation in the civilization of Pennsylvania, Governor Ritner, under the guidance of Thaddeus Stevens and Thomas Burrowes turned back upon his original intention and staunchly supported the public school system in Pennsylvania, so that in subsquent years Thomas Burrowes said that three men stand out as the champions of public education in Pennsylvania, George Wolf, Joseph Ritner and the man who guided the hand and the brain of both, Thaddeus Stevens.

Governor Ritner is outstanding for another reason. He was one of the first ardent abolitionists. So much did he favor the abolition of slavery at this early stage that John Greenleaf Whittier made him the subject of a long poem expressing the importance of his inaugural address in which he espoused the cause of anti-slavery.

Another thing that caused Joseph Ritner to stand out in Pennsylvania was that as a dirt farmer he was not a curiosity in Pennsylvania. He came here from the soil and he returned to the soil after he finished his duties in the Executive Mansion at Harrisburg.

Another thing that caused his administrating to stand out, very, very strongly was that one hundred years ago the people of Pennsylvania found it necessary to rewrite the Constitution of Pennsylvania, and so embroiled did that administration become in the conflict of the various departments of this Commonwealth that it was necessary for the Governor of this Commonwealth to call out the militia to maintain order while the Legislature enacted the laws to make it necessary to carry out the mandates of the new Constitution. So bitter was that controversy that the fiscal officers of the State of Pennsylvania refused to go along with the Governor to pay the militia that came to Harrisburg to maintain order. They went home without pay because the Treasurer of Pennsylvania refused to acknowledge the invitation of the Governor to call out the militia for the purpose for which it was called out.

In honoring Governor Ritner today, members of the House, we are issuing an invitation to the people who have a definite interest in the program that was promulgated by Governor Ritner. He was born in Berks county. He came to Cumberland county as a farm boy and worked on a farm near Newville, his final resting place. There he took unto himself a bride, and in that early stage of his life set out out across the Alleghenies in a wagon, going into Allegheny county and then into Washington county, where he received the practice and training to make him a successful legislator and Governor. The people of Washington county signally honored him by sending him to this House of Representatives, where he represented this county for four years as a member and two years as Speaker. Therefore, with an interest in the various parts of Pennsylvania and with the traditions of old mother Cumberland reaching out over the Alleghenies, as the mother of twenty-six western counties, it is a privilege on my part to invite not only the people who were the cogenitors of Governor Ritner in Berks County to this celebration this afternoon but all of the people who received from Cumberland their original share of Pennsylvania's land, Washington county.

I invite you, Mr. Speaker, to the celebration this afternoon because from your neighboring county, Washington county, was sent a Speaker to this House of Representatives. I invite the Democrats from all over Pennsylvania to attend this celebration because having produced a Republican Governor in Berks, having lived with one in Cumberland and having sent one from Washington county, I hope to show to you Domocrats that we who have come from this generation of Governor Ritner have improved ourselves by making all three counties Democratic. Then last, and probably least, I invite the Republican members of this House from Delaware, Somerset, Dauphin and Montgomery and all of the other backwood counties to come out this afternoon to view these ceremonies because I think they will be an inspiration for you there in looking back upon this hallowed soil, to think of the farm boy who started his life in Berks and then came to Cumberland on a farm and migrated to Washington, where he prepared himself for the Governorship of this State, and then went back to the beautiful Cumberland Valley, the land of milk and honey, mostly milk.

The SPEAKER. On behalf of the members of the House, especially the members from the backward counties, the Chair wishes to thank the gentlemen from Cumberland for his very kind invitation to attend this celebration.

The remarks of the gentleman from Cumberland will be spread in full upon the Legislative Journal.

STATEMENT BY MR. TURNER

Mr. TURNER asked and received unanimous consent to address the House.

Mr. Speaker and members of the House, I would like to say to the distinguished gentleman from Cumberland that the Republicans will be glad to accept his backhanded invitation to attend the ceremonies in some place down in Cumberland or Washington counties, I haven't been able to make out which, and I don't know whether he was referring this afternoon, to the period of his speech or the celebration this afternoon. Nevertheless, we will be very happy to accept his invitation because the Republican members of the House feel that they would like to do honor to the last Democratic member of the House from Cumberland county.

The SPEAKER. The remarks of the gentleman will be spread in full upon the Legislative Journal.

STATEMENT BY MR. ATKINS

Mr. ATKINS asked and obtained unanimous censent to address the House.

I want to appeal to the Democratic lawyers in this House.

You men have been specially trained and sense what Governor Earle has in mind in rushing these first five bills through this extra session, called primarily for this purpose.

You also are familiar with our traditional Grand Jury picture, and I want you to lead a revolt and call a halt to prevent this.

Hastily drawn legislation, affecting the whole people of this Commonwealth, in this day of fear and hystria must not be railroaded through. Have we forgotten so soon the multitudinous bills passed in the 1937 session so hastily and without mature and proper deliberation.

You men represent the people and not Governor Earle and Senator Guffey, and you are answerable to the people. Why not a public hearing on these bills? Why not invite that nationally known District Attorney of New York City, Thomas E. Dewey, who has so sucessfully reached the higher-ups and sent them to prison? And how does he do this—by Grand Jury investigations, and the same Grand Jury system we have in Pennsylvania today. His work could never have been successful through public hearings, and you lawyers well know that. It is well to follow your leaders just so long as they are right, but when they swing to the left then stand up and fight for the rights and liberties of the people. Our present Grand Jury system is the peoples' system—it gives the same rights to the poor as it does to the rich.

These bills if passed will protect only politicans and rich contractors, and make it impossible for all time for the poor people to reach the public office holder.

Are you lawyers in the House, learned in the law, willing to sacrifice your legal training and knowledge of the law to a leader who has drifted so far down stream that attacking our courts is just another bit of small routine in his days' work.

Our courts will be functioning long after Governor Earle and Senator Guffey have passed out of the political picture, and you lawyers will still be practicing before those courts. But your vote will stand recorded in the House records as long as Democratic Government exists.

Is there a man on the Democratic side of this House who has the courage to move that these five bills be sent back to committee for public hearing?

The SPEAKER. The remarks of the gentleman will be spread in full upon the Legistative Journal.

Mr. HERBERT B. COHEN. Mr. Speaker, I would like to interrogate the gentleman from Armstrong, Mr. Atkins.

The SPEAKER. Will the gentleman from Armstrong permit himself to be interrogated?

Mr. ATKINS. I will, Mr. Speaker.

Mr. HEBERT B. COHEN. Mr. Speaker, I desire to ask the gentleman from Armstrong whether or not he is a member of the Bar.

Mr. ATKINS. I am, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I would like to ask the gentleman further if he is trained in the law.

Mr. ATKINS. Mr. Speaker, I can only answer that query as to whether or not I am trained in the law by saying that I have practiced law for the past twenty years.

Mr. HERBERT B. COHEN. Mr. Speaker, I would like to ask the gentleman from Armstrong further if he will cite the statutory provisions of any of the enactments of the General Assembly of the Commonwealth of Pennsylvania, instituting Grand Jury proceedings.

Mr. ATKINS. Mr. Speaker, I cannot cite any act at present. I have none before me, but I know that you are tramping upon the very vitals of the Grand Jury system, not only in this State but the system as it exists in other states.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to ask the gentleman from Armstrong whether there are any acts of Assembly enacted in the Commonwealth of Pennsylvania defining, instituting or regulating the Grand Jury system in the Commonwealth of Pennsylvania.

Mr. ATKINS. Mr. Speaker, I cannot answer that question. I feel that it is taken care of and it has been taken care of. It has been handed down to us from the old English law, but I cannot recall any specific act or acts. I believe there are none.

Mr. HERBERT B. COHEN. Mr. Speaker, I would like to ask the gentleman from Armstrong whether or not in his twenty years' as a member of the Bar, he has come to the conclusion that the English common law can be changed by legislative enactment.

Mr. ATKINS. Mr. Speaker, I refuse to answer the question when he makes facetious remarks about my practice in Armstrong county for twenty years. My practice in Armstrong county will speak for itself.

Mr. HERBERT B. COHEN. Mr. Speaker, I wish to apologize to the gentleman from Armstrong. I wish to reframe my question by asking him if it is not a matter of well established law that the English common law can be changed by legislative enactment.

Mr. ATKINS. Mr. Speaker, that is a fact.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1, entitled:

An Act relating to the investigation of charges of or involving misdemeanor in office made against certain civil officers subject to impeachment providing that the jurisdiction of the House of Representatives to make such investigations shall have precedence over the jurisdic-

tion of grand juries and limiting the circumstances under which courts of quarter session may authorize grand juries to make such investigations.

The first section was read and agreed to as follows:

Section 1. Whenever the Governor or any other civil officer who is liable to impeachment shall be charged with any offense against the laws of this Commonwealth which would constitute or involve misdemeanor in office the House of Representatives shall have exclusive jurisdiction to investigate the same except as hereinafter provided

The second section was read as follows:

Section 2 It shall be unlawful for any court of quarter sessions to order an investigation by a grand jury of charges against the Governor or any other civil officer who is liable to impeachment if the offenses charged would constitute or involve misdeameanor in office unless within ninety (90) days after the charges have been brought to the attention of the Governor he shall not convene the General Assembly in special session or unless if the General Assembly is in session when the charges are made the House of Representatives shall fail to investigate them prior to the adjournment of the General Assembly or unless after the investigation by the House of Representatives shall have been concluded a court of quarter sessions after examining the testimony taken by the House of Representatives shall determine that as to some matter or thing over which his court has jurisdiction a grand jury investigation is necessary to develop information not disclosed before the House of Representatives

On the question,

Will the House agree to the section?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 2, page 3, line 2 by inserting at the end of the line the following: "oyer and terminer and general jail delivery or court of"

Amend section 2, page 3, line 3 by inserting after the word "sessions" and before the word "to" the following: "or any judge of such courts"

Amend section 2, page 3, line 8 by striking out at the beginning of the line the following: "[brought to the attention of]" and inserting in lieu thereof the following: "certified by such court or any judge thereof to"

Amend section 2, page 3, line 12 by striking out at the end of the line the following: "[prior to the adjournment of the General]"

Amend section 2, page 3, line 13 by striking out at the beginning of the line the word: "[Assembly]" and inserting in lieu thereof the following: "within ninety (90) days after the charges have been certified by such court or any judge thereof to the Speaker of the House of Representatives

Amend section 2, page 3, line 14, by inserting after the word "court" and before the word "if" the following: "of oyer and terminer and general jail delivery or a court"

Amend section 2, page 3, line 16 by inserting after the word "determine" and before the word "that" the following: "and certify by proper order stating the reasons therefor"

Amend section 2, page 3, line 17 by striking out after the word "which" and before the word "court" the word: "[his]" and inserting in lieu thereof the word: "said"

On the question,,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third section was read and agreed to as follows:

Section 3 Nothing in this act contained shall prevent evidence presented to the House of Representatives or its committee during any investigation to which this act applies from being subsequently repeated before the grand jury of any county for the purpose of obtaining an indictment against any person involved in the charges investigated by the House of Representatives

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following new section as an amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend page 3, by inserting between lines 26 and 27 the following new section:

"Section 4 All acts or parts of acts inconsistent herewith are hereby repealed"

On the question,

Will the House agree to the sections?

It was agreed to.

The fourth section was read as follows:

Section 4 This act shall become effective immediately upon its approval by the Governor

On the question,

Will the House agree to the section?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 4, page 3, line 27 by striking out after the word "Section" and before the word "This" the figure: "[4]" and inserting in lieu thereof the figure: "5"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The preamble was read and agreed to as follows:

Whereas Article VI Section 3 of the Constitution of the Commonwealth provides that

"The Governor and all other civil officers shall be liable to impeachment for any misdemeanor in office but judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of trust or profit under this Commonwealth the person accused whether convicted or acquitted shall nevertheless be liable to indictment trial judgment and punishment according to law" and

Whereas Article VI Section 1 of the Constitution provides that

"The House of Representatives shall have the sole power of impeachment" and

Whereas charges of misdemeanor in office particularly against high officers of the State government tend to destroy public confidence in the integrity of government itself and thus threaten the ability of all government to function and

Whereas such a situation is wholly different from any other situation in which persons are charged with violations of the laws of the Commonwealth and

Whereas the welfare and safety of the Commonwealth require that charges of or involving misdemeanor in office be investigated in public and not in secret and

Whereas an investigation of such charges by a grand jury concurrently with their investigation by the House of Representatives would impede and interfere with the House investigation particularly if the conclusions of the grand jury because known prior to the conclusion of the House investigation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

The title was read as follows:

An Act relating to the investigation of charges of or involving misdemeanor in office made against certain civil officers subject to impeachment providing that the jurisdiction of the House of Representatives to make such investigations shall have precedence over the jurisdiction of grand juries and limiting the circumstances under which courts of quarter sessions may authorize grand juries to make such investigations

On the question,

Will the House agree to the title?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend page 1, line 2 of the title, by striking out after the word "against" and before the word "civil" the word: "[certain]"

Amend page 1, line 7 of the title, by inserting after the word "courts" and before the word "of" the following: "of oyer and terminer and general jail delivery or courts"

Amend page 1, line 7 of the title, by inserting after the word "sessions" and before the word "may" the following: "or judges of such courts"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The House proceeded to the second reading and consideration of House Bill No. 2, entitled:

An Act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment authorizing the presentation of evidence by the Attorney General district attorneys other counsel and the officers investigated providing for the summoning of witnesses and for the punishment of persons refusing to appear produce evidence or testify and authorizing the employment and compensation of counsel and other assistants

The first section was read as follows:

Section 1 Whenever the House of Representatives of the General Assembly shall undertake the investigation of charges of or involving misdemeanor in office against any civil officer who is liable to impeachment such investigation shall be made through such standing committee of the House as the Speaker of the House shall determine unless the House of Representatives shall by resolution authorize the Speaker to appoint a special investigating committee for the purpose of investigating any particular charge or charges in which event the Speaker shall appoint such special committee as directed by the resolution

On the question,

Will the House agree to the section?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 1, page 2, line 5 by striking out after the word "through" and before the word "committee" the words: "[such standing]" and inserting in lieu thereof the words: "a special"

Amend section 1, page 2, line 6 by striking out after the word "House" and before the word "Speaker" the following: "[as the]" and inserting in lieu thereof the following: "consisting of seven members to be appointed by the"

Amend section 1, page 2, line 6 by striking out at the end of the linet the following: "[hall determine un-]"

Amend section 1, page 2, by striking out lines 7 and 8.

Amend section 1, page 2, line 9 by striking out at the beginning of the line the following: "[mittee]"

Amend section 1, page 2, line 10 by striking out at the end of the line the following: "[in which event the Speaker shall appoint such]"

Amend section 1, page 2, by striking out line 11.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read as follows:

Section 2 The committee investigating such charges may hold executive sessions to discuss plans give directions to investigators and other employees of the committee review the evidence reach conclusions and draft its report but all evidence shall be presented to the committee at hearings open to the public

On the question,

Will the House agree to the section?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 2, page 2, line 14 by striking out after the word "other" and before the word "of" the word: "[employees]" and inserting in lieu thereof the word: "employes"

On the question,

Will the House agree to the amendment?

If was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third section was read and agreed to as follows:

Section 3 Such committee shall have the power to employ and fix the compensation of such investigators stenographers reporters and other employes as may be necessary for the conduct of its work and may employ and fix the compensation of counsel if it finds counsel to be necessary The compensation of all such employes shall be paid out of moneys appropriated to the committee for the purpose

The fourth section was read as follows:

Section 4 The Attorney General of the Commonwealth by himself or his deputy and the district attorney of any county by himself or his assistant may appear before the committee to present evidence Provided however That if the Attorney General of the Commonwealth or the district attorney of any county is the subject of investi-

gation the committee shall appoint counsel to present the evidence and the Attorney General or such district attorney shall be disqualified from presenting any evidence to th committee except on his own behalf

On the question,
Will the House agree to the section?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 4, page 2, line 29 by striking out at the end of the line the following: "[Provided however]"

Amend section 4, page 3, by striking out lines 1 to 6, inclusive.

On the question,
Will the House agree to the amendments?
They were agreed to.
On the question,
Will the House agree to the section as amended?
It was agreed to.

The fifth section was read and agreed to as follows:

Section 5 Any civil officer against whom charges are being investigated by a committee of the House of Representatives may appear before such committee in person and may be represented by counsel whether or not he appears in person and the committee shall hear such evidence as such civil officer may wish to present to refute the charges made against him

The sixth section was read as follows:

Section 6 Any committee of the House of Representatives which is conducting any investigation to which this act applies may adopt rules for the conduct of its proceedings which are not inconsistent with the provisions of this act the rules of evidence shall conform to the rules of evidence governing the admissibility of testimony in judicial proceedings

On the question,
Will the House agree to the section?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 6, page 3, line 18 by striking out at the end of the line the word: "[the]"

On the question,
Will the House agree to the amendment?
It was agreed to.
On the question,
Will the House agree to the section as amended?
It was agreed to.

The seventh section was read as follows:

Section 7 Any committee of the House of Representatives conducting any such investigation shall have the power to subpoena such witnesses and such books records and papers as it may deem necessary for the proper conduct of the invetigation All subpoenas shall be issued over the signature of the chairman of the committee and shall be served by the Sergeant-at-Arms of the House of Representatives or such person as shall be deputized by him so to do The committee shall subpoena to appear before it all persons who have made charges against the public officer or offices under investigation whether or not such persons shall have made their charges as public officers or as private citizens If any person fails to obey the subpoena of the committee either by refusing to appear before the committee or by refusing to produce books records and documents which he has been directed to produce or if any person after appearing refuses to answer any question when directed by the committee to do so unless upon the ground that by answering he or she might incriminate himself or herself such person shall be in contempt of the House of Representatives In any such case the committee shall report the contempt to the House of Representatives which shall have the power by attachment to compel the attendance of the witness at the bar of the House and if the witness having been brought to the bar of the House he or she shall refuse to be sworn or affirmed or having been sworn or affirmed shall refuse to answer all legal questions duly propounded or to produce any books documents or papers for which demand is made the Speaker of the House shall have full power by the direction of the House of Representatives to issue to the Sergeant-at-Arms a warrant of commitment to any State penitentiary and the warden thereof is hereby authorized and required to receive and confine the delinquent until discharged in due course

On the question,
Will the House agree to the section?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 7, page 4, by inserting between lines 27 and 28 the following new paragraph:

"If any such person so committed to a State penitentiary shall persist in his refusal to swear or affirm or being sworn or affirmed shall still on being brought before the House of Representatives from the penitentiary refuse to testify the House of Representatives may make a further order for the detention of such delinquent in said penitentiary until the next succeeding General Assembly shall have met and until the House of Representatives shall make an order for his further detention or discharge as to it shall seem expedient."

On the question,
Will the House agree to the amendment?

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, as I understand this amendment, the person who refuses to testify can be sent to the penitentiary by the House?

Mr. HERBERT B. COHEN. That is correct, Mr. Speaker.

Mr. TURNER. And, now Mr. Speaker, by this amendment, the gentleman from York intends to throw the key away, is that correct?

Mr. HERBERT B. COHEN. Mr. Speaker, that is not correct.

I really hate to do this, Mr. Speaker, but the gentleman from Delaware, I understand, is also a member of the Bar and an attorney of long practice, but I do not believe that his memory goes back to the Act of 1842, which has been the law of the Commonwealth since that time, which contains the same commitment and exactly the same procedure in order to purge one's self of contempt, as set forth in this act. The only difference between the Act of 1842 and the act which we now propose to enact being that the commitment in the Act of 1842 was made to the keepers of the Dauphin County jail. In this instance, we feel that reluctant witnesses should be incarcerated in a more secure place of incarceration, the State penitentiary.

Mr. TURNER. Mr. Speaker, does the gentleman from York not think that I was correct then when I asked him whether he did not want to throw the key away.

Mr. HERBERT B. COHEN. Mr. Speaker, I might say that we wanted to keep the key out of the hands of those who might possibly use it maliciously.

Mr. TURNER. Mr. Speaker, did I not understand the gentleman from York a few minutes ago in interrogating the gentleman from Armstrong to ask him whether or not the common law of England could be changed by the statutes of Pennsylvania.

Mr. HERBERT B. COHEN. Mr. Speaker, with a great deal of reluctance I have to raise an objection to that question because it is not pertinent to the issue. I feel sure that tomorrow's forensic display will enable us to have a complete discussion by both sides.

Mr. TURNER. Mr. Speaker, is the gentleman from York now ducking?

Mr. HERBERT B. COHEN. Absolutely not, Mr. Speaker. I have my chin up.

On the question recurring,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The eight, ninth and tenth sections were separately read and agreed to as follows:

Section 8 Any committee of the House of Representatives conducting an investigation under the provisions of this act shall after the testimony before the committee has been completed make a report to the House of Representatives containing such conclusions and making such recommendations as to the committee may seem appropriate If the evidence has disclosed misdemeanor in office on the part of the person or persons investigated the House of Representatives may order such person or persons impeached or it may call upon the Attorney General of the Commonwealth or the district attorney of the proper county to prosecute such person or persons in the appropriate court for the offense or offenses disclosed by the evidence

Section 9 Nothing in this act contained shall exempt any civil officer from indictment trial judgment and punishment according to law

Section 10 If any provision of this act or the application thereof to any person or circumstances is held invalid such invalidity shall not affect provisions or applications of the act which can be given effect without the invalid provision or application and to this end the provisions of this act are declared to be severable

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following new section as an amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend page 5, by inserting between lines 20 and 21 the following new section: "Section 11 The resolution which became effective the thirteenth day of June one thousand eight hundred forty-two (Pamphlet Laws four hundred ninety one), entitled "Resolution relative to witnesses before either branch of the Legislature", is hereby repealed so far as inconsistent with the provisions of this act."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the bill as amended?

It was agreed to.

The eleventh section was read as follows:

Section 11 This act shall become effective immediately upon final enactment

On the question,

Will the House agree to the section?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 11, page 5, line 21 by striking out after the word "Section" and before the word "This" the figure: "[11]" and inserting in lieu thereof the figure: "12"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The preamble and title were separately read and agreed to as follows:

Whereas Article VI Section 1 of the Constitution provides that

"The House of Representatives shall have the sole power of impeachment"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

An Act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment authorizing the presentation of evidence by the Attorney General district attorneys other counsel and the officers investigated providing for the summoning of witnesses and for the punishment of persons refusing to appear produce evidence or testify and authorizing the employment and compensation of counsel and other assistants

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 3 entitled:

An Act defining the relative powers of the Attorney General and of district attorneys in proceedings in the criminal courts authorizing the judges thereof to appoint subject to appeal to the Supreme Court special prosecutors in certain cases and providing for their compensation by the county

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

The first section was read as follows:

Section 1 In any investigation or proceeding whatsoever pending before any court of oyer and terminer and jail delivery or before any court of quarter sessions in any county of this Commonwealth the Attorney General of the Commonwealth may at any stage of the investigation or proceeding in his absolute discretion supersede and set aside the district attorney of the county

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 1, page 1, line 2 by inserting after the word "and" and before the word "jail" the word: "general"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

Mr. KANE. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the as follows:

Amend page 1, section 1, line 7 by adding at the end thereof the following words: "excepting, however, proceedings or investigations directed against the Governor who appointed said Attorney General".

On the question,

Will the House agree to the amendment?

Mr. ACHTERMAN. Mr. Speaker, I rise to oppose the adoption of the amendment offered by the gentleman from McKean, Mr. Kane, for the reason that we are here endeavoring to pass long-term legislation which will set forth, and does set forth, in the following sections, which will be subsequently read to the House, the procedure which would cover the particular case he has referred to. The Attorney General has certain definite powers and rights. Unfortunately, even the bill as offered by me will limit those particular rights of the Attorney General. We do provide, as the amendments will show as read later, circumstances under which perhaps the Attorney General would be disqualified and actually the amendments as now offered by the gentleman from McKean would be pure repetition, perhaps by language rather than by the control of the court, where that control should be. I, therefore, ask the members of the House to vote down the amendments offerd by the gentleman from McKean.

POINT OF INQUIRY

Mr. TURNER. Mr. Speaker, may we have the Clerk read the amendments to the next section referred to by the gentleman from Monroe so that we may see what the language of that amendment is before we have to vote on this question.

The SPEAKER. For the information of the House; did the gentleman from Monroe refer to section 2 of the bill under consideration?

Mr. ACHTERMAN. Mr. Speaker, I have no objection to the Clerk's reading the amendment referred to.

The SPEAKER. For the information of the House will the gentleman from Monroe state whether or not it is relevant to section 2?

Mr. ACHTERMAN. Yes, Mr. Speaker, it is relevant to section 2 after the word "failed".

The SPEAKER. The Clerk will read the amendments to section 2.

The Clerk read the amendment as follows:

Amend section 2, page 2, line 1 by inserting after the word "failed" and before the word "to" the following: "or is unable".

Mr. KANE. Mr. Speaker, I desire to interogate the gentleman from Monroe, Mr. Achterman.

The SPEAKER. Will the gentleman from Monroe, Mr. Achterman, permit himself to be interrogated?

Mr. ACHTERMAN. I will, Mr. Speaker.

Mr. KANE. Mr. Speaker, I would like to ask the gentleman from Monroe what sort of circumstances in his opinion would prevent an Attorney General from being able to perform his duties impartially, which your amendment suggests may arise.

Mr. ACHTERMAN. Mr. Speaker, I might suggest that the gentleman read the decision lately rendered by Judge Schaeffer in which he stated that he though that the present Attorney General could not supersede the District Attorney of Dauphin County because of the fact that he was an appointee of the Governor who was to be investigated, and I believe he almost uses that particular language, because of the fact he was appointed by him he would not be able to act impartially. In other words that the courts should determine whether or not a man can or cannot act impartially. I go, Mr. Speaker, with that amendment, much further than the gentleman from McKean proposes to go with his amendment.

Mr. KANE. Mr. Speaker, I would further like to ask the gentleman from Monroe, as the author of this amendment, and his reference to Judge Schaeffer's opinion, which I have read by way of the newspapers alone, whether or not, as the author of this amendment, in his opinion he agrees with Judge Schaeffer that one of the circumstances which would make it impossible for the Attorney General to impartially discharge his duties would be the very circumstances involved in the case before Judge Schaeffer, that the Attorney General in this particular case would at one and the same time be the prosecutor of the man who appointed him as well as his defender. I would like to know whether or not in the opinion of the gentleman from Monroe the circumstances which would prevent the Attorney General from being impartial is that he would be proceeding against the Governor himself. Is that the gentleman's opinion?

Mr. ACHTERMAN. Mr. Speaker, I wonder if the gentleman from McKean cannot clarify a rather long question which was a hard one to follow.

Mr. KANE. I will be glad to, Mr. Speaker.

The amendment of the gentleman from Monroe merely adds the words "or is unable to perform his duties impartially." In his explanation he referred to the decision of Judge Schaeffer of Berks County in the proceeding which was assigned to him by the Supreme Court, the case before him now. The reason as I understand, and if I am incorrect I will be glad to be corrected on it, that Judge Schaeffer felt that the Attorney General should not replace the District Attorney of Dauphin County in this particular matter was because the Governor who appointed him was one of the subjects of investigation. I am asking the gentleman from Monroe, as the author of this amendment, whether or not he intended this amendment to cover that very circumstance, that the Attorney General in your opinion is unable to be impartial where the Governor who appointed him is under investigation.

Mr. ACHTERMAN. Mr. Speaker, I intend by the amendment to hand to the court a rather large power, to be able to pass in the first instance, of course, on the manner in which the Attorney General may act if he does supersede, or perhaps before he has acted there may be such reasons

that in the opinion of the court he could not act. Apparently in the case that I referred to the court was under the impression, or of the opinion, that it would be difficult or impossible, for the Attorney General to act impartially. In other words, the amendment delegates and hands to the courts the power to determine whether or not the Attorney General when he is moving to supersede, whether or not he can act impartially; if in the opinion of the court he can he proceeds; if in the opinion of the court he cannot he must step aside and the court so orders. More than that, Mr. Speaker, I cannot imagine any man demanding.

Mr. KANE. I don't wish to be difficult, Mr. Speaker, but I still desire a direct answer to my question, whether or not the sponsor of this amendment feels the Attorney General could not be impartial. Does he agree with the decision of the court or not.

Mr. ACHTERMAN. Mr. Speaker, I am discussing the amendments I offered. I do not propose to be interrogated by any member as to whether I do or do not affirm the decision of the Dauphin County Court which the gentleman from McKean is trying to have me do. I am telling him the reasons why I have offered the amendments and the scope under which it will operate and the gentleman from McKean has no right to interrogate any member of this House whether or not he does agree with the decision of Judge Schaeffer in the recent case. This act was drawn not alone for the present conditions we face but also for any other instance that may arise in the future, and it would be impossible to anticipate the various things that might arise. The Attorney General himself might have been the subject of the investigation. My amendment will say that under such circumstances he cannot supersede. There might be many reasons why he could not. I feel, Mr. Speaker, that I have answered all pertinent and relevant questions that the gentleman has asked.

Mr. KANE. Mr. Speaker and members of the House. My purpose in this interrogation was largely this. All of us who have been in court have on many occasions heard a great deal of talk both by attorneys and judges with regard to legislative intent. Sometimes it is a little amusing to us who have seen laws go through without any attempt at discussion to see the lives and property of citizens hanging by the interpretation which the judge or jury is going to place upon the legislative intent. We are passing an act which has far reaching effect. It seems to me the legislative intent is very important. My amendment is very brief and very specific. It says in so many words that where the Governor who appoints the Attorney General is himself the subject of investigation the Attorney General may not act. There is no question about legislative intent in that amendment. The gentleman from Monroe has explained to the House that the amendment which he is going to offer to the subsequent section takes care of the point in a very satisfactory manner. The words, however, are not specific; they say "in case the Attorney General is unable to be impartial" and so forth, certain things shall be done. I feel, Mr. Speaker and members of the House, that there is no good reason why we as members of this body should not express our legislative intent so clearly that no citizen or court may have any doubt that what we do intend is that the Governor or no one else shall hire an attorney for his defense as well as for his prosecution. I ask you, members of the House, to say in so many words that the Attorney General shall not be allowed to supersede the District Attorney when the case of the man who hired him is before the Bar.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, as I understand the purpose of the amendments of the gentleman from McKean, Mr. Kane, it is to restrict the District Attorney from acting in cases in which the Governor or the Attorney General have been charged. I wish to review, since everybody seems to have their eyes and ears centered upon the situation as it now exists in the Dauphin County courts, the situation as it occurred there in order to refresh the recollection of the members of the House who possibly have not accurately read the newspapers reports. To insert the name of the Attorney General, I am somewhat fearful is going to bring down upon him the same type of accusation that has been levelled at other officers of the Commonwealth. We will remember that in the first presentation it was definitely decided that the Governor of the Commonwealth had no connection whatsoever with the matter before the Dauphin County court. The Supreme Court decided that without any reluctance whatsoever. However, the individuals who followed and are pushing the presentation through the Dauphin County Court hit upon a very clever solution and a very diabolical solution. They brought the Governor's name into the picture for one purpose and that was for the purpose of using the fact that the Governor was in the matter as a method of disqualifying his appointee, the present Attorney General. The action of the Dauphin County Court,—I have no reluctance in giving my personal opinion about the Dauphin County Court's action or Judge Schaffer's action, rather,—in the opinion I think it was absolutely contrary to the present existing Supreme Court enunciations on that particular matter. The Supreme Court has time and again and as recently as possibly two years ago, in the case of Commonwealth versus Margiotti, which occurred out in Fayette county, indicated that the Attorney General is the chief law enforcement officer in this Commonwealth, and as the chief law enforcement officer had the right at all times to intervene in any litigation affecting the Commonwealth, criminal or civil. That was definitely enunciated by the Supreme Court very clearly, but the haze and mist that Judge Schaffer was laboring under might possibly explain some of his enunciations in his interviews with the Press. I understand from reading the Press reports in one instance that Judge Schaffer said that the Attorney General without doubt had the right to supersede. I understand further from reading the Press reports that Judge Schaffer subsequently said, "I don't know if the Attorney General has the right to supersede, but I assure you that the Attorney General has some place in this litigation, and I think that the Attorney General should co-operate." Subsequently after those two public enunciations, during which possibly he lulled our Attorney General to sleep, with some sleeping potion the Attorney General was awakened, and rudely awakened, by an opinion of the court, flatly in contradiction to the enunciations of the Supreme Court, and flatly in contradiction to the enunciations of the Supreme Court in the very instant case that he was deciding and in contradiction to the established law of the Commonwealth, and, more so, in contradiction to his two previous public enunciations on that very same matter.

I quite agree with the gentleman from Monroe, Mr.

Achterman, that this particular bill restricts the activities of the Attorney General. It restricts him more so than he is restricted by the present Supreme Court enunciations and more so than he is restricted by the common law and the Constitution of the Commonwealth of Pennsylvania.

This bill provides that the Attorney General, if the Court shall find that he is unable to perform his duties impartially, he may be removed by that court. I say that there is no necessity to indicate the Governor or Attorney General in this bill because I can but give to the members of this House this one reason why the Attorney General's name should not be specifically mentioned, and that is: I feel that those political individuals who are so politically minded that they are willing to smear the good name of the civil officers of the Commonwealth into the mud would not have the least reluctance to bring in the name of the Attorney General so that he might be specifically disqualified.

I say that this bill as it is written will not expose the Attorney General to the hazards of such an iniquitous accusation and I say that the bill as amended by the gentleman from Monroe adequately protects the people of the Commonwealth of Pennsylvania and adequately protects the Attorney General, and I ask you to vote down the amendments of the gentleman from Monroe.

On the question recurring,

Will the House agree to the amendment?

The yeas and nays were required by Mr. KANE and Mr. LONGAKER and were as follows:

YEAS—47.

Atkins,	Kline,	Schrock,	Van Allsburg,
Boose,	Kroll,	Schumacher,	Wall,
Boyer,	Leisey,	Serrill,	Wampole,
Cadwalader,	Longaker,	Sloan,	Watkins,
Davies,	Lyons,	Snyder,	Webster,
Eckels,	Matthews, J. F.,	Sollenberger,	Weidemann,
Fiss,	McDevitt,	Sproul,	Wilson,
Habbyshaw,	McKinney,	Stewart,	Winner,
Hall,	Muir,	Stockham	Wood,
Huntley,	Peale,	Terry,	Woodside,
Imbrie,	Perry,	Trout,	Yeakel,
Kane,	Royer,	Turner,	

NAYS—132.

Achterman,	Dubbs,	McArdle,	Sarraf,
Alexander,	Dyson,	McDermott,	Scanlon,
Allen,	Falkenstein,	McElroy,	Schor,
Allmond,	Finnerty,	McFall,	Schrope,
Arnold,	Flanagan,	McGee,	Shaw,
Aukerman,	Flannery,	McShane,	Shea,
Baine,	Filnchbaugh,	Melchiorre,	Shepard,
Baker, J. T.,	Ganser,	Mellott,	Shoemaker,
Balthaser,	Gerard,	Mihm,	Skale,
Bierly,	Hagerty,	Moomaw,	Smith, James A.,
Blank,	Harkins,	Mooney,	Smith, John A.,
Bohn,	Harmuth,	Moran,	Spengler,
Boles,	Hays,	Moul,	Stank,
Boltz,	Hering,	Nagel,	Thomas,
Bradley,	Hess,	O'Brien,	Thompson,
Brancato,	Hindman,	O'Connor,	Tronzo,
Brigerman,	Hirsch,	O'Keefe,	Tumelty,
Broad,	Holland,	Ominsky,	Vallbus,
Caesar,	Holmes,	O'Neill,	VanSickle,
Caputo,	Holstrom,	Ostroff,	Vogt,
Chervenak,	Hontz,	Patterson, C. S.,	Wagner,
Coakley,	Horting,	Patterson, J. W.,	Weiss, D. H.,
Cohen, H. B.,	Jirolanio,	Pearson,	Weiss, S. A.,
Cohen, R. E.,	Keenan,	Pershing,	Welliver,
Coleman,	Kelso,	Piole,	Welsh,
Coolahan,	Kilroy,	Powers,	Westrick,
Corrigan,	LaRue,	Preston,	Whalen,
Costanzo,	Levy,	Readinger,	Whitenight,
Decker,	Lewis,	Reese,	Wright,
DeNote,	Long,	Reising,	Yanoshat,
Dickinson,	Lopresti,	Robinson,	Yourishin,
Donohoe,	Lovett,	Ruffennach,	Zappala,
Dougherty,	Marino,	Rush,	Furman,
Downey,	Matthews, H. T.,		

So the question was determined in the negative and the amendment was not agreed to.

On the question recurring,

Will the House agree to the section as amended?

It was agreed to.

The second section was read as follows:

Section 2 If in any such investigation or proceeding the court before which it is pending shall find after hearing that the Attorney General has failed to perform his duties impartially such court may order the Attorney General to stand aside and in such event shall appoint an attorney at law resident in another county to supersede and act in lieu of the Attorney General Any special attorney thus appointed shall serve at the pleasure of the court and shall receive from the county in which the investigation is being conducted such compensation as the court shall fix

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 2, page 2, line 1 by inserting after the word "failed" and before the word "to" the following "or is unable"

Amend section 2, page 2, line 4 by inserting after the word "county" and before the word "to" the following: "of the Commonwealth of Pennsylvania"

Amend section 2, page 2, line 8 by inserting after the word "investigation" and before the word "is" the following: "or proceeding"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third section was read as follows:

Section 3 From any order superseding the Attorney General the Attorney General shall have the right immediately to appeal to the Supreme Court and such appeal shall automatically stay all proceedings until the Supreme Court shall have determined the appeal

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 3, page 2, line 13 by inserting after the word "all" and before the word "proceedings" the following: "investigations or"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

Mr. KANE. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend page 2, section 3, line 14 by adding at the end thereof the following: "which appeal the Supreme Court shall decide within fifteen days".

On the question,

Will the House agree to the amendment?

Mr. ACHTERMAN. I can see no real reason for insisting that the Supreme Court should decide an appeal in fifteen days. I feel that, prompt and quick decision. I can see no reason why we should hamper or rather urge or rush the Supreme Court in what we have fond to say is their mature deliberation. I ask that the amendment be defeated.

Mr. KANE. Mr. Speaker and Members of the House, I will make this very brief:

The gentleman from Monroe himself offered an amendment which we all voted for a minute ago, that where, under certain circumstances, the Attorney General was not able to discharge his duties impartially and fairly and so forth, that he might be replaced. The bill goes on then to provide that the Attorney General has the right to appeal from the court's displacing him in any particular proceeding. That appeal goes directly to the Supreme Court and thereafter the Supreme Court hands down a decision as to whether or not the Attorney General shall be the investigating or prosecuting officer of the Governor, we will say, or the Supreme Court itself, perhaps.

All my amendment does is to prevent the Supreme Court from exercising for too long a time what the gentleman from Monroe sarcastically refers to as the court mature judgment and consideration. One of the things which has been broadcast throughout the Commonwealth recently by very many eminent public officials is the vitriolic attack upon the courts, and I wish to make it impossible, under this bill, for the courts to be criticized on the ground that the court is holding up a decision as to whether or not, in a particular case, the Attorney General is qualified to proceed impartially and fairly. I think the time limit is ample and it is also ample, for example, to file an affidavit of defense and I think the amendment should be adopted. The gentleman from Monroe himself has stated that there is no good reason why it should not be.

Mr. ACHTERMAN. Mr. Speaker, I desire to interrogate the gentleman from McKean.

THE SPEAKER. Will the gentleman from McKean permit himself to be interrogated?

Mr. KANE. I will, Mr. Speaker.

Mr. ACHTERMAN. Does the gentleman believe his amendment is constitutional?

Mr. KANE. I think so.

Mr. ACHTERMAN. Do you not believe that if the Legislature should pass a law defining a definite time in which the court must hand down a decision, that it might very readily be interpreted by the court as an effort on the part of the Legislature to interfere with the operation of the court?

Mr. KANE. Mr. Speaker, I think that the Supreme Court sometimes held that the Legislature has tried to interfere with it. However, Mr. Speaker, I do not think that any great harm would be done in the Commonwealth if the Legislature should in this and perhaps other cases so frame the law that the court has to act promptly.

Mr. ACHTERMAN. I wish to call to the attention of the members of the House the fact that this particular amendment, offered by the gentleman from McKean, might very readily jeopardize this particular act. It is not the intention of the Legislature, and I am sure it certainly is not the intention of the author of the bill, to create a circumstance by which we are going to interfere with the orderly operation of the court in arriving at or hampering its decisions. I can readily appreciate that there might be circumstances under which the court would desire a greater time than fifteen days to dispose of a case coming up before it under this particular bill, if enacted, and I do not feel that this House should, for one minute, pass a law that would say to the court: "You must act within this time, regardless of how weighty or how serious the problem before you is." We are just gambling and being facetious, when we write into the act a condemnation of the court on the ground that, perhaps, they will not expedite proceedings before them, and we may, incidentally, jeopardize the act by raising constitutional questions which we do not desire to do, and I, therefore, ask the members to defeat the amendment.

Mr. KANE. Mr. Speaker, I desire to interrogate the gentleman from Monroe.

The SPEAKER. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I will, Mr. Speaker.

Mr. KANE. Mr. Achterman, is it not a fact that in your legal practice, you are familiar with a great many acts of the Legislature which prescribe definite time limits within which courts must proceed, within which actions must be commenced, within which appeals may be taken, and which, by Legislative enactment, regulates the time within which the court must act?

Mr. ACHTERMAN. I know of no particular act providing any time limit in which the court must hand down its decision. There are procedural time limits in which appeals must be taken. In other words, procedure is regulated by acts of the Legislature, but once the matter is before the court and has been completely argued, the question of time has never been fixed, to my knowledge, in which the court must hand down its decision. That is entirely within the discretion of the court. I wish only to point out to the gentleman that there is a great distinction between rules of procedure, insofar as litigation is concerned, and efforts to regulate the court as to the time in which it shall hand down its decisions.

On the question recurring,

Will the House agree to the amendment?

It was not agreed to.

On the question recurring,

Will the House agree to the section as amended?

It was agreed to.

The fourth section was read as follows:

Section 4 This act shall apply to all proceedings now pending as well as to all future proceedings

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 4, page 2, line 15 by inserting after the word "all" and before the word "proceedings" the following: "investigations or"

Amend section 4, page 2, line 16 by inserting after the word "future" and before the word "proceedings" the following: "investigations or"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following new section as an amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend page 2 by inserting between lines 16 and 17 the following new section: "Section 5 All acts or parts of acts inconsistent herewith are hereby repealed".

On the question,

Will the House agree to the section?

It was agreed to.

The fifth section was read as follows:

Section 5. This act shall become effective immediately upon final enactment

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The Speaker. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 5, page 2, line 17 by striking out after the word "Section" and before the word "This" the figure: "[5]" and inserting in lieu thereof the figure: "6"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The preamble was read and agreed to as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

The title was read as follows:

An Act defining the relative powers of the Attorney General and of district attorneys in proceedings in the criminal courts authorizing the judges thereof to appoint subject to appeal to the Supreme Court special prosecutors in certain cases and providing for their compensation by the county

On the question,

Will the House agree to the title?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend page 1, line 2 of the title, by inserting after the word "in" and before the word "proceedings" the following: "investigations or"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 5 entitled:

An Act suspending retroactively as well as prospectively any other pending investigation legislative executive or judicial of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment which the House of Representatives undertakes to investigate and providing under what circumstances the suspended investigation may be resumed

The first section was read as follows:

Section 1 Whenever the House of Representatives shall undertake the investigation of charges of or involving misdemeanor in office on the part of the Governor or any other civil officer who is liable to impeachment any other investigation of the same charges theretofore instituted by or before any other officer body or agency of the Commonwealth or any political subdivision thereof whether such investigation be legislative executive or judicial shall be suspended until the House of Representatives shall have completed its investigation and shall not thereafter be resumed unless the legislative executive or judicial officer body or agency which shall have ordered the investigation shall after examining the testimony taken by the House of Representatives or its committee determine that a further investigation is necessary to develop information not disclosed to the House of Representatives or its committee

On the question,

Will the House agree to the section?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 1, page 2, line 6 by striking out after the word "body" and before the word "agency" the word: "[or]"

Amend section 1, page 2, line 6 by inserting after the word "agency" and before the word "of" the following: "or court"

Amend section 1, page 2, line 12 by striking out after the word "body" and before the word "agency" the word: "[or]"

Amend section 1, page 2, line 12 by inserting after the word "agency" and before the word "which" the following: "or court"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read as follows:

Section 2 This act shall apply to and suspend investigations instituted by or before any officer body or agency of the Commonwealth or any political subdivision thereof

prior to the effective date of this act as well as to such investigations hereafter instituted

On the question,
Will the House agree to the section?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 2, page 2, line 18 by striking out at the end of the line the word: "[or]"

Amend section 2, page 2, line 19 by inserting after the word "agency" and before the word "of" the following: "or court"

On the question,
Will the House agree to the amendments?
They were agreed to.
On the question,,
Will the House agree to the section as amended?
It was agreed to.
The third section was read and agreed to as follows:

Section 3 Nothing in this act contained shall prevent evidence presented to the House of Representativs or its committee during any investigation to which this act applies from being subsequently repeated before the grand jury of any county for the purpose of obtaining an indictment against any person involved in the charges investigated by the House of Representatives

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following new section as an amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend page 3 by inserting between lines 9 and 10 the following new section: "Section 4 All acts or parts of act inconsistent herewith are hereby repealed."

On the question,
Will the House agree to the amendment?
It was agreed to.

The fourth section was read as follows:

Section 4 This act shall become effective immediately upon its final enactment

On the question,
Will the House agree to the section?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Scction 4, page 3, line 10 by striking out after the word "Section" and before the word "This" the figure: "[4]" and inserting in lieu thereof the figure: "5"

On the question,
Will the House agree to the amendment?
It was agreed to.
On the question,
Will the House agree to the section as amended?
It was agreed to.

The preamble and title were separately read and agreed to as follows:

Whereas Article VI Section 1 of the Constitution provides that

"The House of Representatives shall have the sole power of impeachment" and

Whereas whenever a charge is made against a civil officer which if true would warrant his impeachment the interests of the Commonwealth and of the accused require that the charge be investigated by the House of Representatives before impeachment proceedings are actually instituted and

Whereas it would be prejudicial to the Commonwealth as well as to the accused to have any other investigation of the same charge made by any official body other than the House of Representatives pending the conclusion of the House's investigation particularly if such other investigation resulted either in a vindication or an indictment and such result became publicly known during the House investigation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

An Act suspending retroactively as well as prospectively any other pending investigation legislative executive or judicial of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment which the House of Representatives undertakes to investigate and providing under what circumstances the suspended investigation may be resumed

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILLS INTRODUCED AND REFERRED

By Messrs. LEWIS and FINNERTY. HOUSE BILL No. 15.

An Act authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate, efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth; conferring upon the commission full power to issue subpoenas, and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued; requiring the commission to make a report of its findings and recommendations to the General Assembly or to the Governor; and authorizing the commission to employ counsel and employees and making an appropriation.

Referred to the Committee on Judiciary Special.

By Messrs. ELPERN, HABERLIN, LOVETT, PERSHING, BROAD and DAVID H. WEISS. HOUSE BILL No. 16.

An Act making an appropriation to the Department of Health to supply the needed cost of pumping the water from slate quarries and anthracite and bituminous coal mines which have been flooded, directly or indirectly, by the high waters during March, one thousand nine hundred and thirty-six, or in which human bodies are lying.

Referred to the Committee on Appropriations.

By Mr. YOURISHIN. HOUSE BILL No. 17.

An Act to amend Article two of the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder," as amended, by adding a new section two hundred and one and one-tenth thereto; imposing the presumption of negligence upon employers; providing for admission of certain evidence and providing for double damage under certain circumstances.

Referred to the Committee on Labor.

By Mr. O'CONNOR. HOUSE BILL No. 18.

A Joint Resolution proposing an amendment to Article four, section twenty-one, of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

By Mr. O'CONNOR. HOUSE BILL No. 19.

A Joint Resolution proposing an amendment to section eight, Article four of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

By Mr. RUSH. HOUSE BILL No. 20.

An Act abating certain tax penalties and interest on county, city (except city of the first class), borough, town, township, school district (except school district of the first class), and poor district taxes; prohibiting the sale of real property for the non-payment of any such taxes for a certain period; and preserving certain tax liens, and providing for the extension thereof.

Referred to Committee on Municipal Corporations.

By Messrs. OSTROFF and LEWIS and Miss BRANCATO. HOUSE BILL No. 21.

An Act to prohibit the sale, offering or exposing for sale of fireworks; defining fireworks and to regulate the manner of using fireworks, and providing penalties.

Referred to Committee on Public Health and Sanitation.

By Mr. SHEPARD. HOUSE BILL No. 22.

An Act to confirm and validate past tax levies or assessments made by school districts of the first class and liens filed thereon.

Referred to Committee on Education.

By Mr. ACHTERMAN. HOUSE BILL No. 23.

An Act to amend paragraphs (d) and (e) of Section 202, paragraph (a) of Section 409, Section 412, paragraph (a) of Section 601, Sections 702, 704, 808, 1201 and 1311 of the Public Utility Law (Act of May 28, 1937. P. L. 1053). entitled "An Act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, and cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the Court of Common Pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistest with this act," by further defining and limiting exemptions, the transfer and acquisitions of property, the crossing of facilities, the issuance of securities, relations between affiliated interests, the imposition of costs of administering the act, and otherwise clarifying and supplementing the provisions of the said sections of the act.

Referred to Committee on Public Utilities.

COMMITTEE MEETINGS

The Committee on Labor will meet tomorrow at 1:00 p. m., in Room 323.

The Judiciary Special Committee will meet tomorrow at 1:00 p. m., in Room 324.

The Republican Caucus will be held tomorrow at 12:30 p. m., in the House Caucus Room.

ADJOURNMENT

Miss BRANCATO. Mr. Speaker, I move that this House do now adjourn until tomorrow at 2:00 p. m.

The motion was agreed to, and (at 3:25 p. m.) the House adjourned until Thursday, July 28, 1938, at 2:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1938

Vol. 22 HARRISBURG, PA., THURSDAY, JULY 28, 1938. No. 4.

SENATE

The Senate met at 5:00 o'clock P. M., Thursday, July 28, 1938, (E. S. T.).

The PRESIDENT (Lieutenant Governor, Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, L.L.D., offered the following prayer.

Gracious Father, of one blood, Thou hast made all nations of men for to dwell on the face of the earth. In a spirit of universal kinship we would rejoice in Thee, the ever accessible, availabe God, Father of us all.

Abba Father, help us to love and serve our brothers in this present life. Speed the day of our hope and dream, when man shall not crucify his brother-man upon a cross of racial hate; when what we believe may be neither credential to privilege, no bar to promotion; when we shall loom on the color of the heart, rather than the color of the face; and we learn from Thee the measure of a man.

Our Father, we ask that this historic place be made a theater and stage for a great Drama of Good Will, wherein we learn to do justly, love mercy, and walk humbly with our God: and that The choicest treasure mortal times afford is spotless reputation; that away, man becomes but gilded loam, or painted clay. Thy blessing be upon us. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. RICE, the further reading was dispensed with, and the Jouanal was approved.

LEAVE OF ABSENCE

Mr. Shapiro asked and obtained leave of absence for the Senator from Philadelphia, Mr. JASPAN, on account of illness.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced presented communications in writing from His Excellency the Governor of the Commonwealth, which were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 28, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

Dr. Philip J. McCarthy, 110 Abington Avenue, Chestnut Hill, Philadelphia, for appointment as a member of the State Board of Veterinary Medical Examiners, to fill a vacancy.

Phillip Shay, Williamsport, Lycoming County, for appointment as a member of the Lycoming County Board of Assistance, vice Howard L. Ulman who resigned.

The PRESIDENT. In conformity with the resolution adopted by the Senate, the nominations for Notaries Public will lie on the table. The other nominations, Dr. Philip J. McCarthy and Phillip Shay, are referred to the Committee on Executive Nominations.

BILLS INTRODUCED

Mr. MUNDY read in his place and presented to the Chair Senate Bill No. 14, entitled:

An Act providing for the adjournment and re-adjournment of county treasurers' sales of seated and unseated lands that were to have been held in the years one thousand nine hundred thirty-seven, one thousand nine hundred thirty-eight, and one thousand nine hundred thirty-nine, for nonpayment of taxes in counties of the third class, and preserving the lien of all taxes on such lands.

Which was committed to the Committee on State Government.

He also read in his place and presented to the Chair Senate Bill No. 15, entitled:

An Act abating certain tax penalties and interest on county, city (except city of the first class), borough, town, township, school district (except school district of the first class), and poor district taxes; prohibiting the sale of real property for the nonpayment of any such taxes for a certain period; and preserving certain tax liens, and providing for the extension thereof.

Which was committed to the Committee on State Government.

Mr. KUNKEL read in his place and presented to the Chair Senate Bill No. 16, entitled:

An Act authorizing the Commonwealth or any of its agencies, including the General State Authority, to contract with, and to lease or acquire from any housing authority, any area acquired or about to be acquired by such housing authority for slum clearance purposes.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 17, entitled:

An Act authorizing housing authorities to contract with, and to lease or convey to the Commonwealth or any of its agencies, including the General State Authority, any area acquired or about to be acquired for slum clearance purposes.

Which was committed to the Committee on Judiciary General.

Mr. THOMPSON read in his place and presented to the Chair Senate Bill No. 18, entitled:

An Act to further amend section three of the act approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (P. L. 452), entitled, "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve and operate projects, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey, or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act," by changing the personnel of the governing body.

Which was committed to the Committee on Judiciary General.

Mr. SHAPIRO read in his place and presented to the Chair Senate Bill No. 19, entitled:

An Act abating certain tax penalties and interest on county, city (except city of the first class), borough, town, township, school district (except school district of the first class), and poor district taxes; prohibiting the sale of real property for the nonpayment of any such taxes for a certain period; and preserving certain tax liens, and providing for the extension thereof.

Which was committed to the Committee on State Government.

He also read in his place and presented to the Chair Senate Bill No. 20, entitled:

An Act abating certain tax penalties and interest on city and school taxes in cities of the first class and school districts of the first class.

Which was committed to the Committee on State Government.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1, entitled:

A Supplement to the act approved the eighteenth day of March one thousand eight hundred and seventy-five (P. L. 30) entitled "An act to authorize changes of venue in criminal cases" forbidding changes of venue in criminal prosecutions by any court on application of the Commonwealth or prosecutor.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—34.

Barthold,	Eroe,	Kunkel,	Pytko,
Bean,	Frey,	Lanius,	Rice,
Cavalcante,	Gelder,	Law,	Ruth,
Chapman,	Haluska,	Mallery,	Shapiro,
Dando,	Henney,	McCreesh,	Sipe,
Deitrick,	Heyburn,	McGinnis,	Stiefel,
Dent,	Howell,	Mundy,	Thompson,
DiSilvestro,	Huffman,	Owlett,	Wolfenden,
Ealy,	Kilgallen,		

NAYS—1.

Gilson,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 5, entitled:

An Act to amend section two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" by re-defining "assistance" so as to provide for medical care in place of service.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35.

Barthold,	Eroe,	Kilgallen,	Pytko,
Bean,	Frey,	Kunkel,	Rice,
Cavalcante,	Gelder,	Lanius,	Ruth,
Chapman,	Gilson,	Law,	Shapiro,
Dando,	Haluska,	Mallery,	Sipe,
Deitrick,	Henney,	McCreesh,	Stiefel,
Dent,	Heyburn,	McGinnis,	Thompson,
DiSilvestro,	Howell,	Mundy,	Wolfenden,
Ealy,	Huffman,	Owlett,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 7, entitled:

An Act to amend section four of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (P. L. 452) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic

with power to construct, improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" as amended by providing for additional projects and providing for the leasing of projects by the Authority of school districts.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36.

Barthold,	Eroe,	Jacobs,	Owlett,
Bean,	Frey,	Kilgallen,	Pytko,
Cavalcante,	Gelder,	Kunkel,	Rice,
Chapman,	Gilson,	Lanius,	Ruth,
Dando,	Haluska,	Law,	Shapiro,
Deitrick,	Henney,	Mallery,	Sipe,
Dent,	Heyburn,	McCreesh,	Stiefel,
DiSilvestro,	Howell,	McGinnis,	Thompson,
Ealy,	Huffman,	Mundy,	Wolfenden,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 8, entitled:

An Act to amend article six of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by authorizing school districts singly or jointly with other districts to convey or lease property to the General State Authority to acquire additional property for such purposes to contract with and lease property from said Authority and to levy additional taxes to pay rentals and authorizing the Commonwealth to join with school districts in such contracts and leases and in such cases defining the assistance to be rendered by the Commonwealth.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. EALY. Mr. President, it seems to me that this bill should not be passed in its present form. Section 636, provides that any school district shall have power and authority to grant assign and convey to the General State Authority with or without consideration, any lands, easements or rights in land together with any improvements, buildings or structures therein or thereof. Now lately for that grant by the school districts, the school district gets nothing. The State Authority is presumed to build a school building and then it may lease that school building to the school district for a term not exceeding thirty years, at any rentals that may be determined upon by the authorities. There is another provision in Section 640, which permits the school directors to increase the total annual school levy up to 40 mills. I should like to ask the sponsor of this bill to allow it to go over in order that we may have more time to study the same, and that some amendments may be inserted to protect the school districts and prevent the increase of the present rate of mills.

Mr. THOMPSON. Mr. President, the one provision in this bill in Section 640, namely, the granting to the school districts the power of increasing their millage for the purpose of the program as set forth in this bill by five mills, it is not essential at all to the program, and as I discussed this matter with the Senator from Somerset about ten or fifteen minutes ago, I agreed with him that I would see that this bill was amended in the House to take out that provision requiring the increased five mills. That is not an essential feature about the bill at all. Now the Senator from Somerset didn't raise this question with me until just a few minutes ago. This is distinctly in the nature of an emergency program. Every day that we lose is vital to this situation on account of the fact that all these applications to take advantage of this program have to be prepared, filed and plans drawn and all that sort of thing before the thirtieth day of September of this year. There are some amendments that I want to write, some important amendments that I myself desire to have made in these bills when they go over to the House, and I can assure the Senator from Somerset that we will take care of this tax situation, if that is worrying him. Now with respect to the other section. This section does nothing more than carry out the same sort of plan that we all voted for here last year with respect to handing titles to the General State Authority. We did the same thing with the title to all of the lands of the State Institutions. We voted that they should be conveyed to the General State Authority without any consideration. That is not a formidable objection it appears to me, because we have heretofore conveyed State properties with which we were all in accord and have established that principle. And that principle is essential if we are going to receive the benefit of the PWA money and the applicant for the PWA grant must have both title and possession of the real estate against which the program is being financed by the PWA.

Mr. EALY. Mr. President, it seems that all of this class of bills that we are called to vote upon are presented to us with the fact that they must be passed immediately to get this or that or the other thing from the Federal Government. And we have rushed into a great deal of unconstitutional legislation by our haste. Now, it seems to me that if the school district is to have the authority to convey its present building to the state authority, to tear them down and build bigger buildings, that we should have in this Act, a referendum clause, and I am willing to go along with it if there is put a clause in here that the people of the districts have a right to vote on it. Without that I will have to vote "no."

Mr. THOMPSON. Mr. President, I can't help but accuse the Senator from Somerset in view of his last remark, of trying to accomplish in an indirect way what he

doesn't want to do directly. The Senator from Somerset well knows that if there is to be any referendum on the provision of the program, that the whole program will fall. There isn't time enough for the school districts in this State to take advantage of this program and have referendums. If there were, we could have taken advantage of this under the old program. That is one of the things that these bills are aimed to correct. It is just simply a case of a few basing their judgment on the question of referendum. Mr. President, that is equivalent to a vote against a school building program of this kind in Pennsylvania, and nobody can conscientiously say that that isn't equivalent to such vote. If we are going to take advantage of this opportunity to build the school houses throughout the State of Pennsylvania, as we know the public need requires in this State, we have to have some sort of a program of expedition. The School Directors have power to build school houses now without submitting all situations to a referendum, and certainly when we take advantage of a situation wherever school districts in the State of Pennsylvania can have a school building financed to at least of 55% of the cost of that building, we certainly don't want to kill a program of that kind by inserting a provision which of necessity will kill it. Namely, submitting the whole thing to the referendum of the school districts.

And the question recurring,
Will the Senate agree to the bill on third reading?
It was agreed to.

On the question,
Shall the bill pass finally.
The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—29.

Barthold,	Haluska,	Lanius,	Rice,
Cavalcante,	Henney,	Law,	Ruth,
Dando,	Heyburn,	Mallery,	Shapiro,
Dent,	Huffman,	McCreesh,	Sipe,
DiSilvestro,	Jacobs,	McGinnis,	Stiefel,
Eroe,	Kilgallen,	Mundy,	Thompson,
Frey,	Kunkel,	Pytko,	Wolfenden,
Gilson,			

NAYS—7.

Bean,	Deitrick,	Gelder,	Owlett,
Chapman,	Ealy,	Howell,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

RESOLUTION

Mr. HUFFMAN. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HUFFMAN, offered the following resolution which was twice read, considered and agreed to:

In the Senate, July 28, 1938.

Whereas, Senator John G. Homsher is ill at his home in Lancaster County and is unable to attend the sessions of the Senate at Harrisburg, and

Whereas, because of the great love and affection in which Senator Homsher is held by every member of this body, it is the hope and prayer of all the members of the Senate that the Senator will soon recover and that his health will be restored to permit him to continue as an active member of this body, now therefore be it

Resolved, that because of the long, honorable and valuable services rendered by Senator Homsher as a member of this body, it is with a sense of the deepest regret the members realize that due to his advanced age and the seriousness of his illness, the Senator will be unable to be present with us for several weeks, and be it further

Resolved, that a copy of this resolution be forwarded to Senator Homsher and to his family.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence Bills of the House of Representatives, as follows:

House Bill No. 1, Senate Bill No. 21, entitled:

An Act relating to the investigation of charges of or involving misdemeanor in office made against civil officers subject to impeachment providing that the jurisdiction of the House of Representatives to make such investigations shall have precedence over the jurisdiction of grand juries and limiting the circumstances under which courts of oyer and terminer and general jail delivery or courts of quarter sessions or judges of such courts may authorize grand juries to make such investigations.

Which was committed to the Committee on Judiciary General.

House Bill No. 2 (Senate Bill No. 22), entitled:

An Act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment authorizing the presentation of evidence by the Attorney General district attorneys other counsel and the officers investigated providing for the summoning of witnesses and for the punishment of persons refusing to appear produce evidence or testify and authorizing the employment and compensation of counsel and other assistants.

Which was committed to the Committee on Judiciary General.

House Bill No. 3 (Senate Bill No. 23), entitled:

An Act defining the relative powers of the Attorney General and of district attorneys in investigations or proceedings in the criminal courts authorizing the judges thereof to appoint subject to appeal to the Supreme Court special prosecutors in certain cases and providing for their compensation by the county.

Which was committed to the Committee on Judiciary General.

RECESS

Mr. McGINNIS. Mr. President, I move that the Senate do now take a recess until 8:30 o'clock P. M. (E. S. T.).

Mr. HENNEY. Mr. President, I second the motion.

The motion was agreed to.

ANNOUNCEMENTS BY THE SECRETARY

The Committee on Judiciary General will meet at 8:00 o'clock (E. S. T.), in Room 302.

The Committee on Appropriations will meet immediately in Room 255

AFTER RECESS

The PRESIDENT PRO TEMPORE (Mr. Harvey Huffman) in the Chair.

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

REPORTS FROM COMMITTEES

Mr. SHAPIRO. Mr. President, I ask unanimous consent to make a report from Committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO, from the Committee on Judiciary General reported as amended, Senate Bill No. 22 (House Bill No. 2), entitled:

An Act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment, authorizing the Speaker of the House to appoint a special committee for any such investigation, authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated providing for the summoning of witnesses and for the punishment of persons refusing to appear, produce evidence or testify and authorizing the employment and compensation of counsel and other assistants.

Mr. LAW. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LAW, from the Committee on Judiciary General reported as committed, Senate Bill No. 21 (House Bill No. 1), entitled:

An Act relating to the investigation of charges of or involving misdemeanor in office made against civil officers subject to impeachment, providing that the jurisdiction of the House of Representatives to make such investigations shall have precedence over the jurisdiction of grand juries and limiting the circumstances under which courts of oyer and terminer and general jail delivery or courts of quarter sessions or judges of such courts may authorize grand juries to make such investigations.

Mr. GILSON. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GILSON, from the Committee on Judiciary General reported as committed, Senate Bill No. 16, entitled:

An Act authorizing the Commonwealth or any of its agencies, including the General State Authority, to contract with, and to lease or acquire from any housing authority, any area acquired or about to be acquired by such housing authority for slum clearance purposes.

He also, from the Committee on Judiciary General reported as committed, Senate Bill No. 17, entitled:

An Act authorizing housing authorities to contract with, and to lease or convey to the Commonwealth or any of its agencies, including the General State Authority, any area acquired or about to be acquired for slum clearance purposes.

Mr. STIEFEL. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STIEFEL, from the Committee on Judiciary General reported as committed, Senate Bill No. 23 (House Bill No. 3), entitled:

An Act defining the relative powers of the Attorney General and of district attorneys in investigations or proceedings in the criminal courts, authorizing the judges thereof to appoint subject to appeal to the Supreme Court special prosecutors in certain cases and providing for their compensation by the county.

He also, from the Committee on Appropriations reported as committed Senate Bill No. 9, entitled:

An Act making an appropriation to the Department of Public Instruction to pay rentals and expenses in connection with public school buildings constructed or improved by the General State Authority.

HOUSE MESSAGE

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 5 (Senate Bill No. 24), entitled:

An Act suspending retroactively as well as prospectively any other pending investigation legislative executive or judicial of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment which the House of Representatives undertakes to investigate and providing under what circumstances the suspended investigation may be resumed.

Which was committed to the Committee on Judiciary General.

BILL INTRODUCED

Mr. DiSILVESTRO. Mr. President, I ask unanimous concent to offer a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DiSILVESTRO, read in his place and presented to the Chair Senate Bill No. 25, entitled:

An Act removing the remaining additional persons now serving as Pennsylvania members of the Delaware River Joint Commission by virtue of appointment by the General Assembly under the act approved June twelfth one thousand nine hundred and thirty-one (Pamphlet Laws five hundred seventy-five) and providing for the appointment of their successors.

Which was committed to the Committee on Judiciary General.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess for five minutes.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

ANNOUNCEMENT BY THE SECRETARY

There will be a meeting of the Committee on Judiciary General, immediately in Room 265.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORTS FROM COMMITTEES

Mr. SHAPIRO. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO, from the Committee on Judiciary General, reported as committed, Senate Bill No. 24 (House Bill No. 5), entitled:

An Act suspending retroactively as well as prospectively any other pending investigation, legislative, executive or judicial of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment which the House of Representatives undertakes to investigate and providing under what circumstances the suspended investigation may be resumed.

He also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 18, entitled:

An Act to further amend section three of the act, approved the twenty-eighth day of June one thousand nine hundred and thirty-five (P. L. 452), entitled "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve, and operate projects, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act," by changing the personnel of the governing body.

MOTION TO READ BILLS THE FIRST TIME

Mr. LAW. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 9, entitled:

An Act making an appropriation to the Department of Public Instruction to pay rentals and expenses in connection with public school buildings constructed or improved by the General State Authority.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 16, entitled:

An Act authorizing the Commonwealth or any of its agencies, including the General State Authority, to contract with, and to lease or acquire from any housing authority, any area acquired or about to be acquired by such housing authority for slum clearance purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 17, entitled:

An Act authorizing housing authorities to contract with, and to lease or convey to the Commonwealth or any of its agencies, including the General State Authority, any area acquired or about to be acquired for slum clearance purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 18, entitled:

An Act to further amend section three of the act, approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (P. L. 452), entitled "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve, and operate projects, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act," by changing the personnel of the governing body.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 21 (House Bill No. 1), entitled:

An Act relating to the investigation of charges of or involving misdemeanor in office made against civil officers subject to impeachment, providing that the jurisdiction of the House of Representatives to make such investigations shall have precedence over the jurisdiction of grand juries and limiting the circumstances under which courts of oyer and terminer and general jail delivery or courts of quarter sessions or judges of such courts may authorize grand juries to make such investigations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 22 (House Bill No. 2), entitled:

An Act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment, authorizing the Speaker of the House to appoint a special committee for any such investigation, authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated providing for the summoning of witnesses and for the punishment of persons refusing to appear, produce evidence or testify and authorizing the employment and compensation of counsel and other assistants.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 23 (House Bill No. 3), entitled:

An Act defining the relative powers of the Attorney General and of district attorneys in investigations or pro-

ceedings in the criminal courts, authorizing the judges thereof to appoint subject to appeal to the Supreme Court special prosecutors in certain cases and providing for their compensation by the county.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 24 (House Bill No. 5), entitled:

An Act suspending retroactively as well as prospectively any other pending investigation, legislative, executive or judicial of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment which the House of Representatives undertakes to investigate and providing under what circumstances the suspended investigation may be resumed.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn until Friday, July 29, 1938, at 1:00 o'clock P. M. (Eastern Standard Time).

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 9:12 o'clock P. M. until Friday, July 29, 1938, at 1:00 o'clock P. M. (Eastern Standard Time).

HOUSE OF REPRESENTATIVES

THURSDAY, JULY 28, 1938

The House met at 2:00 p. m.

The SPEAKER, (Roy E. Furman), in the Chair.

PRAYER

The Chaplain, REV. EPHRAIM Z. GALLAHER, offered the following prayer:

Our Heavenly Father, we invoke Thy blessing upon our Commonwealth today, upon our nation and the entire world. May peace among all nations receive new impetus and wars become unthinkable. To this end may all here today think anew in our attitude towards races of mankind, and study anew the principles of true patriotism. May we cling to the old declaration that righteous exalteth a nation. In His name. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. DAVIES, the further reading was dispensed with and the Journal approved.

COMMUNICATIONS

The SPEAKER laid before the House the following Communications which were read by the Clerk.

PHILADELPHIA, PENNA.
JULY 28, 1938

Hon. Roy E. Furman, Speaker
House of Representatives
Harrisburg, Penna.

Bills number one to five introduced in this special session would destroy constitutional protections of the people never heretofore challenged. We do not believe we have yet reached the point where our fundamental liberties can be withdrawn by legislative enactment without so much as a public hearing at which the people themselves can be heard. Such procedure is without precedent in Pennsylvania and finds parallel only where all powers of the people have been usurped.

We condemn the indecent haste with which these bills are being rushed through this legislature and emphatically urge the right of all concerned to public hearings on each of these proposed enactments with adequate public notice of such hearings.

By authority of the President and Executive
Committee of the Philadelphia Board of Trade
(Signed) H. W. Willis, Secretary.

PHILADELPHIA, PA.
JULY 28, 1938.

Hon. Roy E. Furman
Speaker of the House of Representatives
Harrisburg, Penna.

It appears by the public press that bills have been introduced in the House of Representatives of the General Assembly which affect the general welfare and among other things propose to change existing law in the matter of investigating charges against public officers in their administration of the affairs of the Commonwealth. These bills were introduced in the House of Representatives on Monday evening of this week and we are informed are now on passage in the House of Representatives. The general public had had no opportunity to read these bills and come to an understanding of the proposed changes in the law of the Commonwealth. We therefore respectfully request that an opportunity be given for a public hearing on the subject matter of these bills and hereby make a request for such public hearing.

Constitution Defense League
Clarence W. Brinser, President
(Signed) Foyd C. Ballard, Secretary

JULY 27th, 1938

The Honorable Secretary of Legislature
Harrisburg, Pa.

Dear Sir:

The following resolution was unanimously adopted at the special meeting of the Mount Carmel Borough Council, Wednesday, July 26th, 1938.

WHEREAS:

The Anthracite industry at the present time is in the throes of the depression and is prostrate and has untold misery and unemployment in the Anthracite region.

Be it Resolved:

That we the members of the Mount Carmel Borough Council, respectfully pray to you the Honorable Member of the State Legislature, to take some action by which the Anthracite industry can be rehabilitated.

Very truly yours,
(Signed) E. J. Fincato, Borough Secretary
Elmer J. Delcamp, Chief Burgess
Bolick Yakutis, President of Council

Resolution presented by:

The Special Hospital Commitee of Philadelphia County Council, The American Legion

Whereas, the needs of a State owned Veterans' Hospital for General Medical and Surgical care, has been determined by surveys conducted by the American Legion, and

Whereas, there are no facilities in the State of Pennsylvania, and

Whereas, Pennsylvania contributed 375,000 Veterans during the World War, and

Whereas, our disabled comrades are now located in County Poor Houses or County Institutions, and

Whereas, other Commonwealths have erected institutions to care for their disabled veterans, and

Whereas, the Federal Government has failed to provide sufficient General Medical and Surgical facilities for veterans, therefore,

Be it Resolved, that the Governor of the Commonwealth of Pennsylvania be urged to include in his call in the Special Session of the State Legislature, the necessity of erecting a new hospital in Pennsylvania, for the care of Pennsylvania's disabled veterans.

The Special Hospital Committee,
(Signed) Joseph K. Schmid, Chairman

PITTSBURGH, PENNA.
JULY 28, 1938

Roy E. Furman
Speaker, House of Representatives
Harrisburg, Penna.

Have called special meeting of Allegheny County Bar Association for Friday afternoon, July twenty-ninth to discuss House Bills one to five inclusive. Repuest that your body delay final action on such bills until this association can give them adequate study and consideration.

(Signed) Harold Obernauer, President

The SPEAKER: The resolution will be noted in the Journal and spread in full in the Legislative Journal.

RECESS

Mr. HERBERT B. COHEN. Mr. Speaker, In view of the fact that the Republican members are using the House Caucus room and due to the fact that they are unable to complete their deliberations, I ask that this House recess until 3:00 o'clock, and that the Democratic members caucus in the Senate Caucus room immediately after the recess is declared.

Mr. TURNER. I would like to add to the very courteous remarks of the gentleman from York, that the Republicans thought the Democrats might as well caucus downstairs in the Senate caucus room now and get used to it.

The SPEAKER. If there are no objections, acting upon the requests of the two floor leaders, the Chair now declares a recess until 3:00 o'clock. The Chair hears none and a recess is declared until 3:00 o'clock.

AFTER RECESS

The House reconvened at 3:00 p. m.

The SPEAKER, (Roy E. Furman), in the Chair.

BILL INTRODUCED AND REFERRED

By Mr. KELSO HOUSE BILL No. 24

An Act to further amend Section one thousand four hundred and sixteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by extending the age limit within which certain children engaged in farm work or domestic service may be exempted from complying with the provisions of said act relating to compulsory school attendance.

Referred to the Committee on Education.

RESOLUTION INTRODUCED AND REFERRED

By Messrs. YOURISHIN, BOHN AND WRIGHT (Concurrent) RESOLUTION No. 1.

In the House of Representatives, July 27, 1938

The Federal Home Owner's Loan Corporation was organized to enable persons of moderate means and low incomes to acquire and own their own homes, and as a means, by furnishing employment, of helping to overcome the economic depression.

A large number of the citizens of this Commonwealth have availed themselves of the privileges and advantages of obtaining loans from the Home Owners' Loan Corporation, and, in so doing, acted in entire good faith and in the expectancy of being able to discharge all the obligations assumed in connection therewith.

Economic conditions, beyond the control of these home owners, have, in a great number of cases, rendered impossible the meeting of the obligations assumed by them.

All signs now point towards the mending of these conditions, the gradual increase of employment, and the resumption, within the next two years, of ability on the part of small home owners to regularly meet the carrying charges on their mortgages; therefore, be it

Resolved (if the Senate concur), That the Federal Home Owners' Loan Corporation is hereby respectfully petitioned to stay all sales of properties for the non-payment of any instalment of principal, interest or carrying charges under any mortgage or other obligation entered into in connection with any loan, for a period of two years.

Resolved further, That a copy of this resolution, properly certified, be transmitted by the Chief Clerk of the House of Representatives to the Home Owners' Loan Corporation in Washington.

(Signed)
John Yourishin
John C. Bohn
Chas. Wright

Referred to the Committee on Rules.

REPORTS FROM COMMITTEES

Mr. REUBEN E. COHEN, from the Committee on Judiciary Special, reported as committed, House Bill No. 15, entitled:

An act authorizing the appointment of a commission to make a thorough and impartial investigation into the

operation of the oil industry in this Commonwealth with special reference to the adequate, efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth; conferring upon the commission full power to issue subpoenas, and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued; requiring the commission to make a report of its findings and recommendations to the Genenral Assembly or to the Governor; and authorizing the commission to employ counsel and employees and making an appropriation.

Mr. JOHN J. BAKER, from the Committee on Labor, reported as committed, House Bill No. 17, entitled:

An Act to amend article two of the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder," as amended, by adding a new section two hundred and one and one-tenth thereto; imposing the presumption of negligence upon employers; providing for admission of certain evidence and providing for double damage under certain circumstances.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1, as follows:

An Act relating to the investigation of charges of or involving misdemeanor in office made against civil officers subject to impeachment providing that the jurisdiction of the House of Representatives to make such investigations shall have precedence over the jurisdiction of grand juries and limiting the circumstances under which courts of oyer and terminer and general jail delivery or courts of quarter sessions or judges of such courts may authorize grand juries to make such investigations

Whereas Article VI Section 3 of the Constitution of the Commonwealth provides that

"The Governor and all other civil officers shall be liable to impeachment for any misdemeanor in office but judgement in such cases shall not extend further than to removal from office and disqualification to hold any office of trust or profit under this Commonwealth the person accused whether convicted or acquitted shall nevertheless be liable to indictment trial judgement and punishment according to law" and

Whereas Article VI Section 1 of the Constitution provides that

"The House of Representatives shall have the sole power of impeachment" and

Whereas charges of misdemeanor in office particularly against high officers of the State government tend to destroy public confidence in the integrity of government itself and thus threaten the ability of all government to function and

Whereas such a situation is wholly different from any other situation in which persons are charged with violations of the laws of the Commonwealth and

Whereas the welfare and safety of the Commonwealth require that charges of or involving misdemeanor in office be investigated in public and not in secret and

Whereas an investigation of such charges by a grand jury concurrently with their investigation by the House of Representatives would impede and interfere with the House investigation particularly if the conclusions of the grand jury became known prior to the conclusion of the House investigation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever the Governor or any other civil officer who is liable to impeachment shall be charged with any offense against the laws of this Commonwealth which would constitute or involve misdemeanor in office the House of Representatives shall have exclusive jurisdiction to investigate the same except as hereinafter provided

Section 2 It shall be unlawful for any court of oyer and terminer and general jail delivery or court of quarter sessions or any judge of such courts to order an investigation by a grand jury of charges against the Governor or any other civil officer who is liable to impeachment if the offenses charged would constitute or involve misdemeanor in office unless within ninety (90) days after the charges have been certified by such court or any judge thereof to the Governor he shall not convene the Genral Assembly in special session or unless if the General Assembly is in session when the charges are made the House of Representatives shall fail to investigate them within ninety (90) days after the charges have been certified by such court or any judge thereof to the Speaker of the House of Representatives or unless after the investigation by the House of Representatives shall have been concluded a court of oyer and terminer and general jail delivery or a court of quarter sessions after examining the testimony taken by the House of Representatives shall determine and certify by proper order stating the reasons therefor that as to some matter or thing over which said court has jurisdiction a grand jury investigation is necessary to develop information not disclosed before the House of Representatives

Section 3 Nothing in this act contained shall prevent evidence presented to the House of Representatives or its committee during any investigation to which this act applies from being subsequently repeated before the grand jury of any county for the purpose of obtaining an indictment against any person involved in the charges investigated by the House of Representatives

Section 4 All acts or parts of acts inconsistent herewith are hereby repealed

Section 5 This act shall become effective immediately upon its approval by the Governor

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

MOTION TO RECOMMIT

Mr. TURNER. Mr. Speaker, these bills that are before us have apparently aroused a great amount of interest on the part of the people of Pennsylvania in the last twenty-four hours, from the number of letters and telegrams that are coming to our desks.

There are also a number of requests coming to our members and there have been a number of statements in the public press that there should be an opportunity for a hearing.

Therefore, I move that this bill be recommitted to the Committee on State Government for the purpose of a hearing.

On the question,

Will the House agree to the motion.

Mr. ACHTERMAN. Mr. Speaker, I rise to oppose the motion of the gentleman from Delaware. As Chairman of the Committee that studied these bills in the first instance I feel that they received both thorough and very mature consideration.

I oppose it also for another reason: for several days, I have been approached by members of the press, apparently knowing that a demand was going to be received for public hearings and apparently the individuals seeking those public hearings were delaying for the dis-

tinct purpose of delaying the passing of the legislation. As a matter of fact, for a period of three days I received no information from any source that a public hearing was desired. However, last evening after the adjournment of this house I finally received the information that the press was wondering whether I had received such a request. I then received a telegram from an organization purporting to be the Constitution Defense League, in which they first sought and desired a hearing. In other words, I am led to believe that this organization, and perhaps others who are now seeking the hearing, thought that the proper place to come for a public hearing was to the press, and now when they find that the legislation is about to pass they decide they had better make their call here.

I feel, if anyone has been dilatory, it has been these individuals who are now coming at this late day asking for a public hearing, and I ask the members of this House to defeat the motion.

Mr. TURNER. Mr. Speaker, I recognize the fact that my friend from Monroe has to plead confession and avoidance in this instance, because he does not want to grant the opportunity for a hearing. I do not desire to prolong the remarks, of course, but I do not feel that it would be fair to allow the record to stand at it is at the moment with the statement of the gentleman from Monroe.

This bill was introduced in this House on Monday night. No one had any knowledge on the outside, either the public or the press, in fact very few of the members of this House had any knowledge that such a bill was to be presented. The bill was in committee on Tuesday morning at 11:00 o'clock, and the first time I think that any of us had a chance to see a printed copy of the bill was at the committee meeting on Tuesday morning.

The people of Pennsylvania certainly had no opportunity to know until after the meeting of the Committee when the bill was reported out that such a bill was before the House. Now to say that anyone has been dilatory and to say that the public has no right to demand or ask for a hearing, or that such a request is not in good faith is certainly denying that which is apparent, that the people of Pennsylvania are asking for a public hearing, because every member here has gotten a lot of telegrams and letters today—

(Chorus of Noes from the House)

I repeat, there may be a few members from regions where the telegraph does not reach that have not gotten them, but I am sure that Mr. Farley's mail will have those letters here in a very short time.

Now, seriously, Mr. Speaker and members of the House, I feel this way about this matter: I think that one of the great safeguards to the people of Pennsylvania has been the fact that we have a provision for the printing of bills and that they must take three days in passage through each of these houses. I am in contact with legislators in a good many states and I know that in some states there is great abuse from the fact that the people do not always know the character of legislation that is moving through. Certainly a day or two of thought on matters which so vitally affect the people of Pennsylvania as these is not too much to ask of my Democratic colleague, and I think you ought to take this slowly, think about it, and give an opportunity for a hearing.

Mr. HERBERT B. COHEN. Mr. Speaker, I received two telegrams, one from the same organization that Mr. Achterman indicated that he received one from, the Constitution Defense League, and another telegram from a constituant of mine, Clarence W. Smyser, of York, whom I know personally, and who is a bond and security salesman in the City of York. However, to the telegram of the Constitution Defense League requesting a hearing and indicating that our action might possibly contravene the established law I extended the courtesy of a reply which I wish to read to the members of the House.

"You have been grossly misled by reports," he wired the league today, "that bills before the House change existing laws relative to investigation of civil officers. Instead they reassert constitutional provisions relative to such investigation and prevent judicial attempts to sabotage the Constitution and nullify the laws.

"If your organization is interested in defending the Constitution it has no alternative, but to join in the present battle against destruction of the Constitution and support fully the bills that have been presented, particularly since they are designed to prevent change in existing law by judicial fiat and to reassert the constitutional independence of Executive, Legislative and Judicial branches. Since the present bills reassert rather than change long existing law relative to investigations, public hearing would serve no purpose, but to delay the House in its investigation of charges against State officials. I shall look forward to your support of these bills.'"

I feel sure that we have it.

I might say that I feel the motion should be severely defeated.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. TURNER and Mr. WOOD and were as follows:

YEAS—50.

Atkins,	Kane,	Royer,	Trout,
Boose,	Kline,	Schrock,	Turner,
Boyer,	Kroll,	Schumacher,	Van Allsburg,
Cadwalader,	Leisey,	Serrill,	Wampole,
Davies,	Longaker,	Sloan,	Watkins,
Eckels,	Lyons.	Snyder,	Webster,
Fiss,	Mallen,	Sollenberger,	Weidemann,
Gillette,	Matthews, J. F.,	Sproul,	Wilson,
Habbyshaw,	McDevitt,	Stackpole,	Winner,
Hall,	McKinney,	Stewart,	Wood,
Hamilton, R. S.,	Muir,	Stockham,	Woodside,
Huntley,	Peale,	Terry,	Yeakel,
Imbrie,	Perry,		

NAYS—146.

Achterman,	Dyson,	Matthews, H. T.,	Sarraf,
Alexander,	Elpern,	McArdle,	Scanlon,
Allen,	Falkenstein,	McCullough,	Schor,
Allmond,	Finnerty,	McDermott,	Schrope,
Arnold,	Flanagan,	McElroy,	Shaw,
Aukerman,	Flannery,	McFall,	Shea,
Baine,	Flinchbaugh,	McGee,	Shepard,
Baker, J. J.,	Ganser,	McShane,	Shoemaker,
Balthaser,	Gerard,	Melchiorre,	Shugarts,
Bierly,	Gorski,	Mellott,	Siegel,
Blank,	Haberlen,	Mihm,	Simon,
Bohn,	Hagerty,	Moomaw,	Smith, James A.,
Boies,	Hamilton, F. P.,	Mooney,	Smith, John A.,
Boltz,	Harkins,	Moran,	Spengler,
Bradley,	Harmuth,	Moul,	Stank,
Brancato,	Hays,	Nagel,	Thomas,
Brigerman,	Hering,	O'Brien,	Thompson,
Broad,	Hess,	O'Connor,	Tronzo,
Brown,	Hetrick,	O'Keefe,	Tumelty,
Burrows,	Hindman,	Ominsky,	Valibus,
Caesar,	Hirsch,	O'Neill,	Van Sickle,
Caputo,	Holland,	Ostroff,	Vogt,
Chervenak,	Holmes,	Patterson, C. S.,	Wagner,
Coakley,	Holstrom,	Patterson, J. W.,	Walsh,
Cohen, H. E.,	Hontz,	Pearson,	Weiss, D. H.,
Cohen, R. E.,	Horting,	Pershing,	Weiss, S. A.,
Coleman,	Jirolanio,	Piole,	Welliver,
Coolahan,	Keenan,	Powers,	Welsh,
Corrigan,	Kelso,		Westrick,

Costanzo,	Kilroy,	Preston,	Whalen,
Decker,	LaRue,	Readinger,	Whitenight,
DeNote,	Levy,	Reese,	Wright,
Dickinson,	Lewis,	Reiging,	Yanoshat,
Donohoe,	Long,	Robinson,	Yourishin,
Dougherty,	Lopresti,	Rothenberger,	Zappala,
Downey,	Lovett	Ruffennach,	Furman,
Dubbs,	Marino,	Rush,	

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Shall the bill pass finally?

QUESTION OF PARLIAMENTARY INQUIRY

Mr. BROWN. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. BROWN. Mr. Speaker, are we now ready to take a vote on House Bill No. 1?

The SPEAKER. The gentleman is correct.

Mr. BROWN. Mr. Speaker, I rise to oppose House Bill No. 1 because I conscientiously feel for myself I cannot vote in the affirmative for this piece of legislation.

Will you permit me, Mr. Speaker and members of the House, to say before I advance the arguments that lead me to the conclusion that I have just stated, that I have reached my conclusion, fully well recognizing the very importance of this piece of legislation. I feel personally that we are called upon now to vote on one of the most momentous questions that it has been my privilege to be confronted with in my time of service in this House. Therefore, Mr. Speaker and members of the House, the only grounds upon which I oppose this bill are grounds of constitutionality. If I am wrong, that is for the future. If I am right, that likewise is for the future. In one of the "Whereas" clauses on page two of this bill, speaking of the charges which are apparent to us as the reason why this bill was introduced, it is said: "Whereas such a situation is wholly different from any other situation in which persons are charged with violation of the laws of the Commonwealth." I begin my argument, disagreeing with that clause, and I say that the first question which presents itself is, may the grand jury investigate the conduct of the Executive Branch of the State Government. My answer to that is "yes," if the investigation concerns unlawful and improper conduct, and if the investigation concerns such conduct, in my humble opinion no person in this Commonwealth is entitled to more protection or is entitled to less protection than the most obscure citizen.

I have the authority of the Chief Justice of the Supreme Court in the recent case involving the Dauphin County Grand Jury, where the Chief Justice said: "An investigation which properly concerns itself with violations of the criminal laws in matters incident to the conduct of the government, does not merely inquire into the official acts of the governing power, as in the Hartranft case, is within the power of the grand jury." The distinction therefore is based on whether or not a crime is charged. Said Mr. Justice Maxey in his dissenting opinion in the same matter: "If the Chief Executive of this state or nation should, for example, commit a crime, that crime is his private, not his official act and he is as much amenable to the criminal law for that crime as is the most obscure citizen of the land."

The second question, Mr. Speaker and members of the House, which arises from this bill is: Does the Legislature have the right to abrogate, diminish, postpone or interfere with the right of the grand jury to investigate unlawful and improper conduct on the part of the executive and other civil officers. Bear in mind, Mr. Speaker and members of the House, I am not speaking as to whether or not any charges have been proven. I firmly believe that no charges have been proven and no charges will be proven. My answer to this question is that the grand jury has become so much a part of our fundamental law that the Legislature is without power to pass such legislation. The historic origin is known to every person in the House. It is a distinct instrumentality of the criminal courts.

Article X of the Bill of Rights says: "No person shall for an indictable offense be proceeded against criminally by information except in cases arising in the land or naval forces or in the militia when in actual service in time of war, or public danger or by leave of court for oppression or misdemeanor in office."

From the reading of Section X of the Declaration of Rights, it might appear that a person charged with misdemeanor in office cannot be compelled to answer under the Constitution on indictment found by grand jury. It is my opinion that such a contention is wholly unsound, in the face of Section 3, Article VI of the Constitution which says: "The Governor or any other civil officer shall be liable to impeachment for any misdemeanor in office * * The person accused, whether convicted or acquitted, shall, nevertheless, be liable to indictment, trial, judgment and punishment according to law."

The term "indictment" is in the very clause that gives the right to impeachment. If indictment presupposes a grand jury, and if the grand jury is a part of our judicial system, then under the law we cannot in any way postpone, diminish, abrogate or interfere with the duly constituted, legal instrumentality of the court.

It may be argued, that since the House of Representatives has the sole power under the Constitution to impeach, and since Article 6, Section 3, just referred to, designates who shall be impeached, that an indictment of a civil officer by a grand jury, does not arise until after impeachment proceedings have been instituted. A grand jury is an instrument of the court. We can no more encroach upon the proper function of the court than the court can tell the Legislature who to impeach or when to impeach. Said the same court in the famous case of Commonwealth versus Widovich, 295 Pa. 311, and the same law has been universally recognized: "But it's strength" speaking of the Judiciary: "And security come from a complete and absolute separation from political, administrative or ministerial functions."

Said the same court in the same opinion, speaking again of the judiciary: "Its powers were possibly the first to be exercised by civilization."

The final question, Mr. Speaker and members of the House, raised in my mind on House Bill No. 1 now under consideration, may be stated as follows: If the grand jury is not a constitutional instrumentality as applied to the persons enumerated in House Bill No. 1, and that we have the constitutional power to so limit its powers, should we now undertake such a task.

To my mind, the answer is, we should not. No one will deny that the true basis of the Constitution is the equality of citizenship, equality before the law, equal

protection under the law. Any other basis is foreign to our Democratic way of thinking. In actuality we have never reached our ideal state, but certainly we are making progress in that direction, even in the face of a world over shadowed with dictatorships. If there is over-lordship in one branch of our government, is it not the right of the people and not another branch of the government, to meet such encroachment? By that I mean this, Mr. Speaker and members of the House, we have the power to levy taxes, so far as we levy taxes within our constitutional rights. We may make them burdensome or we may make them oppressive, but we have the constitutional right to levy taxes, whether or not they are oppressive, but it is certainly unwise to levy oppressive taxes. We are setting up in this act the further class distinction as to how certain persons may be brought before the orderly process of law. In dealing with such historical and original institutions as a grand jury, should we not deliberate more carefully to see whether or not the grand jury has outlived its usefulness and has descended to an inquisitorial body of oppression and abuse, or is it still the people's court, their protection against corrupt and unscrupulous persons whether of high estate or lower estate, whether Jew or Gentile, whether black or white, whether rich or poor, whether prince or pauper.

Mr. Speaker and members of the House, I have the greatest confidence in the integrity and honesty of the high officials of my party, who are the subjects of this controversy. The people will not allow them to be destroyed, nor their liberal views which have been made into laws nullified. I am willing, as a member of the Legislature, to defend against all invasion an onslaught, against such laws, and against such persons, if the same can be done under the Constitution and without partiality or favor, allowing every man the same identical processes of the law. House Bill No. 1 in my opinion, with the very short time so far given for study, is a bill to which I cannot give my approval for the reasons already stated.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—136.

Achterman,	Dubbs,	McArdle,	Schor,
Alexander,	Dyson,	McCullough,	Schrope,
Allen,	Elpern,	McDermott,	Shaw,
Allmond,	Falkenstein,	McElroy,	Shea,
Arnold,	Finnerty,	McFall,	Shepard,
Aukerman,	Flanagan,	McGee,	Shoemaker,
Baine	Flannery,	McShane,	Shugarts,
Baker, J. J.,	Flinchbaugh,	Melchiorre,	Siegel,
Balthaser	Ganser,	Mellott,	Simon,
Bierly,	Gerard,	Mihm,	Smith, James A.,
Blank,	Gorski,	Moomaw,	Smith, John A.,
Bohn,	Haberlen,	Mooney,	Spengler,
Boles,	Hagerty,	Moran,	Stank,
Boltz,	Hamilton, F. P.,	Moul,	Thomas,
Bradley	Harkins,	Nagel,	Thompson,
Brancato,	Harmuth,	O'Brien,	Tronzo,
Brigerman,	Hering,	O'Keefe,	Tumelty,
Broad,	Hetrick,	Ominsky,	Valibus,
Burrows,	Hindman,	O'Neill,	VanSickle,
Caesar,	Hirsch,	Ostroff,	Vogt,
Caputo,	Holland,	Patterson, C. S.,	Wagner,
Chervenak,	Holmes,	Patterson, J. W.,	Walsh,
Coakley,	Holstrom,	Pearson,	Weiss, D. H.,
Cohen, H. B.,	Hontz,	Pershing,	Weiss, S. A.,
Cohen, R. E.,	Horting,	Piole,	Welliver,
Coleman,	Jirolanio,	Powers,	Welsh,
Coolahan,	Keenan,	Preston,	Westrick,
Corrigan,	Kelso,	Reese,	Whalen,
Costanzo,	Kilroy,	Reising,	Whitenight,
Decker,	Levy,	Robinson,	Wright,
DeNote,	Lewis,	Ruffennach,	Yanoshat,
Dickinson,	Long,	Rush,	Yourishin,
Donohoe,	Marino,	Sarraf,	Zappala,
Dougherty,	Matthews, H. T.,	Scanlon,	Furman,
Downey,			

NAYS—58.

Atkins,	Kane,	Peale,	Stockham,
Boose,	Kline,	Perry,	Terry,
Boyer,	Kroll,	Readinger,	Trout,
Brown,	LaRue,	Rothenberger,	Turner,
Cadwalader,	Leisey,	Royer,	VanAllsburg,
Davies,	Longaker,	Schrock,	Wampole,
Eckels,	Lopresti,	Schumacher,	Watkins,
Fiss,	Lovett,	Serrill,	Webster,
Gillette,	Lyons,	Sloan,	Weidemann,
Habbyshaw,	Mallen,	Snyder,	Wilson,
Hall,	Matthews, J. F.,	Sollenberger,	Winner,
Hamilton, R. S.,	McDevitt,	Sproul,	Wood,
Hess,	McKinney,	Stackpole,	Woodside,
Huntley,	Muir	Stewart,	Yeakel,
Imbrie,	O'Connor,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

(During the calling of the roll)

The SPEAKER. The Chair at this time wishes to call the attention of the House to Rule 79 of the House:

"Call for yeas and nays—reason for votes.

The Chair wishes to read this rule:

"79. The yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journals, and the members shall have the right to insert the reasons for their votes on the journals, by submitting them in writing to the Speaker immediately after the roll has been called."

That is one of the new rules and the Chair reads it for the information of the members.

REASON FOR VOTE

Mr. SAMUEL A. WEISS filed the following reason for his vote:

As these bills only give the Legislature the power and authority to hear charges against civil officers with public hearings and in no way interfere with the basic law of the grand jury system to which changes I am unalterably opposed. I desire to be recorded as voting "aye." House Bill 4 which changes the fundamental law of the "Grand Jury Investigations" established since 1368 under the old English law and in vogue in Pennsylvania since the creation of our Democracy is a vicious measure. I am opposed to it.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2, as follows:

An Act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment authorizing the presentation of evidence by the Attorney General district attorneys other counsel and the officers investigated providing for the summoning of witnesses and for the punishment of persons refusing to appear produce evidence or testify and authorizing the employment and compensation of counsel and other assistants

Whereas Article VI Section 1 of the Constitution provides that

"The House of Representatives shall have the sole power of impeachment"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever the House of Representatives of the General Assembly shall undertake the investigation of charges of or involving misdemeanor in office against any civil officer who is liable to impeachment such investigation shall be made through a special committee of the House consisting of seven members to be appointed by the Speaker of the House for the purpose of investigating any particular charge or charges

Section 2 The committee investigating such charges may hold executive sessions to discuss plans give directions to investigators and other employes of the committee review the evidence reach conclusions and draft its report but all evidence shall be presented to the committee at hearings open to the public

Section 3 Such committee shall have the power to employ and fix the compensation of such investigators stenographers reporters and other employes as may be necessary for the conduct of its work and may employ and fix the compensation of counsel if it finds counsel to be necessary The compensation of all such employes shall be paid out of moneys appropriated to the committee for the purpose

Section 4 The Attorney General of the Commonwealth by himself or his deputy and the district attorney of any county by himself or his assistant may appear before the committee to present evidence

Section 5 Any civil officer against whom charges are being investigated by a committee of the House of Representatives may appear before such committee in person and may be represented by counsel whether or not he appears in person and the committee shall hear such evidence as such civil officer may wish to present to refute the charges made against him

Section 6 Any committee of the House of Representatives which is conducting any investigation to which this act applies may adopt rules for the conduct of its proceedings which are not inconsistent with the provisions of this act but the rules of evidence shall conform to the rules of evidence governing the admissibility of testimony in judicial proceedings

Section 7 Any committee of the House of Representatives conducting any such investigation shall have the power of subpoena such witnesses and such books records and papers as it may deem necessary for the proper conduct of the investigation All subpoenas shall be issued over the signature of the chairman of the committee and shall be served by the Sergeant-at-Arms of the House of Representatives or such person as shall be deputized by him so to do The committee shall subpoena to appear before it all persons who have made charges against the public officer or officers under investigation whether or not such persons shall have made their charges as public officers or as private citizens If any person fails to obey the subpoena of the committee either by refusing to appear before the committee or by refusing to produce books records and documents which he has been directed to produce or if any person after appearing refuses to answer any question when directed by the committee to do so unless upon the ground that by answering he or she might incriminate himself or herself such person shall be in contempt of the House of Representatives In any such case the committee shall report the contempt to the House of Representatives which shall have the power by attachment to compel the attendance of the witness at the bar of the House and if the witness having been brought to the bar of the House he or she shall refuse to be sworn or affirmed or having been sworn or affirmed shall refuse to answer all legal questions duly propounded or to produce any books documents or papers for which demand is made the Speaker of the House shall have full power by the direction of the House of Representatives to issue to the Sergeant-at-Arms a warrant of commitment to any State penitentiary and the warden thereof is hereby authorized and required to receive and confine the delinquent until discharged in due course

If any such person so committed to a State penitentiary shall persist in his refusal to swear or affirm or being sworn or affirmed shall still on being brought before the House of Representatives from the penitentiary refuse to testify the House of Representatives may make further order for the detention of such delinquent in said penitentiary until the next succeeding General Assembly shall have met and until the House of Representatives shall make an order for his further detention or discharge as to it shall seem expedient

Section 8 Any committee of the House of Representatives conducting an investigation under the provisions of this act shall after the testimony before the committee has been completed make a report to the House of Representatives containing such conclusions and making such recommendations as to the committee may seem appropriate If the evidence has disclosed misdemeanor in office on the part of the person or persons investigated the House of Representatives may order such person or persons impeached or it may call upon the Attorney General of the Commonwealth or the district attorney of the proper county to prosecute such person or persons in the appropriate court for the offense or offenses disclosed by the evidence

Section 9 Nothing in this act contained shall exempt any civil officer from indictment trial judgment and punishment according to law

Section 10 If any provision of this act or the application thereof to any person or circumstances is held invalid such invalidity shall not affect provisions or applications of the act which can be given effect without the invalid provision or application and to this end the provisions of this act are declared to be severable

Section 11 The resolution which became effective the thirteenth day of June one thousand eight hundred forty-two (Pamphlet Laws four hundred ninety-one) entitled "Resolution relative to witnesses before either branch of the Legislature" is hereby repealed so far as inconsistent with the provisions of this act

Section 12 This act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

MOTION TO ADJOURN

Mr. KANE. Mr. Speaker and members of the House, I am not objecting to this bill so much as an individual bill, as I am because it is part and parcel of a number of bills which form a very radical and new departure from what we have been accustomed to in Pennsylvania, and more particularly since it was along in April of this year that Senator Guffey, who is now fleeing to Europe, originally made the charge against high Democrats of the administration which led up to the Grand Jury investigation and to this session of the Legislature.

There has been a lot of time, fellow members, during which these things could have been discussed and plans devised; nevertheless until the beginning of this week none of us in the state of Pennsylvania had any idea exactly what was to be proposed in this special session of the Legislature.

I have received a telegram which I would like to read to the House, which does not come from my constituency, but expresses the feelings of a lot of people who have talked to me by telephone about these things. It reads as follows:

"Philadelphia, Pennsylvania, July 28, 1:35 p. m. Hon. E. Kent Kane, House of Representatives. Bills numbers one to five introduced in this special session would destroy constitutional protection of the people never heretofore challenged. We do not believe we have yet reached the point where our fundamental liberties can be withdrawn by legislative enactment without so much as a public hearing at which the people themselves can be

heard. Such procedure is without precedent in Pennsylvania and finds parallel only where all powers of the people have been usurped. We condemn the indecent haste with which these bills are being rushed through this legislature and emphatically urge the right of all concerned to public hearings on each of these proposed enactments with adequate public notice of such hearings.

By authority of the President and Executive Committee of the Philadelphia Board of Trade. H. W. Wills, Secretary."

I would like to insert that into the record, Mr. Speaker.

I have had protests from people of my constituency, both Democratic and Republican, and above everything else they say: "What is going on down there in Harrisburg anyhow." It is with the view, Mr. Speaker, of enabling the constituents of each member of this House to have at least one week-end during which they may consult in person with the members they have elected to this body and whose salaries as Representatives they pay, to talk to these members and tell them what they think about these things, that I now move that this House adjourn until Monday evening next at 9:00 p. m. Daylight Saving Time.

On the question,
Will the House agree to the motion?

QUESTION OF PARLIAMENTARY INQUIRY

Mr. TUMELTY. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. TUMELTY. Mr. Speaker, is it possible to convene the House of Representatives on anything but Standard Time.

The SPEAKER. In response to the parliamentary inquiry of the gentleman from Philadelphia, Mr. Tumelty, the Chair wishes to read Rule 13 of the House of Representatives:

"The House shall convene on Mondays at 9:00 o'clock p. m. and on every other legislative day at the hour to which the House shall have adjourned by its action taken the previous legislative day. Eastern Standard Time shall govern the sessions of the House."

Therefore the gentleman's motion is out of order.

MOTION TO ADJOURN

Mr. KANE. Mr. Speaker, in order to relieve any of the members from Philadelphia, who do not understand the intricacies of Daylight Saving Time, I move now that this House adjourn until 8:00 p. m. Monday next Eastern Standard Time.

The SPEAKER. The Chair rules the motion of the gentleman from McKean, Mr. Kane, out of order, because it is in conflict with Rule 13 of the House of Representatives. "The House shall convene on Mondays at 9:00 o'clock p. m. * * * * Eastern Standard Time."

MOTION TO ADJOURN

Mr. KANE. Mr. Speaker, I thought you went further and read that the Rules of the House had fixed some other time. However, in view of the circumstances, I move that the House do not adjourn to meet next Monday evening, at 9:00 p. m. Eastern Standard Daylight Time.

The SPEAKER. The Chair rules the motion out of order as there is no such thing as Eastern Standard Daylight Time.

MOTION TO ADJOURN

Mr. KANE. Mr. Speaker, thanks to a fellow Representative from western Pennsylvania, I now have a memorandum here and I am inclined to think it is right.

Mr. Speaker, I move that this House adjourn until next Monday at 9:00 p. m. Eastern Standard Time.

On the question,
Will the House agree to the motion?

The yeas and nays were required by Mr. TURNER and Mr. SPROUL and were as follows

YEAS—48.

Atkins,	Imbrie,	Peale,	Trout,
Boose,	Kane,	Perry,	Turner,
Boyer,	Kline,	Royer,	VanAllsburg,
Cadwalader,	Kroll,	Schrock,	Wampole,
Davies,	Leisey,	Serrill,	Watkins,
Eckels,	Longaker,	Snyder,	Webster,
Fiss,	Lyons,	Sollenberger,	Weidemann,
Gillette,	Mallen,	Sproul,	Wilson,
Habbyshaw,	Matthews, J. F.,	Stackpole,	Winner,
Hall,	McDevitt,	Stewart,	Wood,
Hamilton, R. S.,	McKinney,	Stockham,	Woodside,
Huntley,	Muir,	Terry,	Yeakel,

NAYS—143.

Achterman,	Dubbs,	Marino,	Sarraf,
Alexander,	Dyson,	Matthews, H. T.	Scanlon,
Allen,	Falkenstein,	McArdle,	Schor,
Allmond,	Finnerty,	McCullough,	Shaw,
Arnold,	Flanagan,	McDermott,	Shea,
Aukerman,	Flannery,	McElroy,	Shepard,
Baine,	Flinchbaugh,	McGee,	Shoemaker,
Baker, J. J.,	Ganser,	McShane,	Shugarts,
Balthaser,	Gerard,	Melchiorre,	Siegel,
Bierly,	Gorski,	Mellott,	Simon,
Blank,	Haberlen,	Mihm,	Smith, James A.,
Bohn,	Hagerty,	Moomaw,	Smith, John A.,
Boles,	Hamilton, F. P.,	Mooney,	Spengler,
Boltz,	Harkins,	Moran,	Stank,
Bradley,	Harmuth,	Moul,	Thomas,
Brancato,	Hays,	Nagel,	Thompson,
Brigerman,	Hering,	O'Brien,	Tronzo,
Broad,	Hess,	O'Connor,	Tumelty,
Brown,	Hetrick,	O'Keefe,	Valibus,
Burrows,	Hindman,	Ominsky,	VanSickle,
Caesar,	Hirsch,	O'Neill,	Vogt,
Caputo,	Holland,	Ostroff,	Wagner,
Chervenak,	Holmes,	Patterson, C. S.,	Walsh,
Coakley,	Holstrom,	Patterson, J. W.,	Weiss, D. H.,
Cohen, H. B.,	Hontz,	Pearson,	Weiss, S. A.,
Cohen, R. E.,	Horting,	Pershing,	Welliver,
Coleman,	Jirolanio,	Piole,	Welsh,
Coolahan,	Keenan,	Powers,	Westrick,
Corrigan,	Kelso,	Preston,	Whalen,
Costanzo,	Kilroy,	Readinger,	Whitenight,
Decker,	LaRue,	Reese,	Wright,
DeNote,	Levy,	Reising,	Yanoshak,
Dickinson,	Lewis,	Robinson,	Yourishin,
Donohoe,	Long,	Rothenberger,	Zappala,
Dougherty,	Lopresti,	Ruffennach,	Furman,
Downey,	Lovett,	Rush,	

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,
Shall the bill pass finally?

MOTION TO RECOMMIT

Mr. TURNER. Mr. Speaker and members of the House, this bill pertains to the procedure of the House in the case of impeachment proceedings. We have always carried on impeachment proceedings in the House without much difficulty, in arranging for our committees and the procedure. I do not recall that in my time I have ever known it to be attacked.

I raised the question with the gentleman from York, Mr. Cohen, yesterday as to whether he intended to throw away the key, when he put in the amendment which provided that the person who was in contempt should be committed not to the Dauphin County jail but to the Penitentiary, and he replied to me by saying that he regretted that my legal practice had not gone back to the year 1842 when an act was passed pertaining to contempt proceedings before the Legislature, and he said that this bill was exactly the same as the Act of 1842, with one exception, that the person was sent to the State Penitentiary instead of to the Dauphin County jail. Now, a little knowledge is sometimes a dangerous thing. I find that the act does not conform to the Act of 1842, but is in line with the Act of 1872, because the Act of 1842 does not refer to committees, while the Act of 1872 does refer to committees of the House or of the Legislature. But the difference between the two Acts, is this, this Act is an attempt to send a man to the penitentiar. instead of to the Dauphin county jail, but under the Act of 1842 a man could be brought to the Bar of the House and committed by the Speaker at the direction of the House, but under the Act of 1872 he had to be convicted of a misdemeanor. There is a lot of difference between a man being committed to jail at the direction of the House without any further opportunity, and a man being convicted of a misdemeanor. I would be the last person to in any way curtail the powers of this House to compel attendance by witnesses on subpoena in a proper way, to secure testimony in the proper proceedings, but it seems to me that we must also look at the other side of it in order to protect and defend the prerogatives of this Legislature. The public itself has certain rights and prerogatives which we are bound to protect and defend. Therefore, it seems to me that this bill is so important, not only to the proper functioning of the Legislature but also to the protection of the rights of individuals who may be called to the Bar of this House or before a committee, that I feel that this bill should have further study, and, therefore, I move, Mr. Speaker, that this bill be recommitted to the Committee on State Government for further study.

On the question,
Will the House agree to the motion.
It was not agreed to.
On the question recurring,
Shall the bill pass finally?

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, my legalistic abilities and attainments have been challenged by the gentleman from Delaware. Without any feeling—

POINT OF ORDER

Mr. TURNER. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Delaware will state his point oforder.

Mr. TURNER. Mr. Speaker, the roll having been called for, there is nothing else before the House.

The SPEAKER. The point of order is not well taken. Any member is entitled to be recognized by the Chair before the roll has actually been started. The roll has not been started .

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, without any feeling of great indignation, I might say that my legalistic abilities and attainments have been challenged by the gentleman from Delaware, and in order to more or less purge myself of the charge of having made a mistatement to any of the members of the House on this floor, I wish to refer them to Purden's Statutes, Title No. 18, Section 101 and Section 102, in which it is clearly indicated that the section that was in House Bill No. 2 prior to the amendment is paragraph one of the Act of 1842, June 13, Pa. Laws, page 491; that the second section which was placed in the law by my amendment, and which I further stated to the membership of the House, was merely a further re-enactment of the second section of the same act, that section is cited in Purden's Statutes, Title No. 18 under "crimes" and is paragraph two of the Act of 1842, June 13, P. L. 491.

The gentleman from Delaware has called to the attention of the members of the House the Act of 1872, Pa. Laws 25, which does establish the procedure which the gentleman from Delaware has indicated, namely this, that in addition to the right to compel witnesses to testify before the House, on their refusal to testify before the House, the House of Representatives may send them to the State Penitentiary under our present act, House Bill No. 2, and under the act of 1842 to the Dauphin county jail. We also had the additional right by the Act of 1872 in case any witness refused to testify, to swear out a warrant before a squire, magistrate, justice of the peace or alderman, and have that individual indicted by the Dauphin County Grand Jury and stand trial in the Dauphin County Court.

I feel sure that if I am in error then Purden's Statutes are in error, since they have been cited as the authority on the statutory law of the Commonwealth. I feel sure if I am in error I owe no apology to the House, but that Purden's Statutes should apologize to the House of Representatives.

I have one point to make and the only reason I am making it is that this clearly indicates that the Republican minority on that subterfuge might vote against the bill, but let me tell you, members of the House, just as the Republicans have resorted to subterfuge after subterfuge in order to destroy the workings of the great Democratic Party and the great Democratic Administration, their efforts will not avail them of any success. This bill, together with the entire program, is going through, and should go through to prevent the besmirching of individuals holding high office into the mire for political purposes, and those purposes are the despicable purposes of the Republican minority who want to get through the court what has been denied them by the people.

Mr. TURNER. Mr. Speaker and members of the House, all of you will understand that any reference I may have made to the gentleman from York, Mr. Cohen, as to his legal ability, was entirely in a humorous vein rather than in a serious vein.

I think he has demonstrated many times his very adroit and agile legal mind, but no more so than in the present instance, when he first takes the statutes as cited in Purdens and then places the blame on Purdens for the construction of the statutes to which he has referred. There is nothing the matter with Purdens. I have read both of the statutes in Purdens. The quotation in Purdens is correct, but the difficulty is on the construction which the gentleman from York has placed upon the language in Purden's Digest. Not only is that an illustration of the

agility of mind of my distinguished opponent on the other side, but also is an illustration of that forensic appeal which we can expect at the end of the gentleman's remarks, when with that lightning swift thrust, he paints us Republicans as blackboards, which we hope will not be smeared with whitewash in this session.

I would just like to say to the gentleman from York and to those on the other side, and I am not saying this to the majority of my Democratic colleagues but only to those who have to lead the fight on the other side, I am reminded of a story about all of the animals out in the jungle being called in. The lion looked down into the circle and said "Where is the ostrich?" The ostrich was not in the circle. He sent somebody for the ostrich and the ostrich appeared. He said to the ostrich: "Sit down" and the ostrich stood up, he said, "Sit down, I am the lion. I am the king, you must sit down in my presence." The ostrich came over and whispered in his ear. He said, "Your majesty, I have been out in the desert hiding my head in the sand for two weeks to get away from my wife. I cannot sit down; I am sunburned." I only want to say to the gentleman from York and to those who advance the argument in this instance and in the other cases, that you are not fooling any one; that we understand the issues and we all understand the efforts that you are making.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—143.

Achterman,	Dyson,	Marino,	Rush,
Alexander,	Elpern,	Matthews, H. T.	Sarraf,
Allen,	Falkenstein,	McArdle,	Scanlon,
Allmond,	Finnerty,	McCullough,	Schor,
Arnold,	Flanagan,	McDermott,	Schrope,
Aukerman,	Flannery,	McElroy,	Shaw,
Baine,	Flinchbaugh,	McFall,	Shepard,
Baker, J. J.,	Ganser,	McGee,	Shoemaker,
Balthaser,	Gerard,	McShane,	Shugarts,
Bierly,	Gorski,	Melchiorre,	Siegel,
Blank,	Haberlen,	Mellott,	Simon,
Bohn,	Hagerty,	Mihm,	Smith, James A.,
Bois,	Hamilton, F. P.,	Moomaw,	Smith, John A.,
Boltz,	Harkins,	Mooney,	Spengler,
Bradley	Harmuth,	Moran,	Stank,
Brancato,	Hays,	Moul,	Thomas,
Brigerman,	Hering,	Nagel,	Thompson,
Broad,	Hess,	O'Brien,	Tronzo,
Burrows,	Hetrick,	O'Connor,	Tumelty,
Caesar,	Hindman,	O'Keefe,	Valibus,
Caputo,	Hirsch,	Ominsky,	VanSickle,
Chervenak,	Holland,	O'Neill,	Vogt,
Coakley,	Holmes,	Ostroff,	Wagner,
Cohen, H. B.,	Holstrom,	Patterson, C. S.,	Walsh,
Cohen, R. E.,	Hontz,	Patterson, J. W.,	Weiss, D. H.,
Coleman,	Horting,	Pearson,	Weiss, S. A.,
Coolahan,	Jirolanio,	Pershing,	Welliver,
Corrigan,	Keenan,	Piole,	Welsh,
Costanzo,	Kelso,	Powers,	Westrick,
Decker,	Kilroy,	Preston,	Whalen,
DeNote,	LaRue,	Readinger,	Whitenight,
Dickinson,	Levy,	Reese,	Wright,
Donohoe,	Lewis,	Reising,	Yanoshat,
Dougherty,	Long,	Robinson,	Yourishin,
Downey,	Lopresti,	Rothenberger,	Zappala,
Dubbs,	Lovett,	Ruffennach,	Furman,

NAYS—50.

Atkins,	Imbrie,	Perry,	Trout,
Boose,	Kane,	Royer,	Turner,
Boyer,	Kline,	Schrock,	VanAllsburg,
Brown,	Kroll,	Schumacher,	Wampole,
Cadwalader,	Leisey,	Serrill,	Watkins,
Davies,	Longaker,	Snyder,	Webster,
Eckels,	Lyons,	Sollenberger,	Weidemann,
Fiss,	Mallen,	Sproul,	Wilson,
Gillette,	Matthews, J. F	Stackpole,	Winner,
Habbyshaw,	McDevitt,	Stewart,	Wood,
Hall,	McKinney,	Stockham,	Woodside,
Hamilton, R. S.,	Muir,	Terry,	Yeakel,
Huntley,	Peale,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

REASONS FOR VOTE

Mr. LONGAKER filed the following reasons for his vote.

Mr. Speaker and Members of the House of Representatives: In opposing House Bill No. 2 providing for the creation of a Special Committee to be appointed by the Speaker of the House and having for its main purpose the investigation of charges leveled against any or all civil office holders, and in addition empowering the Special Committee to employ investigators, stenographers and special counsel, subpoenaing witnesses and records, and providing penalties for failure to comply thereto, my chief purpose is not to dwell at any great length on the details of the bill itself, but rather to call attention to the fact that this proposed measure is one of a series of proposed measures which will have for their purpose the taking away from the duly constituted judicial tribunals of this Commonwealth the functions which they possess under the Constitution of Pennsylvania.

The Constitution gives to the House of Representatives the sole power of impeachment and this House has on occasion made use of the power so granted. There is therefore no need at this time for unnecessary legislation in view of the precedents already established to carry out the mandate of the Constitution in impeachment proceedings. Paragraph 6 of the Bill now under consideration limits the proceedings to questions and answers which must follow the rules of evidence governing the admissibility of testimony in judicial proceedings. This Section will restrict such investigation by any Committee of the Legislature created under this Act and will curtail its power and desire to seek and determine all testimony and information vital to any issue before it, and it is unwise to handicap the Committee by the restrictions found in Section 6 of this Act. Other legislative committees are not so restricted in their public hearings and investigations and there is no reason for an exception in this case.

In opposing the bill generally as being one of a series of measures destined to usurp the judicial powers granted by the Constitution to our courts and submitting our citizens to an inquisitorial procedure foreign to that adapted by our Grand Jury System, let it be understood that if these measures are adapted the balance of power set up by our Constitution concerning the Executive, Judicial and Legislative Branches of our government becomes definitely unbalanced. The Supreme Court in its final opinion respecting the amended petition for a Writ of Prohibition filed on behalf of the Governor commented as follows: "While we are all impressed with the sincerity of the Governor's statements the only tribunal under the Constitution that can properly dispose of these issues of fact is the Court of Quarter Sesions of Dauphin County. We cannot invade its constitutional powers." And in the same opinion stated in a later paragraph: "We have no disposition to enter into a field of conflict where judicial action would unlawfully disturb the conduct of government; this should never be done if the judiciary is to survive....." "We have full confidence in the judges of the Court of Quarter Sessions to observe the constitutional requirements and meet fully the judicial demands upon them."

It can therefore be readily seen that our Supreme Court in the very language of its opinion steadfastly insists that a balance of power among the three branches of our constitutional government be maintained—but the passage of this measure and its companions will unquestionably destroy the balance. We as legislators have the undeniable

right to impeach civil officers guilty of wrong doing but this right cannot be transferred to extend to a trial of issues involving the commission of high crimes and misdemeanors as now pending before the Grand Jury of Dauphin County. That is a judicial duty and function under the Constitution.

We will preserve and protect the free institutions which are the creations of ourselves and our forefathers if we perpetuate our Grand Jury System unhampered and unhindered by legislative encroachment. True liberalism defines and protects individual rights and liberties as now upheld by our judicial practice; and a weakening of that system will superimpose the might of the State as a burden on personal freedom.

The minority classes, races and sects of our people should fight strenuously against the abrogation of the powers of Grand Juries. Class, race and sect prejudices can be most violently and disastrously exercised if our present Grand Jury System which protects their rights should be supplanted by hastily created agencies forged in the heat of political passion and designed to fit a particular apparent emergency.

Let us therefore take no steps in haste which will destroy the instrumentalities whereby the least of our citizens would lose one iota of his or her individual liberty of freedom. A vote against this bill and its three companions now before you is a vote for true liberalism and will protect and defend the liberties and the freedom of the individual citizen; irregardless of his color or creed or his position in society.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 3, as follows:

An Act defining the relative powers of the Attorney General and of district attorneys in investigations or proceedings in the criminal courts authorizing the judges thereof to appoint subject to appeal to the Supreme Court special prosecutors in certain cases and providing for their compensation by the county

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In any investigation or proceeding whatsoever pending before any court of oyer and terminer and general jail delivery or before any court of quarter sessions in any county of this Commonwealth the Attorney General of the Commonwealth may at any stage of the investigation or proceeding in his absolute discretion supersede and set aside the district attorney of the county

Section 2 If in any such investigation or proceeding the court before which it is pending shall find after hearing that the Attorney General has failed or is unable to perform his duties impartially such court may order the Attorney General to stand aside and in such event shall appoint an attorney at law resident in another county of the Commonwealth of Pennsylvania to supersede and act in lieu of the Attorney General Any special attorney thus appointed shall serve at the pleasure of the court and shall receive from the county in which the investigation or proceeding is being conducted such compensation as the court shall fix

Section 3 From any order superseding the Attorney General the Attorney General shall have the right immediately to appeal to the Supreme Court and such appeal shall automatically stay all investigations or proceedings until the Supreme Court shall have determined the appeal

Section 4 This act shall apply to all investigations or preceedings now pending as well as to all future investigations or proceedings

Section 5 All acts or parts of acts inconsistent herewith are hereby repealed

Section 6 This act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

MOTION TO RECOMMIT

Mr. TURNER. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for further study.

On the question,

Will the House agree to the motion.

It was not agreed to.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—141.

Achterman,	Dyson,	McArdle,	Sarraf,
Alexander,	Elpern,	McCullough,	Scanlon,
Allen,	Falkenstein,	McDermott,	Schor,
Allmond,	Finnerty,	McElroy,	Schrope,
Arnold,	Flanagan,	McFall,	Shaw,
Aukerman,	Flannery,	McGee,	Shea,
Baine,	Flinchbaugh,	McShane,	Shepard,
Baker, J. J.,	Ganser,	Melchiorre,	Shoemaker,
Balthaser,	Gerard,	Mellott,	Shugarts,
Bierly,	Gorski,	Mihm,	Siegel,
Blank,	Hagerty,	Moomaw,	Simon,
Bohn,	Hamilton, F. P.,	Mooney,	Smith, James A.,
Boles,	Harkins,	Moran,	Smith, John A.,
Boltz,	Harmuth,	Moul,	Spengler,
Bradley,	Hays,	Nagel,	Stank,
Brancato,	Hering,	O'Brien,	Thomas,
Brigerman,	Hess,	O'Connor,	Thompson,
Broad,	Hindman,	O'Keefe,	Tronzo,
Burrows,	Hirsch,	Ominsky,	Tumelty,
Caesar,	Holland,	O'Neill,	Valibus,
Caputo,	Holmes,	Ostroff,	VanSickle,
Chervenak,	Holstrom,	Patterson, C. S.,	Vogt,
Coakley,	Hontz,	Patterson, J. W.,	Wagner,
Cohen, H. B.,	Horting,	Pearson,	Walsh,
Cohen, R. E.,	Jirolanio,	Pershing,	Weiss, D. H.,
Coleman,	Keenan,	Piole,	Welliver,
Coolahan,	Kelso,	Powers,	Welsh,
Corrigan,	Kilroy,	Preston,	Westrick,
Costanzo,	LaRue,	Readinger,	Whalen,
Decker,	Levy,	Reese,	Whitenight,
DeNote,	Lewis,	Reising,	Wright,
Dickinson,	Long,	Robinson,	Yanoshat,
Donohoe,	Lopresti,	Rothenberger,	Yourishin,
Dougherty,	Marino,	Ruffennach,	Zappala,
Downey,	Matthews, H. T.,	Rush,	Furman,
Dubbs,			

NAYS—54.

Atkins,	Huntley,	Peale,	Trout,
Boose,	Imbrie,	Perry,	Turner,
Boyer,	Kane,	Royer,	VanAllsburg,
Brown,	Kline,	Schrock,	Wampole,
Cadwalader,	Kroll,	Schumacher,	Watkins,
Davies,	Leisey,	Serrill,	Webster,
Eckels,	Longaker,	Snyder,	Weidemann,
Fiss,	Lovett,	Sollenberger,	Weiss, S. A.,
Gillette,	Lyons,	Sproul,	Wilson,
Habbyshaw,	Mallen,	Stackpole,	Winner,
Haberlen,	Matthews, J. F.,	Stewart,	Wood,
Hall,	McDevitt,	Stockham,	Woodside,
Hamilton, R. S.,	McKinney,	Terry,	Yeakel,
Hetrick,	Muir,		

The majority required by the Constution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 5, as follows:

An Act suspending retroactively as well as prospectively any other pending investigation legislative executive or judicial of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment which the House of Representatives undertakes to investigate and providing under what circumstances the suspended investigation may be resumed

Whereas Article VI Section 1 of the Constitution provides that

"The House of Representatives shall have the sole power of impeachment" and

Whereas whenever a charge is made against a civil officer which if true would warrant his impeachment the interests of the Commonwealth and of the accused require that the charge be investigated by the House of Representatives before impeachment proceedings are actually instituted and

Whereas it would be prejudicial to the Commonwealth as well as to the accused to have any other investigation of the same charge made by any official body other than the House of Representatives pending the conclusion of the House's investigation particularly if such other investigation resulted either in a vindication or an indictment and such result became publicly known during the House investigation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever the House of Representatives shall undertake the investigation of charges of or involving misdemeanor in office on the part of the Governor or any other civil officer who is liable to impeachment any other investigation of the same charges theretofore instituted by or before any other officer body agency or court of the Commonwealth or any political subdivision thereof whether such investigation be legislative executive or judicial shall be suspended until the House of Representatives shall have completed its investigation and shall not thereafter be resumed unless the legislative executive or judicial officer body agency or court which shall have ordered the investigation shall after examining the testimony taken by the House of Representatives or its committee determine that a further investigation is necessary to develop information not disclosed to the House of Representatives or its committee

Section 2 This act shall apply to and suspend investigations instituted by or before any officer body agency or court of the Commonwealth or any political subdivision thereof prior to the effective date of this act as well as to such investigations hereafter instituted

Section 3 Nothing in this act contained shall prevent evidence presented to the House of Representatives or its committee during any investigation to which this act applies from being subsequently repeated before the grand jury of any county for the purpose of obtaining an indictment against any person involved in the charges investigated by the House of Representatives

Section 4 All acts or parts of acts inconsistent herewith are hereby repealed

Section 5 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

MOTION TO RECOMMIT BILL

Mr. TURNER. Mr. Speaker, I move that this Bill be recommitted to the Committee on State Government for the purpose of further study and a hearing.

On the question,

Will the House agree to the motion?

It was not agreed to.

On the question recurring,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker and members of the House,

The Republican members of the House of Representatives oppose legislation now under consideration for the following reasons:

The Republican members of the House consider the proposed legislation is against public policy.

We believe that the passage of this legislation attacks and imperils the basic traditions upon which our government has been founded and upon which it has progressed.

We believe in maintaining and safeguarding the integrity of the Grand Jury System of this Commonwealth. We believe that such a System is an integral part of American Democracy. We believe that the present system protects the rights and liberties of all classes, races and creeds and that such a system stands as a bar to unlawfulness and disorder.

We believe that our present Grand Jury System which protects these rights and has long been tried and tested, should not be supplanted by hastily created agencies.

We believe that this legislation threatens our constitutional system of checks and balances by permitting a legislative encroachment of judicial functions and responsibilities.

We protest the haste with which this legislation is being enacted without opportunity being given the public to voice its approval or disapproval upon measures which so vitally affect the basic rights of citizenship.

Mr. HERBERT B. COHEN. Mr. Speaker, I realize that the Republican minority are trying to skate on very thin ice. I realize they will possibly have to change their position, and due to the fact that they have to change their position they may possibly get themselves into a position where they will create a great many contradictions.

During the entire passage of these five bills I dare say that the Democratic majority has been most desirous that full consideration be given to the measures, and after the introduction of the bills, rather than by availing ourselves of the power that we had as a majority on last Monday night, rather than having those bills immediately referred to the committee and reported out of the committee on that same evening and passed on first reading, we adopted the policy, in view of the fact that the bills were just presented, of giving time for study and deliberation on the bill—I don't feel that I am divulging any of the secrets of the Committee on State Government, the Chairman of which is Mr. Achterman, the gentleman from Monroe—but I feel of all committee meetings ever held in the House of Representatives, that one of the most intelligent committee meetings was held on the matters involved in these five bills. An opportunity, a full and free opportunity, was given every member of this committee for a full discussion of the bills, and I dare say if some of the Republican members saw fit to leave the Committee before the completion of our deliberations, the responsibility rests with them, not with the Democratic majority.

Now that is an inconsistency on the part of the Republican minority. The Republican minority has also, as I understand by reading press reports, voted against House Bill No. 2. How can the Republican minority take the position that they have taken with me privately, that they would like to have a full disclosure of all of the charges that have been made, that the people of the Commonwealth are entitled to know the truth and accuracy

of the accusations that have been made? How can the Republicans who have taken that position with me privately on the other hand vote against House Bill No. 2? A very apparent inconsistency.

I might also read what I have in my hands, a compilation of a press report indicating that Representative Harry Trout, a very distinguished member of this body from Lancaster on April 21st had this to say relative to some of the accusations. Referring to Mr. Margiotti's remark that legislation was bought and sold at the 1937 session, Representative Trout said: "He has no right to make a wild statement of that sort unless he can back it up with facts. The accusation reflects on every member of the Legislature and we have a right to know what he knows." Trout said "The charges are the bravest he ever heard concerning the legislature and the Attorney General should be called upon, referring to the then Attorney General Charles Margiotti, to present the facts to the members. If he deos not he has no right to be a candidate for Governor." Now how can remarks such as that emanating from the Republicans in a desire to know the facts be consistent with the position that the Republican minority has taken throughout the entire passage of these measures.

I say to you, members of this House, and I say to the people of the Commonwealth of Pennsylvania, through the medium of these legislative bills the only sincere, true and honest desire of the Democratic majority in pressing for the passage of these bills is to bring out into the open the charges that have been made and would be made in the secret confines of a star chamber proceeding. The people of this Commonwealth, more than anybody else, are entitled to know whether their law officers, whether their governor, whether their Secretary of the Commonwealth, whether their Secretary of Labor, whether their other civil officers are honest or dishonest, and it is the purpose of the majority of this House to give to the people of the Commonwealth those facts. No man, no citizen, no legislator, can find fault with that desire.

Mr. TROUT. Mr. Speaker and members of the House, I plead guilty to the quotation read by the gentleman from York, who has done me a great honor by quoting from an editorial that I wrote in the little weekly newspaper I have down in Lancaster County. I had no idea that this little newspaper of mine was of such great importance as to be read in the House of Representatives of the Commonwealth of Pennsylvania. We live down there in a little German community. We are just ordinary, plain Lancaster County citizens, but we do say what we think and what we believe, and we attempt to paint the picture just as our forefathers painted it when they created the present judicial system of Pennsylvania, which includes the grand jury.

This is a most unusual situation, Mr. Speaker and members of the House, and I had no intention of speaking on this question, but in self defense I am compelled to do so. I thought this was a sort of a test between the legal fraternity and that we poor farmers would not have much to do with the controversy. I have been led to believe all my life in school where I studied the Constitution of the United States and where I studied the Constitution of Pennsylvania, that the government of this state is a sacred institution, that it is fundamental and that the judicial and the legislative and the executive branches have definite functions to perform, one with the other, co-ordinating with each other.

The gentleman from York made the statement a little while ago that the Republicans are guilty for all of the mess. Members of the House, I have never heard a member of the Republican party accuse any member of the present administration of having committed a misdemeanor while in office. You boys have got a family fight here. You will recall that Senator Guffey said in Philadelphia that if the lid is ever lifted in Harrisburg the investigation in 1907, after the erection of this building, would look like a Sunday School picnic. Senator Guffey said that, the great Senator Guffey from Pittsburgh. God knows, Senator Guffey would have been in the penitentiary if it had not been for the Republicans of Pittsburgh who took pity on him and saved him. He is now on his way to Europe. He made a previous trip to Europe. He said something before he left Washington at that time and then he got out. A good many of his Democratic colleagues in the United States Senate were on his heels. The Progressive Labor World, publishd in Philadelphia, discussed that trip of Guffey to Europe and said he went there in the Mellon Oil interests. That is what the Progressive Labor World said. I don't know. Take it as you like it. Next after that my good friend of the Democratic party, Mayor Wilson, of Philadelphia. Now, we had him. We got rid of him, and you boys wish to the Lord you had never gotten him. Then there was Charlie Margiotti. We had him too. He busted us up in 1934. Then he went over to you boys. Now, he is through with you fellows too. I don't know where he is going now. That is all right. He said that legislation in this House in 1937 was bought and sold. He is the person who preferred the charges. We didn't say anything about it. He said so.

Then, you have got a lady on your side. I want to say to the gentleman from York, Mr. Cohen, that just before I left home on Monday I wrote another editorial, and if the gang down home doesn't print it it is going to be just too bad for them. This is what she said about this Earle Administration. You will recall that His Excellency, the Governor, when a candidate for Governor in 1934, said he was going to be a member of the Milk Control Board himself. Somebody should have told the Governor, "don't say that Governor because you cannot do that; you cannot possibly do that." Mrs. Emma Guffey Miller, who was a member of the Democratic National Committee, said, "If ever a group was sold down the river it was the Pennsylvania farmers thru this last milk bill. I know how the milk trust works." She was on the inside. She said further "I was offered ten thousand dollars a year and expenses merely to go to Harrisburg occasionally and to go to New York in order to get a sweet taste on what was a sour situation." That is a statement by Senator Guffey's sister. This is a kind of a family affair in accusing the Earle Administration. Now, Mrs. Miller said she did not take the ten thousand dollars. However, whether or not that is true, it indicated that there was some money available somewhere for the people high up in this present administration, so that, maybe after all there was something sold.

Let us get back to the editorial read by my good friend from York, Mr. Cohen. Just exactly what I said there is what I mean and what I stand for today. Members of the House, I stand upon it but I say that we should do

it in a legal, orderly way. I did not say in there that the Governor should call a special session and pass the legislation to do what I asked him to do. No man has a right to go out and accuse this Legislature of being bought and sold unless he knows the facts, and I said in there that Charlie Margiotti, unless he produced those facts, should not be considered as a candidate for Governor of Pennsylvania. I am telling you that same thing now, but let us do it in the orderly way. Let us do it the way we have been accustomed to. Let us take it into the grand jury, and if there are not sufficient facts that Charlie Margiotti or somebody else can produce to prove the charges that have been made against the people high in this administration, then the slate is clean and they are out. If in the judgment of the grand jury, which is presided over or will be presided over by Judge Schaffer from Berks county, and I want to say to you Democrats, if the personnel of the Democratic party while in office is as clean and honorable as Judge Schaffer is, then you are a lucky bunch of guys. There is no public objection to Judge Schaffer. The Governor appointed him to an important position. He appointed him a member of the Goodrich Commission and he certainly respected the gentleman at that time and did not then think that Judge Schaffer was a labor baiter, which he said afterwards. Surely, the Governor had no idea when he appointed him to this committee that Judge Schaffer was that kind of a man. Why can we not do as we have been doing for hundreds of years and follow out the orderly line of procedure which has been set up, as the gentleman from Pittsburgh, Mr. Brown, said, to all alike, black or white, peasant or priest, everybody has the protection of the grand jury system. Surely, ladies and gentlemen of the House, it is not fair to the people of this Commonwealth to change the entire procedure unless they have an opportunity of voting upon and expressing their opinions, and I think that the motions to return these bills to committee for a public hearing were in perfect order. I do not see why there is this great rush to put bills through here without careful consideration and without the people of the Commonwealth knowing how and what we are legislating. I want to go back home to my people and I want to look them squarely in the face. I want to say to them that as far as it was in my power I stood for the fundamental principles of this government.

Mr. HERBERT B. COHEN. Mr. Speaker, I am glad to say that the circulation of the newspaper of the gentleman from Lancaster, Mr. Trout, will increase. I think it deserves to increase and I hope it will increase, in fact I am going to subscribe to his newspaper because it gives me some very good arguments.

The gentleman from Lancaster says we should do these things in the ordinary way. He says "Let us do them the ordinary way; don't go through all this we are doing, but let us do it the ordinary way". Now, what is the ordinary way? Is it the ordinary way that the first Grand Jury selected should have had twenty-two Republicans and two Democrats? Is it the ordinary way that three Republican Judges should hear the charges? Is it the ordinary way that there should be appointed a Republican investigator? Is it the ordinary way that a Republican District Attorney should force and present the charges, assisted by counsel to the Republican State Committee, counsel who is also Chairman of the Republican party of Dauphin County, counsel who was a former Republican member of the Republican School Board in the city of Harrisburg, a former Assistant District Attorney, and six Republican members of the State Supreme Court? Is that the ordinary way? Is that the way the gentleman from Lancaster desired when he asked Mr. Margiotti to come out in the open with his charges? Is it the ordinary way that those charges should be secreted behind closed doors of the Grand Jury? Is that the ordinary way that the gentleman from Lancaster desires to have matters brought to the attention of the people of the Commonwealth? I don't believe it, and I don't believe that if conditions were reversed for one second would the gentleman from Lancaster remain silent or proclaim that to be the ordinary way.

Members of the House, that is not the ordinary way, that is the way that would be utilized by a defeated political party in an attempt to bring themselves once again into power. That is the way the defeated party would resort to in order to undermine the accomplishments of a liberal administration. That is the way the party would resort to in order to circumvent and overthrow and to prostitute our judicial bodies, our law enforcement agencies. That is the way, the ordinary way that was stacked up in Dauphin County; that is the way to defeat justice.

I know charges have been made. The gentleman from Lancaster says this a family fight. If it is a family fight the Democrats can settle it amongst themselves. It is not the ordinary way to have outsiders poke their noses into a family fight as they are attempting to do in the Dauphin County Grand Jury investigation, and I don't believe, just as the Democratic majority feels, that the Republican minority feels that there is one scintilla of truth in the charges that have been flaunted. They know and the members of this House should know, particularly those who served in the 1935 session, and those of you who witnessed the 1937 session, they know it is ridiculous to assume that the Democratic administration could have been corrupted by $10,000 or $20,000, for a beer bill or $100,000 for a moving picture bill. That is ridiculous. Look at the legislation that has been written on these books! Look at the taxation! They know, the gentleman on the other side, that there is not one bill that has been passed in this administration that the finger of scorn can be placed on the Democratic majority either in the House or in the Senate. They know that the members of this House stood up true blue, honest and imbued with the fact that they were passing the corporation income tax, that they were passing the foreign franchise tax, that they were passing a tax on the moving pictures, that they were passing a tax on the chain stores, that they were passing a tax on securities, that they were imposing burdens that would make $10,000, $20,000 or $100,000 seem like chicken feed. They know and the Democrats know what pressure they had to withstand to enact an honest, sincere and legitimate system of taxation. We members of this side know, and I am sure the members on the other side know the accomplishments of this Legislature, both here in the House and in the Senate. When campaign remarks by disgruntled, disposed and despicable individuals who attempt to besmirch the accomplishments of this administration, they know that is not the ordinary way. Take our increase in the Workmen's Compensation Law, take our institution of Occupational Diseases, take the other social accomplishments of this Legislature, and

you know that following each and every one of those accomplishments, if an attempt were made to stop them, there would have flocked down on us moneyed individuals who would have tried to bribe us, not with $10,000 or $20,000 but hundreds and millions, and then to think that those charges, those charges that have been made in the secret confines of the Dauphin County Grand Jury, should not be aired so that at least the members of this House can vindicate their actions and their activities, and to have the members of the minority stand fast and vote "No" against the airing of those charges clearly indicates to my mind and should indicate to all the people of the Commonwealth of Pennsylvania that there is no truth in the charges and that the Republican party wants to prosecute these charges in the secret confines of the Grand Jury, so that they may again take from the people of the Commonwealth a government that has reposed in honest and truthful hands for the past your years.

Mr. TURNER. Mr. Speaker and members of the House, I had not intended to be drawn into any debate this afternoon that in any way entered into the questions that are involved in this so called Democratic family squabble. I felt that we were here, as we have tried to be in the past, as members of this Legislature to adopt legislation and to act upon legislation before the House. We have considered these bills in the light of bills and in the light of the intent that is behind them on the part of those who introduced the bills. To say that by our action here we are trying to stifle anything or trying to promote anything is a base distortion of the truth. This is no place and no time for a political argument on the greatness of the legislative activities of the Democratic party because there are millions of people in Pennsylvania who have doubts upon the subject, and I think when the election next November is held you will find that the vast majority of the people of Pennsylvania will concur in the opinion that is growing in this state, that the so-called greatness of the activities and the greatness of the legislative accomplishments of my colleagues in this House have been turned down and been repudiated by the people of Pennsylvania.

We are not here on the Republican side to talk about the grand jury investigation. We have not felt that it was anything within the range of our activities here. The charges here, as the gentleman from Lancaster has said, were not made by the Republican party. The charges were made by the Democratic United States Senator from Pennsylvania and two candidates on the Democratic ticket in the last election. What would you have had the district attorney of any other county do? You would have been the first one to have been on the floor or in newspapers or upon the stump to condemn the district attorney of Dauphin county, had he not done his sworn duty and investigated the serious charges that were made, not by irresponsible parties but by men in high office in the Commonwealth. Is it a crime that it happened that the county of Dauphin is a Republican county with Republican office holders? If the same situation had happened in your county, where perhaps they have Democratic office-holders, would there have been a special session of the Legislature? I do think that there would still have been a special session of the Legislature, not for the purpose of trying to secure a fair and square investigation of the facts, but for the purpose of stifling the investigation that the grand jury was trying to hold. I think in all fairness you must say, no matter what your opinion may be of the situation, that with a judge elected by the Democrats in a Democratic county and a Democrat of long standing, and with the high attainments and integrity of Judge Schaffer, that every opportunity was given to make this a fair grand jury investigation. But, what was done in addition to that? The gentleman from York complains that the grand jury, as he said, had a couple of Democrats on it. I understand it had more, but that grand jury was thrown out and a new grand jury picked. You did not tell about that, Mr. Cohen. That grand jury today stands eleven to eleven. You know as an attorney that the district attorney of a county has no right before the grand jury except to present evidence, and that he cannot be present during their deliberations. Are you afraid to go before a grand jury of your peers which stands eleven to eleven in their political affiliations? If you are not afraid of that then why are you attempting to pass legislation to stifle that grand jury investigation, because the clear intent and purpose of this investigation is not to have an impartial investigation before this House. I say to you now that it cannot be an impartial investigation because the same condition is going to exist here which you claimed existed in the original grand jury in Dauphin county, and you are going to have one hundred and fifty-four Democrats in this House against fifty-two or fifty-four Republicans, fifty-four with a resignation and one man away ill,—now fifty-one with another man away ill. In the Senate you have the same lopsided majority. If it is unfair to say that it is unfair to have these people tried before a Republican district attorney and Republican court, then truly it must be said in the same sense, although I am not contending this, that it is unfair to try them before a House and a Senate with an overwhelming Democratic majority. I do not want to leave any misunderstanding here. We are not here on this side of the House talking about grand jury investigations. We feel that that it is a matter outside our province. We are here as members of this Legislature, and you know very well that there is existing in this House, as I said earlier this afternoon, in this legislative body a procedure for investigation of charges that are made against officials and other people. We have time and time again sent that kind of charges to the Committee on Judiciary General. A subcommittee was appointed to investigate and make a report back to the House, and once during my time in this House those matters were submitted to the floor of the House to decide whether there should be impeachment or not. There was no contention then because the law was well understood that those parties could be brought back and could be investigated by a grand jury and a presentment found. There was no question raised then by any one that this House had no right to proceed as well as a grand jury, but there was no contention made that the House had to proceed ahead of any grand jury or that the House had to gobble up all the testimony, or that the House had to gobble up all the witnesses, and that the grand jury hold off and wait until such a time as the House got through with them, and there was no contention then that the only proper body that could hear the charges, and as much as I respect this House, that this was the only body in Pennsylvania that could act with fairness. So I say to you that to come on the floor of this House in the same attitude that you would go into the Court of Quarter Sessions, if you had a murder case or a criminal case and attempted to paint the defendant lilly-white and create a villain in some one else on the

outside is not within the keeping of the standards that have been established here in the House for the last two years. Every one knows that an attorney in a criminal case always attempts to paint the defendant lilly-white. Every one knows that the first thing an attorney does is to get a villain some place. Every one knows that the second thing you do is to paint the defendant lilly-white. I am not here to prejudge these men. My colleagues have not prejudiced them. They haven't said that these charges are false or true. Their action on this legislation has no bearing, and you know it, on the question before the grand jury. The sole thing we are interested in here is this, we all want to do our duty as members of this House, first to see that the legislation that passes through here is proper legislation, and you know that we stood in that committee to which you referred and made suggestions of amendments to these bills which you adopted. Our concern is to see that this is proper legislation, but in so doing we must protect the rights of the people of the Commonwealth, and whether you try to shift the burden of this whole controversy, whether you try to make District Attorney Shelley or the Republican Party the villain in the case, whether you try to gilt the defendants, whether you try to whitewash them or not, we Republicans intend to stand here as we may have the last four years, no matter how much you may beat us, no matter how many roll calls we may lose, we intend to stand here and fight for the things that we believe to be right and to fight for the kind of legislation that we think should be put forward, and we do not intend to stand for any legislation that will hamstring this investigation. We do not intend that the courts shall be made subsersive to the Legislature. We will defend the executive from invasion, just the same as we will any other branch of the government, but in so doing we do not intend to have our motives impugned. We do not intend that you shall go out and try to make a political controversy of this for political purposes and escape the political consequences for the things you have done.

Mr. DAVID H. WEISS. Mr. Speaker and members of the House, we all know and believe that a public office whether elective or appointive is a public trust; and if anyone from the highest officer of the State to the lowest menial worker is guilty of a breach of that trust, there is no punishment too great to inflict on that individual. If I, as an elected officeholder, would stand by and encourage in any manner such misdoings, I would be just as amiss in my duties to the people, and furthermore if I were to use that misnomer, "whitewash" any wrongdoing by any public officer, I would not be fit to hold public office. If I thought for a moment, that voting "Yes" meant to clear all guilty of crimes, I would not hesitate for a moment to voice my opinion otherwise. I say now and will reiterate—I do not want any of the guilty to be freed, no matter how great an office they may be occupying. We would be destroying the very principles underlying our democratic form of government if we would make it possible, by judicial or legislative means, for the higher-ups to escape for any misfeasance or malfeasance in office. No, my fellow Members, I do not believe that any of us would permit or condone anything of that order. I do not believe that any of the bills intend to say whether anybody is guilty of any crime or not guilty. I do not believe that any of the proposed bills would impede justice in any manner whatsoever. The guilty ones will be brought to trial before their peers. But I do say that the essence of these proposed bills will not make it politically expedient for the opposite party to becloud the real issues confronting the people in this coming election.

The "kept press," the vested interests, and the disgruntled politicians, have again raised their 'hue and cry' —"the integrity of the courts is being attacked—the rights of the common law grand jury are being violated—our very judicial system is to come to an end." That cry, Members, is only to hide the humane, social and labor legislation that the past session wrote in pages of history in favor of the masses.

Looking through the smoke screens set up, one can easily discern the same vicious and poisonous attacks that were made upon the greatest humanitarian of all times and the champion of the masses, Franklin Delano Roosevelt. I do not believe that the common people will believe all those contemptible lies and untruths that are published any time that anything progressive is proposed. I do not believe that our Honorable Governor is asking for any special quarters, but I do believe that he is very fair and impartial in asking that those who are guilty should be immediately arrested, tried, and punished. That certainly doesn't look like he is trying to shield and protect any of the guilty. Any of us attorneys know what a Grand Jury in the hands of any unscrupulous District Attorney can do. Why a Grand Jury acts merely as pawns in his hands, and he can swing them any way he wishes, and I believe we would be derelict in our duty if we would permit any actions of that sort. The proposed Dauphin Grand Jury investigations will be secret, and the only results that will be made public before the general election will be the indictment and nothing else. The accused have no right to state their case before a Grand Jury. Therefore the opposite party will say to the public "These men are indicted—are you going to vote for them." Very good political strategy if it would work and ultimately the public is to be the judge without hearing the evidence except by inferences, innuendos, and accusations. Every person is protected by a cloak of innocence until they are actually proven guilty is a legal axiom, and it ought to be applied in this case.

I notice among my fellow Legislators quite a bit of doubt and apprehension as to the proper methods of approaching a solution of the criminal charges against high public officials. The doubts, fear, and apprehensions are based on vicious propoganda as against evidence openly submitted. I, as a lawyer and a Member of this Legislature, feel it necessary to investigate and hear this evidence before indicting or accusing anyone. I further feel that the electorate are entitled to have the opportunity of either hearing or reading this evidence by public investigation rather than by charges and accusations made and not proven. And after the evidence is made public I would be the first to see that those guiluty are convicted and punished to the fullest extent of the law, and under no circumstances will I stand for any "whitewashing." So fellow Legislators, you are serving your people conscientiously and fearlessly by voting "Yes" on all these bills, which is for a public exposure of these charges and not just for the satisfaction of the reactionary press and the vested interests who know of no method too low or base enough in order to win this coming election.

Mr. ACHTERMAN. Mr. Speaker and members of the House, it was not my original intent to make any comments on this particular bill, but due to the remarks of the gentleman from Delaware, Mr. Turner, I do feel that a

few remarks may be proper.

I feel that generally the public should understand the distinction between hearings before a Grand Jury and hearings open to the public before this House. Hearings before a Grand Jury are, of course, secret and the general public at no time learns all of the testimony, all of the story told before that Grand Jury. Hearings before the House are public and should be, and through the medium of the press the entire people of this Commonwealth will hear each and every charge and each and every witness tell their stories.

I feel as a certain Republican felt in this House, when he asked that the legislation be broad enough that the District Attorney of Dauphin County would not be throttled in producing before the Committee, that is, the Committee that will investigate and hold hearings, that he will be permitted to bring his entire story before that committee. We leaned backwards to assure him, as well as the people of this Commonwealth that that legislation would be broad enough, that there would be no possible chance of their throttling the District Attorney of Dauphin County and that there would not be an opportunity to white-wash anyone. We saw to it that it would be possible to accomplish exactly what this particular Republican asked, that the District Attorney of Dauphin County, and all others would be allowed to bring their stories before this committee. If the District Attorney had nothing then he would fry, as he said, in his own fat, and if he had testimony that indicated that misdemeanors had been committed then the officials who committed those misdemeanors would be forced likewise to fry in their own fat.

Mr. STOCKHAM. Mr. Speaker and Members of the House, as a layman and for the matter of clarification,—the leader on the majority side made certain statements concerning the workings of the courts. It has always been my understanding that a jury, or a grand jury, is chosen by lot, the question of their political affiliation is never asked.

It is also my understanding that the District Attorney is elected by the people, and that after he is elected that District Attorney represents all the people, and that likewise is true of a Judge.

All of these facts being true I see no reason why there should have been dragged into this discussion on the part of the gentleman from York, Mr. Cohen, all of these apparent discrepancies that he so boldly points out as relate to political affiliations of these men elected and sworn to do their duty.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the ayes and nays were taken.

A verification of the roll was requested by Mr. TURNER, seconded by Mr. SCHROCK and Mr. WOOD and was as follows:

YEAS—136

Achterman,	Downey,	Marino,	Sarraf,
Alexander,	Dubbs,	Matthews, H. T.,	Scanlon,
Allen,	Dyson,	McArdle,	Schor,
Allmond,	Elpern,	McCullough,	Schrope,
Arnold,	Falkenstein,	McDermott,	Shaw,
Aukerman,	Finnerty,	McElroy,	Shea,
Baine,	Flanagan,	McFall,	Shepard,
Baker, J. J.,	Flannery,	McGee,	Shoemaker,
Balthaser,	Flinchbaugh,	McShane,	Shugarts,
Bierly,	Ganser,	Melchiorre,	Siegel,
Blank,	Gerard,	Mellott,	Simon,
Bohn,	Gorski,	Mihm,	Smith, James A.,
Boles,	Haberlen,	Moomaw,	Spengler,
Boltz,	Hagerty,	Mooney,	Stank,
Bradley,	Hamilton, F. P.,	Moran,	Thomas,
Brancato,	Harkins,	Moul,	Thompson,
Brigerman,	Harmuth,	Nagel,	Tronzo,
Broad,	Hays,	O'Brien,	Tumelty,
Burrows,	Hering,	O'Keefe,	Valibus,
Caesar,	Hindman,	Ominsky,	VanSickle,
Caputo,	Hirsch,	O'Neill,	Vogt,
Chervenak,	Holland,	Ostroff,	Wagner,
Coakley,	Holmes,	Patterson, C. S.,	Walsh,
Cohen, H. B.,	Holstrom,	Patterson, J. W.,	Weiss, D. H.,
Cohen, R. E.,	Hontz,	Pearson,	Welliver,
Coleman,	Horting,	Pershing,	Welsh,
Coolahan,	Jirolanio,	Piole,	Westrick,
Corrigan,	Keenan,	Powers,	Whalen,
Costanzo,	Kelso,	Preston,	Whitenight,
Decker,	Kilroy,	Reese,	Wright,
DeNote,	Levy,	Reising,	Yanoshat,
Dickinson,	Lewis,	Robinson,	Yourishin,
Donohoe,	Long,	Ruffennach,	Zappala,
Dougherty,	Lovett,	Rush,	Furman,

NAYS—52

Boose,	Imbrie,	Peale,	Terry,
Boyer,	Kline,	Perry,	Trout,
Brown,	Kroll,	Readinger,	Turner,
Cadwalader,	LaRue,	Rothenberger,	VanAllsburg,
Davies,	Leisey,	Royer,	Watkins,
Eckels,	Longaker,	Schrock,	Webster,
Fiss,	Lopresti,	Schumacher,	Weidemann,
Habbyshaw,	Lyons,	Snyder,	Weiss, S. A.,
Hall,	Mallen,	Sollenberger,	Wilson,
Hamilton, R. S.,	Matthews, J. F.,	Sproul,	Winner,
Hess,	McDevitt,	Stackpole,	Wood,
Hetrick,	McKinney,	Stewart,	Woodside,
Huntley,	O'Connor,	Stockham,	Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTION

REPORT OF SLATE COMMITTEE

Mr. O'KEEFE offered the following resolution which was twice read, considered and adopted:

Harrisburg, Pa., July 28, 1938.

Resolved, That the following persons be elected employes of the House of Representatives—effective July 25, 1938:

Transcribing Clerk—Harry Cochran vice John E. Wallace, deceased.

Clerk to Committee—Wellington L. Goodman vice Hilton Anderson, resigned.

Journal Clerk—Joseph T. O'Neill vice Edward Dolan, resigned.

Compiling Clerk—Harry Rochman vice Joseph T. O'Neill, resigned.

Page—Francis McShane vice Wallace D. Snyder, resigned.

Page—John French vice John Mahoney, resigned.

Page—Paul C. Dress vice Harvard Walton, resigned.

Page—Daniel Summers vice Henry Summers, resigned.

Page—Blair Fesler vice Philip Pace, resigned.

Asst. Sgt.-at-Arms—Peter J. Sentenire vice Charles Turchi, deceased.

Asst. Sgt.-at-Arms—Joseph Murphy vice E. David Keiser, resigned.

Paster and Folder—George Kubilus vice Harry Downey, resigned.

Clerk to Committee—John Lennon vice James G. McCann, resigned.

Page—John Kintz vice Robert Zeigler, resigned.

Page—L. F. Smith vice William Cuff, resigned.

Page—John Phillips vice Melvin Reed, resigned.

Page—Wallace D. Snyder vice Albert McGeary, resigned.
Page—David Magaro vice Kenneth Brenisholtz, resigned.
Assistant Postmaster—William McKean vice Edward A. Wilt, resigned.

RESOLUTION

BIRTHDAY CONGRATULATIONS

Mr. McGEE offered the following resolution which was twice read, considered and unanimously adopted:

In the House of Representatives, July 28, 1938.

Whereas, The fortieth birthday of smiling Jimmy Walsh, now and always of Philadelphia, and very much a member of this House, has for four days escaped our attention; and

Whereas, A perusal of his most imposing biography as contained in the Pennsylvania Manual, to which all members of this body are respectfully referred (page 893), furnishes too much laudatory material for a warm weather resolution; now, therefore, be it

Resolved, By the House of Representatives of the General Assembly, that belated congratulations be offered the Honorable James F. Walsh, and an assurance that the first forty years are the hardest, and the further wish that this body may again congratulate Mr. Walsh forty years from now.

Resolved, That a copy of this resolution, properly certified, be transmitted to the Honorable James F. Walsh.

BILLS INTRODUCED AND REFERRED

By Mr. ALEXANDER. HOUSE BILL No. 25.

An Act to further amend clause (a) of section one thousand two hundred and five of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by specifying an additional cause for termination of the contract of a professional employe.

Referred to the Committee on Education.

By Mr. SAMUEL A. WEISS. HOUSE BILL No. 26.

An Act abating certain tax penalties and interest on county, city (except city of the first class), borough, town, township, school district (except school district of the first class), and poor district taxes; prohibiting the sale of real property for the non-payment of any such taxes for a certain period; and preserving certain tax liens, and providing for the extension thereof.

Referred to the Committee on Municipal Corporations.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 1. (HOUSE BILL No. 27.)

A Supplement to the act approved the eighteenth day of March one thousand eight hundred and seventy-five (Pamphlet Laws thirty) entitled "An act to authorize changes of venue in criminal cases" forbidding changes of venue in criminal prosecutions by any court on application of the Commonwealth or prosecutor.

Referred to the Committee on Judiciary General.

SENATE BILL No. 5. (HOUSE BILL No. 28.)

An Act to amend section two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws two thousand fifty-one) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and County boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United State Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" by redefining "assistance" so as to provide for medical care in place of services.

Referred to the Committee on Welfare.

SENATE BILL No. 7. (HOUSE BILL No. 29.)

An Act to amend section four of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred fifty-two) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" as amended by providing for additional projects and providing for the leasing of projects by the Authority to school districts.

Referred to the Committee on State Government.

SENATE BILL No. 8. (HOUSE BILL No. 30)

An Act to amend article six of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by authorizing school districts singly or jointly with other districts to convey or lease property to the General State Authority to acquire additional property for such purposes to contract with and lease property from said Authority and to levy additional taxes to pay rentals and authorizing the Commonwealth to join with school districts in such contracts and leases and in such cases defining the assistance to be rendered by the Commonwealth.

Referred to the Committee on State Government.

RESOLUTION INTRODUCED AND REFERRED

BY Mr. LOVETT. (Concurrent) RESOLUTION No. 2.

In the House of Representatives, July 28, 1938.

Whereas, The General Assembly in the passing of laws

from time to time has granted the various departments, commissions, bureaus, boards and agencies of this State the authority to make such rules and regulations as the administration of the particular laws would require; and

Whereas, Under the said legislative authority the departments, commissions, bureaus, boards and agencies of this State have from time to time made rules and regulations which have been inconsistent with the provisions of the respective; and

Whereas, Many of the rules and regulations adopted by the various departments, commissions, bureaus, boards and agencies have been so extreme, undemocratic and against the general welfare of the citizens of this Commonwealth, that the Members of the General Assembly have been criticized by the citizens for the manner in which various laws have been administered; therefore be it

Resolved, (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania hereby declares it to be the legislative policy that no rule or regulation by any department, commission, bureau, board or agency of the Commonwealth shall become effective until after it has been submitted to the General Assembly for their approval, and be it further

Resolved, That all rules and regulations heretofore adopted by any department, commission, bureau, board or agency shall be presented to the General Assembly at the next regular session for their approval.

ADJOURNMENT

Mr. HETRICK. Mr. Speaker, I move that this House do now adjourn until tomorrow at 11:00 p. m.

The motion was agreed to, and (at 7:39 p. m.) the House adjourned until Friday, July 29, 1938, at 11:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1938

Vol. 22. HARRISBURG, PA., FRIDAY, JULY 29, 1938. No. 5.

SENATE

The Senate met at 1:00 o'clock P. M. Friday (E.S.T.).

The PRESIDENT (Lieutenant-Governor Thomas Kennedy), in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, L.L.D., offered the following prayer:

Our Gracious Heavenly Father, the gift of another day calls forth from us again, our grateful praise, and we would forget not Thy benefits. We thank Thee for health and strength for opportunity of service; the desire and ability to serve.

At this time we would remember before Thy throne of Grace two faithful members of this body, who continue to be detained by illness. We commend them to the God whom long they have served, in the service of their day and generation.

Our Father, with the grace of this day, and its challenge of service and opportunity, give unto us a sense of responsibility, a vision of Thy purpose, a will to do Thy Will.

Thou hast promised a good disposition to them that ask Thee. Grant unto us approving hearts, that we may have confidence in Thy presence.

Do Thou guide us in our search for truth and right, may Thy Spirit of Guidance rest upon this body, upon our good Governor and his associates upon the Judiciary, and may the spirit of wisdom prevail in all things.

May the blessing of God rest upon our beloved Commonwealth. In His name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. RICE, the further reading was dispensed with, and the Journal was approved.

NOMINATION BY THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency the Governor of the Commonwealth.

The PRESIDENT. The Notary Public Nomination, in compliance with Senate Resolution previously adopted will lie on the table.

RESOLUTION

AUTHORIZING PAYMENT OF EMPLOYEES

Mr. HUFFMAN. Mr. President. I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HUFFMAN, offered the following resolution which was twice read, considered and agreed to:

In the Senate, July 29, 1938.

RESOLVED (if the House of Representatives concur), That the State Treasurer be and is hereby authorized to pay upon warrant of the Auditor General to each employee of the Senate and House of Representatives the salary or per diem compensation to which they are entitled under law for an Extraordinary Session of the General Assembly by virtue of the provisions of the Acts of Assembly under which they are elected or appointed; this resolution to be effective until the General Appropriation Law providing for the payment of the salaries of the employees of the Senate and the House of Representatives for the Extraordinary Session of 1938 is enacted into law.

BILL INTRODUCED

Mr. CAVALCANTE read in his place and presented to the Chair Senate Bill No. 26, entitled:

An Act relating to grand jurors and grand jury inquiry and investigation of misconduct in civil office; indictments, presentments and district attorney bills relating to the same; the duty of the court of quarter session in relation hereto and imposing penalties

Which was committed to the Committee on Judiciary General.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 9, entitled:

An Act making an appropriation to the Department of Public Instruction to pay rentals and expenses in connection with public school buildings constructed or improved by the General State Authority

The first section of the bill was read as follows:

Section 1 The sum of one million dollars ($1,000,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Public Instruction for the purpose of paying the Commonwealth's share of rentals for public school buildings and improvements thereto constructed or improved by the General State Authority and of any expenses in connection therewith

On the question,

Will the Senate agree to the section?

Mr. THOMPSON. Mr. President, I move to amend Sec. 1, page 1, line 7, by striking out the following: "of any expenses in connection therewith" and inserting in lieu thereof: "any expenses of the department in the administration of any laws authorizing the Commonwealth to

join with school districts in leasing school buildings from the General State Authority."

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to.

An Act making an appropriation to the Department of Public Instruction to pay rentals and expenses in connection with public school buildings constructed or improved by the General State Authority

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 16, as follows:

An Act authorizing the Commonwealth or any of its agencies including the General State Authority to contract with and to lease or acquire from any housing authority any area acquired or about to be acquired by such housing authority for slum clearance purposes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following words as used in this act shall have the following meanings

"Housing Authority" Any housing authority created by the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws nine hundred fifty-five) known as the "Housing Authorities Law"

"Project" Any work or undertaking to demolish clear or remove buildings from any slum area

"Slum" Any area in which there is a predominance of structures which by reason of dilapidation overcrowding faulty arrangement or design lack of ventilation light or sanitary facilities or any combination of these factors are detrimental to safety health and morals

Section 2 The Commonwealth of Pennsylvania by the Department of Property and Supplies with the approval of the Governor and any agency thereof including the General State Authority shall have the power and authority to enter into contracts with any Housing Authority either before said Housing Authority undertakes a project whereby it shall demolish clear or remove buildings from a slum clearance project to lease from such Housing Authority as lessee for a term not to exceed ninety-nine years or to acquire from it as purchaser either the fee or such right title interest or easement as it may deem necessary in and to the slum area or any part thereof when or as cleared together with any improvements buildings or structures therein or thereon owned or about to be acquired by such Housing Authority needed by or convenient to the Commonwealth or any agency thereof including the General State Authority for any public purpose or purposes including the creation of public parks and the erection on the lands contracted for of buildings improvements and structures deemed necessary for the use of the Commonwealth or needed or convenient for the corporate purposes of such agency

Section 3 No such contract whereby the Commonwealth or any agency thereof shall undertake to purchase or acquire any slum area entered into before the completion of the clearance of such slum shall be valid unless it shall impose a duty upon the Housing Authority to demolish clear or remove all such buildings from the slum area as shall be necessary to change the character of said area and remove the slums therefrom as promptly as circumstances shall permit

Section 4 The Commonwealth of Pennsylvania by the Department of Property and Supplies with the approval of the Governor and any agency thereof including the General State Authority shall have the power and authority after a Housing Authority has undertaken and completed a project whereby it shall have demolished cleared or removed buildings from a slum area to lease from such Housing Authority as lessee for a term not to exceed ninety-nine years or acquire from it as purchaser either the fee or such right title interest or easement as it may deem necessary in and to the slum area or any part thereof together with any improvements buildings or structures therein or thereon owned by such Housing Authority needed by or convenient to the Commonwealth or any agency thereof including the General State Authority for any public purpose or purposes including the creation of public parks and the erection on the lands so acquired of buildings improvements and structures deemed necessary for the use of the Commonwealth or needed or convenient for the corporate purposes of such agency

Section 5 The powers rights and duties herein conferred or imposed upon the General State Authority are in furtherance of and in addition to those provided for in the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred fifty-two) known as the "General State Authority Act of one thousand nine hundred and thirty-five" and its amendments

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 17, as follows:

An Act authorizing housing authorities to contract with and to lease or convey to the Commonwealth or any of its agencies including the General State Authority any area acquired or about to be acquired for slum clearance purposes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following words as used in this act shall have the following meanings

"Housing Authority" Any housing authority created by the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws nine hundred fifty-five) known as the "Housing Authorities Law"

"Project" Any work or undertaking to demolish clear or remove buildings from any slum area

"Slum" Any area in which there is a predominance of structures which by reason of dilapidation or over-crowding faulty arrangement or design lack of ventilation light or sanitary facilities or any combination of these factors are detrimental to safety health and morals

Section 2 Any housing authority shall have the power and authority either before it undertakes a project whereby it shall demolish clear or remove buildings from a slum area or after it has undertaken and completed such slum clearance project to enter into contracts with the Commonwealth of Pennsylvania or any agency thereof including the General State Authority to lease to the Commonwealth or such agency for a term not to exceed ninety-nine years or to grant assign or convey either the fee or such right title interest or easement as shall be deemed necessary in and to such slum area or any part thereof when or as cleared together with any improvements buildings or structures therein or thereon owned or about to be acquired by such housing authority needed by or convenient to the Commonwealth or any agency thereof including the General State Authority for any public purpose or purposes including the creation of public parks and the erection on the lands contracted for of buildings

improvements and structures deemed necessary for the use of the Commonwealth or needed or convenient for the corporate purposes of such agency

Section 3 No such contract to lease grant assign or convey any slum area to the Commonwealth or any of its agencies including the General State Authority entered into before the clearance of such slum shall be valid unless it shall reserve the right unto and impose a duty upon the housing authority to demolish clear or remove all such buildings from the slum area as shall be necessary to change the character of said area and remove the slums therefrom as promptly as circumstances permit

Section 4 Any housing authority shall have the power and authority after it has undertaken and completed a project whereby it shall have demolished cleared or removed buildings from a slum area to lease to the Commonwealth or any of its agencies including the General State Authority for a term not to exceed ninety-nine years or to grant assign or convey either the fee or such right title interest or easement as shall be deemed necessary in and to such slum area or any part thereof together with any improvements buildings or structures therein or thereon owned by such housing authority needed by or convenient to the Commonwealth or any agency thereof including the General State Authority for any public purpose or purposes including the creation of public parks and the erection on the lands so leased granted assigned or conveyed of buildings improvements and structures deemed necessary for the use of the Commonwealth or needed or convenient for the corporate purposes of such agency

Section 5 The powers rights and duties herein conferred or imposed upon housing authorities are in furtherance of and in addition to those provided for in the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 955) known as the "Housing Authorities Law"

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 18, as follows:

An Act to further amend section three of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred fifty-two) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" by changing the personnel of the governing body

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws 452) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" as last amended by section one of the act approved the fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws 1602) is hereby further amended to read as follows

Section 3 General State Authority The Governor and Lieutenant Governor of the State the State Treasurer the Auditor General the Secretary of Internal Affairs the Secretary of Property and Supplies the Speaker of the House of Representatives and the President pro tempore of the Senate and their respective successors in office and three citizens of Pennsylvania one to be appointed by the Governor one by the Speaker of the House of Representatives and one by the President pro tempore of the Senate are hereby created a body corporate and politic constituting a public corporation and governmental instrumentality by the name of "The General State Authority" Said members of the Authority shall be entitled to no compensation for their services as members but shall be entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members Any vacancy happening among the appointed members of the Authority shall be filled by appointment by the Governor Speaker of the House of Representatives or President pro tempore of the Senate as the case may be

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 21 (House Bill No. 1), as follows:

An Act relating to the investigation of charges of or involving misdemeanor in office made against certain civil officers subject to impeachment providing that the jurisdiction of the House of Representatives to make such investigations shall have precedence over the jurisdiction of grand juries and limiting the circumstances under which courts of quarter sessions may authorize grand juries to make such investigations

Whereas, Article VI Section 3 of the Constitution of the Commonwealth provides that

"The Governor and all other civil officers shall be liable to impeachment for any misdemeanor in office but judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of trust or profit under this Commonwealth the person accused whether convicted or acquitted shall nevertheless be liable to indictment trial judgment and punishment according to law"

and

Whereas, Article VI Section 1 of the Constitution provides that

"The House of Representatives shall have the sole power of impeachment"

and

Whereas, charges of misdemeanor in office particularly against high officers of the State government tend to destroy public confidence in the integrity of government itself and thus threaten the ability of all government to function and

Whereas, such a situation is wholly different from any other situation in which persons are charged with violations of the laws of the Commonwealth and

Whereas, the welfare and safety of the Commonwealth require that charges of or involving misdemeanor in office be investigated in public and not in secret and

Whereas, an investigation of such charges by a grand jury concurrently with their investigation by the House of Representatives would impede and interfere with the House investigation particularly if the conclusions of the grand jury became known prior to the conclusion of the House investigation.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever the Governor or any other civil officer who is liable to impeachment shall be charged with any offense against the laws of this Commonwealth which would constitute or involve misdemeanor in office the House of Representatives shall have exclusive jurisdiction to investigate the same except as hereinafter provided

Section 2 It shall be unlawful for any court of quarter sessions to order an investigation by a grand jury of charges against the Governor or any other civil officer who is liable to impeachment if the offenses charged would constitute or involve misdemeanor in office unless within ninety (90) days after the charges have been brought to the attention of the Governor he shall not convene the General Assembly in special session or unless if the General Assembly is in session when the charges are made the House of Representatives shall fail to investigate them prior to the adjournment of the General Assembly or unless after the investigation by the House of Representatives shall have been concluded a court of quarter sessions after examining the testimony taken by the House of Representatives shall determine that as to some matter or thing over which his court has jurisdiction a grand jury investigation is necessary to develop information not disclosed before the House of Representatives

Section 3 Nothing in this act contained shall prevent evidence presented to the House of Representatives or its committee during any investigation to which this act applies from being subsequently repeated before the grand jury or any county for the purpose of obtaining an indictment against any person involved in the charges investigated by the House of Representatives

Section 4 This act shall become effective immediately upon its approval by the Governor.

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill?

MOTION TO RECOMMIT

Mr. WOODWARD. Mr. President, I move that this bill be recommitted to the Committee on Judiciary General for the purpose of a public hearing. In support of this motion, I would like to file communications received, and I will read two of them. The first is from the Pennsylvania State Grange.

PENNSYLVANIA STATE GRANGE
426-30 TELEGRAPH BUILDING
HARRISBURG, PA.

July 29, 1938.

To the Honorable Members of the Senate of the State of Pennsylvania:

Gentlemen:

For more than sixty years, the Pennsylvania State Grange has pleaded in the legislative halls of the State Capitol for good government and for legislation helpful to public welfare.

At the Annual Convention last November in Harrisburg, public action taken was, "The Grange is a law-abiding organization, having written into its fundamental belief, obedience to law, and the members maintain, at least, an average observance of law and authority unsurpassed by any other group. However, when the fundamental law of the Government is attacked, we may expect to find the Organization in the front rank of defense, as has been seen frequently."

On several occasions, the Grange was obliged to oppose the re-writing of the Constitution of Pennsylvania because of the methods and plans proposed to re-write the same. But, we are now faced with a proposition which is more far-reaching in its destructive effect upon the constitutional form of government, than anything that has been proposed in the past. We are facing the greatest crisis in Pennsylvania history.

During the last three days, the Legislature evidently has given little consideration to the merits of the legislation now before the State Senate, and the grange now requests of your honorable body that House Bills Nos. 1 to 5 inclusive, be referred back to the Committee, and that a public hearing be given so that we may present our views and that other citizens may be given an opportunity to be heard.

Very truly yours,

PENNSYLVANIA STATE GRANGE
/s/ John H. Light, Sec.

The following is a telegram from the Philadelphia Board of Trade.

July 28, 1938

George Woodward
State Senate
Harrisburg, Pa.

Bills number one to five introduced in this special session would destroy constitutional protections of the people never heretofore challenged. We do not believe we have yet reached the point where our fundamental liberties can be withdrawn by legislative enactment without so much as a public hearing at which the people themselves can be heard. Such procedure is without precedent in Pennsylvania and finds parallel only where all powers of the people have been usurped.

We condemn the indecent haste with which these bills are being rushed through this legislature and emphatically urge the right of all concerned to public hearings on each of these proposed enactments with adequate public notice of such hearings.

By authority of the President and Executive Committee of the Philadelphia Board of Trade.

H. W. Wills, Secretary.

Mr. EALY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. THOMPSON. Mr. President, as Chairman of the Committee on Judiciary General, I would like to interrogate the Senator from Philadelphia, Dr. Woodward.

The PRESIDENT. Will the Senator from Philadelphia, Dr. Woodward, permit himself to be interrogated?

Mr. WOODWARD. Mr. President, I will.

Mr. THOMPSON. Mr. President, will the Senator from Philadelphia County kindly inform the Senate who signed the communication from the Grange?

Mr. WOODWARD. Mr. President, the Communication from the Pennsylvania State Grange was signed by the Secretary, John H. Light. The communication and telegram from the Philadelphia Board of Trade was signed by H. W. Wills, Secretary.

Mr. THOMPSON. Mr. President, I hate to rise in opposition to any request that the distinguished Senator from Philadelphia, Dr. Woodward makes, but in the last three years of this Senate, we have received so many communications purporting to be requests and advices from the Pennsylvania State Grange under the signature of John Light which were without authority from the Grange or the organization that I feel that this body should at this time give no credence to any request that Mr. Light ever makes of us. We all know what a bitter and prejudiced partisan Mr. Light has been toward every piece of liberal legislation that has been in this Senate for

the past four years. We know of his perverted stand on constitutional revision in 1935. We know that under John Light's signature two articles came out in the same issue of the Grange periodical, both under John Light's signature, one purporting to be for constitutional revision and the other purporting to be against constitutional revision; we know ourselves that for three years Mr. John Light has persistently used his position unfairly as Secretary of the Pennsylvania State Grange and without authority in many cases from the organization og the Grange as a whole to carry on his private compaign against the Democratic party. Now, Mr. John Light has had ample opportunity. These were House bills and if there were any public hearings upon these bills it should have been dealt with in the House. I do not believe, since there has been no public hearings requested by Mr. Light in the House and the fact that the House has not seen fit to have public hearings upon these bills, that we should at this time delay their passage upon the request of a man whom the people of Pennsylvania know that they cannot rely upon in any respect.

Mr. OWLETT. Mr. President, I would like to interrogate the Senator from Centre.

The PRESIDENT. Will the Senator from Centre permit himself to be interrogated?

Mr. THOMPSON. Mr. President, I will.

Mr. OWLETT. Mr. President, I would like to ask the Senator from Centre if he knows of a single instance where the Pennsylvania State Grange has repudiated any action taken by its executive committee or Mr. Light.

Mr. THOMPSON. Mr. President, I don't know of any instance when the Pennsylvania State Grange has repudiated the action of the executive committee of the Grange, but I do know of instances where the Pennsylvania Grange has repudiated the action of Mr. Light as Secretary, and to state one instance for the Senator from Tioga, I know that the Grange repudiated Mr. Light's actions with respect to the Milk Control Act and the way that was handled before the Committee on Agriculture in the House in the Session of 1935, and if the Senator from Tioga will take the opportunity to check the House records on that he will find that it is set out in full in the Legislative Journal.

Mr. OWLETT. Mr. President, I cannot sit in my seat quietly and permit a Senator or this floor to attack the secretary of an organization such as the Pennsylvania State Grange. Every position that this Grange has taken in the last sessions of the legislature has been sustained by the people of this Commonwealth. It is an institution that represents all that is the best in Pennsylvania and their elected officers, who have been elected by that organization, serve its organization well and when they are represented in the legislative halls are entitled to respect, and I think that the people of Pennsylvania will resent very seriously such a vicious and un-called for attack on an officer such as was made by the Senator from Centre.

Mr. THOMPSON. Mr. President, the Senator from Tioga is unquestionably perverting my previous remarks. I am not attacking the organization of the Pennsylvania State Grange, of which I happen to be a member myself at present, nor am I attacking any action of their executive body, but I am attacking the presumptions that Mr. John Light has exercised in three years in matters pertaining to the Grange and I say that as a member of the Grange as well as a member of this Senate. I think the best proof of what the Grange and the people that are most closely associated with Mr. John Light think of him was demonstrated by the people in his district this primary. He comes from a rural district, a district which is predominately a farming community. He has been a Republican practically all his life and when he ran for Congress in that district at the present primaries, I believe that he was third on the Republican ticket—at least he was defeated by a very substantial majority and I say that John Light as an individual is not entitled to the confidence of this Senate.

Mr. EALY. Mr. President, this debate on the personality of Mr. Light is not very material to the question involved.

The PRESIDENT. The Chair agrees with you.

Mr. EALY. Mr. President, the unseemly haste with which this bill and the other series of bills of so much importance to this Commonwealth, have been rushed through the House and now are being rushed through the Senate, is shocking to every lover of decent and orderly government. This bill is the first bill which was introduced into the House. Thousands of telegrams, we are told, came to Members of the House asking for a public hearing on this bill, which effects the orderly administration of justice in every county of this Commonwealth. It isn't a matter of politics in this, but the bill affects prosecution against Justices of the Peace, against Councilmen, against School Directors. It affects the administration of justice in every county in this Commonwealth. The people haven't had a chance to know what is going on here. The bill was amended late last night, and certainly we are not asking too much to ask that a public hearing be given on it.

Mr. THOMPSON. Mr. President, I would like to interrogate the Senator from Somerset, Mr. Ealy.

Mr. PRESIDENT. Will the Senator from Somerset, Mr. Ealy, permit himself to be interrogated?

Mr. EALY. Mr. President, I will.

Mr. THOMPSON. Mr. President, does the Senator recall the September Special Session of 1934, during the preceding Republican Administration?

Mr. EALY. Mr. President, well, there have been so many Special Sessions that I am not sure whether I can recall that there was one in September 1934, or not. Possibly, you are right.

Mr. THOMPSON. Mr. President, does the Senator from Somerset, recall that in the Special Session of September 1934, the Senator from Somerset, himself, rushed through and voted for a series of bills in five days of that Session which transferred funds from the Highway Department, from the School Districts, from the Municipalities of Pennsylvania, from the Firemen's Relief Fund, from the funds for distressed School Districts. in fact every fund that the Republicans could lay their hands on, against the protest of the Democratic Party, which at that time asked for public hearings on all of these special bills.

Mr. EALY. Mr. President, I do not know that the statement of the Senator is correct. I do know that I have been unalterably opposed to the system of public relief as administered in this Commonwealth from the very beginning From the change of the first Talbot system. If these relief measures were made necessary in that Session, and they have been followed up in this Democratic Administration in every Session since they were

made necessary by this system of relief which this Senator from Centre County advocated, and urged for so long, and more strongly than anyone else in the last session of this Legislature.

Mr. THOMPSON. Mr. President, I would just like to ask the Senator from Somerset again, if his voice was raised against the haste with which those bills were put through in September 1934?

Mr. EALY. Mr. President, as I recall, the Senator was among those who were obstructing administration on the transfer of funds, at certain times to serve his own purpose, when he was just as eager to transfer them at other times without going into the root of a question and putting this relief system on a proper basis.

Mr. GILSON. Mr. President, it occurs to me, as a point of inquiry, we might like to know just what kind of light the Senator from Philadelphia tends to throw on the inquiry.

Mr. WOODWARD. Mr. President, I did not hear the question.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. Ealy and were as follows, viz:

YEAS—14.

Bean,	Ealy,	Owlett,	Scarlett,
Cavalcante,	Gelder,	Reed,	Wolfenden,
Chapman,	Howell,	Salus,	Woodward,
Deitrick,	Mallery,		

NAYS—25.

Barthold,	Haluska,	Law,	Rice,
Dando,	Henney,	McCreesh,	Ruth,
Dent,	Huffman,	McGinnis,	Shapiro,
DiSilvestro,	Kilgallen,	Mundy,	Sipe,
Eroe,	Kunkel,	Pytko,	Stiefel,
Frey,	Lanius,	Rankin,	Thompson,
Gilson,			

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on second reading?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 22, (House Bill No. 2), as follows:

An Act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment authorizing the presentation of evidence by the Attorney General district attorneys other counsel and the officers investigated providing for the summoning of witnesses and for the punishment of persons refusing to appear produce evidence or testify and authorizing the employment and compensation of counsel and other assistants

Whereas Article VI Section 1 of the Constitution provides that

"The House of Representatives shall have the sole power of impeachment"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever the House of Representatives of the General Assembly shall undertake the investigation of charges of or involving misdemeanor in office against any civil officer who is liable to impeachment such investigation shall be made through such standing committee of the House as the Speaker of the House shall determine unless the House of Representatives shall by resolution authorize the Speaker to appoint a special investigating committee for the purpose of investigating any particular charge or charges in which event the Speaker shall appoint such special committee as directed by the resolution

Section 2 The committee investigating such charges may hold executive sessions to discuss plans give directions to investigators and other employees of the committee review the evidence reach conclusions and draft its report but all evidence shall be presented to the committee at hearings open to the public

Section 3 Such committee shall have the power to employ and fix the compensation of such investigators stenographers reporters and other employes as may be necessary for the conduct of its work and may employ and fix the compensation of counsel if it finds counsel to be necessary The compensation of all such employes shall be paid out of moneys appropriated to the committee for the purpose

Section 4 The Attorney General of the Commonwealth by himself or his deputy and the district attorney of any county by himself or his assistant may appear before the committee to present evidence Provided however That if the Attorney General of the Commonwealth or the district attorney of any county is the subject of investigation the committee shall appoint counsel to present the evidence and the Attorney General or such district attorney shall be disqualified from presenting any evidence to the committee except on his own behalf

Section 5 Any civil officer against whom charges are being investigated by a committee of the House of Representatives may appear before such committee in person and may be represented by counsel whether or not he appears in person and the committee shall hear such evidence as such civil officer may wish to present to refute the charges made against him

Section 6 Any committee of the House of Representatives which is conducting any investigation to which this act applies may adopt rules for the conduct of its proceedings which are not inconsistent with the provisions of this act but the rules of evidence shall conform to the rules of evidence governing the admissibility of testimony in judicial proceedings

Section 7 Any committee of the House of Representatives conducting any such investigation shall have the power to subpoena such witnesses and such books records and papers as it may deem necessary for the proper conduct of the investigation All subpoenas shall be issued over the signature of the chairman of the committee and shall be served by the Sergeant at Arms of the House of Representatives or such person as shall be deputized by him so to do The committee shall subpoena to appear before it all persons who have made charges against the public officer or officers under investigation whether or not such persons shall have made their charges as public officers or as private citizens If any person fails to obey the subpoena of the committee either by refusing to appear before the committee or by refusing to produce books records and documents which he has been directed to produce or if any person after appearing refuses to answer any question when directed by the committee to do so unless upon the ground that by answering he or she might incriminate himself or herself such person shall be in contempt of the House of Representatives In any such case the committee shall report the contempt to the House of Representatives which shall have the power by attachment to compel the attendance of the witness at the bar of the House and if the witness having been brought to the bar of the House he or she shall refuse to be sworn or affirmed or having been sworn or affirmed shall re-

fuse to answer all legal questions duly propounded or to produce any books documents or papers for which demand is made the Speaker of the House shall have full power by the direction of the House of Representatives to issue to the Sergeant at Arms a warrant of commitment to any State penitentiary and the warden thereof is hereby authorized and required to receive and confine the delinquent until discharged in due course

Section 8 Any committee of the House of Representatives conducting an investigation under the provisions of this act shall after the testimony before the committee has been completed make a report to the House of Representatives containing such conclusions and making such recommendations as to the committee may seem appropriate If the evidence has disclosed misdemeanor in office on the part of the person or persons investigated the House of Representatives may order such person or persons impeached or it may call upon the Attorney General of the Commonwealth or the district attorney of the proper county to prosecute such person or persons in the appropriate court for the offense or offenses disclosed by the evidence

Section 9 Nothing in this act contained shall exempt any civil officer from indictment trial judgment and punishment according to law

Section 10 If any provision of this act or the application thereof to any person or circumstances is held invalid such invalidity shall not affect provisions or applications of the act which can be given effect without the invalid provision or application and to this end the provisions of this act are declared to be severable

Section 11 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill?

MOTION TO RECOMMIT

Mr. WOODWARD. Mr. President, I move that this bill be recommitted to the Committee on Judiciary General for the purpose of a public hearing.

Mr. EALY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The President. The Chair suggests that the speakers confine themselves to the question before us, which is to recommit.

Mr. LAW. Mr. President, I would like to interrogate the gentleman from Philadelphia.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Woodward, permit himself to be interrogated?

Mr. WOODWARD. Mr. President, I will.

Mr. LAW. Mr. President, will the gentlemen from Philadelphia state what advantage is to be gained in a public hearing, in a matter which has entirely to do with legislative procedure?

Mr. WOODWARD. Mr. President, well, we represent the people of the Commonwealth, and the majority of the people of the Commonwealth seem to be opposed to these bills and we are trying to do our duty for the majority.

Mr. LAW. Mr. President, I would like to have the Senator state whether anything may be gained by a public hearing when nobody can advise the Legislature as to their own procedure.

Mr. WOODWARD. Mr. President, well, I think the man on the street, if there is such a man, believes, like the Governor, in having a free and fair and open field for everybody to talk at once and I am sorry that the Democrats have put themselves in a position of what might be called indecent haste.

Mr. LAW. Mr. President, if the Senator were asking for further consideration for himself and his colleagues, then we might be better able to understand them and I can see where there might be some question, but what interest the public has in the form of procedure which they can dictate to us, I can't see.

Mr. GELDER. Mr. President, I would suggest that perhaps the public would like to know whether this is going to be a whitewash or an honest investigation and as to whether or not the bill is so constructed that it would lead to one thing or the other. I would like to interrogate the gentleman from Mercer.

The PRESIDENT. Will the Senator from Mercer, Mr. Law, permit himself to be interrogated?

Mr. LAW. Mr. President, I will.

Mr. GELDER. Mr. President, I would like to ask him whether we are to understand that the Democratic majority would not under any circumstances be responsive to public opinion.

Mr. LAW. Mr. President, I would not say that. In any event I merely refer to Bill No. 22 as a procedural bill into which I believe a public hearing would not bring anything new.

Mr. SHAPIRO. Mr. President, I would like to interrogate the gentleman from Philadelphia, Mr. Woodward.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Woodward, permit himself to be interrogated?

Mr. WOODWARD. Mr. President, I will.

Mr. SHAPIRO. Mr. President, I understand that the gentleman from Philadelphia makes his motion upon the basis of the request from the Secretary of the Grange and from the Secretary of the Philadelphia Board of Trade.

Mr. WOODWARD. Mr. President, well, representing their executive committee, yes.

Mr. SHAPIRO. Mr. President, will the Senator from Philadelphia tell this Senate what help we can get out of a public hearing from either of these two organizations that will help in determining whether or not we are correct in the procedure which we are setting up under the Constitution, which gives the right to legislate, to impeach and to hold hearings for the purpose of impeachment. What help can we get from them, then, on the question.

Mr. WOODWARD. Mr. President, I would like to say in reply that the procedure has been so rapid that the various organizations have hardly had a chance to express themselves and these happen to be the forerunners. But of course, there are other people. I have telegrams and letters from individuals which I haven't burdened the Senate with. I have one before me from a man who wants to appear because he wants to suggest impeachment of the Governor, but I didn't want to read that.

Mr. SHAPIRO. Mr. President, I haven't the slightest doubt that there are several people in this Commonwealth that would like to impeach the Governor and several others who would also like to throw out the members of the Senate, and a great many others who voted for liberal legislation. I am quite sure that you could get a great many people in Philadelphia to offer testimony during the coming month of their confidence in this legislature and who would ask that we get their help to continue the course which we have begun. I like to deal with these things frankly and I can say that from what I see here this morning it is obvious that what the gentlemen on the other side want is not a public hearing but delay.

I say with equal frankness that what this side wants is hurry, because if there is anything the proposition with which we are dealing now needs it is to make haste by contending that the hearing on August 8 which is to be a Grand Jury charge, is to be stopped. That is our proposition and we contend as legislators that we have a right to investigate the misdeeds of our own official body. If that is so, then we can't wait for a public hearing. If there were something about this bill by which we could get the aid of the public, I would say that it might be worth while to wait at the risk of being too late.

Anybody who reads bill Number 22, and you will note I have not referred to Bill 21, anybody who reads it will find that it is a bill which suggests, in view of the fact that the Constitution so provides, that the Legislature shall have charge of conducting impeachments. This bill provides a method under which hearings may be held and committees set up for the purpose of obtaining evidence as to whether or not recommendation should be made for impeachment. I suggest to the Doctor that he write to the gentleman who wants to impeach the Governor and assure him that the best way he can begin proceedings without spending any money, is to allow this bill to be rushed through quickly, so that the District Attorney and the gentlemen who furnished them with the so-called evidence against the Governor and the rest of the Cabinet, may appear to give their evidence and send out of these newspapers who are charging that this is a white-wash, all of the evidence that they have without concealing it behind the closed doors of a Grand Jury. With all this haste we will be able to get rid of a Governor who is supposed to be dishonest so that he won't be active as a Governor in his full capacity, conducting the affairs of a State, under a stigma of being guilty of crime. I say that the sooner we give these people the opportunity to air their charges before the public, the better it will be for the public, and they will get rid of this terrible Governor who has committed so many crimes that they are afraid to tell the public what they are.

Mr. OWLETT. Mr. President, I do not wish to prolong this discussion, but I do want to suggest that on this motion to refer this bill back to the committee for public hearing, it seems to me the reason for it is very well answered by what happened at the [illegible] session. I am sure the members here remember [illegible] the gentleman from Philadelphia assured us all that the Family Court Bill that they passed so hastily, and all the hasty legislation passed at the last session that took two volumes to print, were properly drawn. Now we find that some twenty-six of those bills have already been declared unconstitutional. We are trying to help them out by giving them a hearing, and if there are any defects in these bills, a hearing will bring them out and show them how to draw constitutional legislation. That is the reason for this and it gives an answer to Mr. Law's inquiry for the necessity of a hearing. It is really necessary to get these hearings, it seems to me, because they would find that hasty legislation drawn by this Administration won't stand up.

Mr. SHAPIRO. Mr. President, I feel the same way about the decision of the Supreme Court on the bill which I sponsored, as I do about the decision that the people gave the Senator from Tioga's candidacy for United States Senator. I feel very badly about it. I also want to say that a much abler man than I, and one whom the gentlemen on the other side can name, said that the Constitution is what the Supreme Court said it was. It is because the Supreme Court seems to be so indefinite about what the Constitution is that it might be advisable to help the Supreme Court in this matter. Sometimes they tell us we can't levy taxes, and then proceed to levy taxes themselves. In this case, we don't want them to declare on one day that the Governor of the Commonwealth of Pennsylvania can be investigated and on the next day let a lower court decide whether that is true or not.

I repeat again, I feel just as badly about the action of the Supreme Court on my bill, as I do about the action of the people of Pennsylvania on the Senator's candidacy.

And the question recurring.

Will the Senate agree to the motion?

The yeas and nays were required by Mr. Ealy and were as follows, viz:

YEAS—15.

Bean,	Ealy,	Owlett,	Sones,
Cavalcante,	Gelder,	Reed,	Wolfenden,
Chapman,	Howell.	Salus,	Woodward.
Deitrick,	Mallery,	Scarlett,	

NAYS—26.

Barthold,	Haluska,	Law,	Rice,
Dando,	Henney,	McCreesh,	Ruth.
Dent,	Huffman,	McGinnis,	Shapiro,
DiSilvestro,	Jacobs,	Mundy,	Sipe,
Eroe	Kilgallen,	Pytko,	Stiefel,
Frey,	Kunkel,	Rankin,	Thompson.
Gilson,	Lanius,		

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on second reading?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 23, (House Bill No. 3), as follows:

An Act defining the reative powers of the Attorney General and of district attorneys in proceedings in the criminal courts authorizing the judges thereof to appoint subject to appeal to the Supreme Court special prosecutors in certain cases and providing for their compensation by the county

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In any investigation or proceeding whatsoever pending before any court of oyer and terminer and jail delivery or before any court of quarter sessions in any county of this Commonwealth the Attorney General of the Commonwealth may at any stage of the investigation or proceeding in his absolute discretion supersede and set aside the district attorney of the county

Section 2 If in any such investigation or proceeding the court before which it is pending shall find after hearing that the Attorney General has failed to perform his duties impartially such court may order the Attorney General to stand aside and in such event shall appoint an attorney at law resident in another county to supersede and act in lieu of the Attorney General Any special attorney thus appointed shall serve at the pleasure of the court and shall receive from the county in which the investigation is being conducted such compensation as the court shall fix

Section 3 From any order superseding the Attorney General the Attorney General shall have the right immediately to appeal to the Supreme Court and such appeal shall automatically stay all proceedings until the Supreme Court shall have determined the appeal

Section 4 This act shall apply to all proceedings now pending as well as to all future proceedings

Section 5 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill?

MOTION TO RECOMMIT

Mr. WOODWARD. Mr. President, I move that this bill be recommitted to the Committee on Judiciary General, for the splendid purpose of a Public Hearing.

Mr. EALY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. Ealy and were as follows, viz:

YEAS—16.

Bean,	Ealy,	Mallery,	Scarlett,
Cavalcante,	Gelder,	Owlett,	Sones,
Chapman,	Heyburn,	Reed,	Wolfenden,
Deitrick,	Howell,	Salus,	Woodward,

NAYS—26.

Barthold,	Haluska,	Law,	Rice,
Dando,	Henney,	McCreesh,	Ruth,
Dent,	Huffman,	McGinnis,	Shapiro,
DiSilvestro,	Jacobs,	Mundy,	Sipe,
Eroe,	Kilgallen,	Pytko,	Stiefel,
Frey,	Kunkel,	Rankin,	Thompson,
Gilson,	Lanius,		

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on second reading?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for a third reading.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 24, (House Bill No. 5), as follows:

An Act suspending retroactively as well as prospectively any other pending investigation legislative executive or judicial of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment which the House of Representatives undertakes to investigate and providing under what circumstances the suspended investigation may be resumed

Whereas Article VI Section 1 of the Constitution provides that

"The House of Representatives shall have the sole power of impeachment"

and

Whereas, whenever a charge is made against a civil officer which if true would warrant his impeachment the interests of the Commonwealth and of the accused require that the charge be investigated by the House of Representatives before impeachment proceedings are actually instituted and

Whereas, it would be prejudicial to the Commonwealth as well as to the accused to have any other investigation of the same charge made by any official body other than the House of Representatives pending the conclusion of the House investigation particularly if such other investigation resulted either in a vindication or an indictment and such result became publicly known during the House investigation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever the House of Representatives shall undertake the investigation of charges of or involving misdemeanor in office on the part of the Governor or any other civil officer who is liable to impeachment any other investigation of the same charges theretofore instituted by or before any other officer body or agency of the Commonwealth or any political subdivision thereof whether such investigation be legislative executive or judicial shall be suspended until the House of Representatives shall have completed its investigation and shall not thereafter be resumed unless the legislative executive or judicial officer body or agency which shall have ordered the investigation shall after examining the testimony taken by the House of Representatives or its committee determine that a further investigation is necessary to develop information not disclosed to the House of Representatives or its committee

Section 2 This act shall apply to and suspend investigations instituted by or before any officer body or agency of the Commonwealth or any political subdivision thereof prior to the effective date of this act as well as to such investigations hereafter instituted

Section 3 Nothing in this act contained shall prevent evidence presented to the House of Representatives or its committee during any investigation to which this act applies from being subsequently repeated before the grand jury of any county for the purpose of obtaining an indictment against any person involved in the charges investigated by the House of Representatives

Section 4 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill?

MOTION TO RECOMMIT

Mr. WOODWARD. Mr. President, I move that this bill be recommitted to the Committee on Judiciary General, for the purpose of a Public Hearing.

Mr. EALY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. Ealy and were as follows, viz:

YEAS—17.

Bean,	Gelder,	Mallery,	Scarlett,
Cavalcante,	Heyburn,	Owlett,	Sones,
Chapman,	Howell,	Reed,	Wolfenden,
Deitrick,	Jacobs,	Salus,	Woodward,
Ealy,			

NAYS—25.

Barthold,	Haluska,	Law,	Rice,
Dando,	Henney,	McCreesh,	Ruth,
Dent,	Huffman,	McGinnis,	Shapiro,
DiSilvestro,	Kilgallen,	Mundy,	Sipe,
Eroe,	Kunkel,	Pytko,	Stiefel,
Frey,	Lanius,	Rankin,	Thompson,
Gilson,			

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on second reading?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for a third reading.

Mr. GELDER. Mr. President, I am very glad to note that the opposition is growing to these bills. It has increased one vote on each bill. Perhaps by the time it gets to the public, and in November, there will be a real storm of votes. That certainly is our hope.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn until Saturday, July 30, 1938 at 12:05 o'clock A. M. (Eastern Standard Time).

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 2:27 o'clock P. M. until Saturday, July 30, 1938 at 12:05 o'clock A. M. (Eastern Standard Time).

HOUSE OF REPRESENTATIVES

FRIDAY, July 29, 1938.

The House met at 11:00 p. m.

The SPEAKER, (Roy E. Furman), in the Chair.

PRAYER

Rev. MARSHALL L. SHEPARD, a member of the House, offered the following prayer:

Our Father, God, Creator of the heavens and the earth, giver of every good and perfect gift, we pray Thee that Thou mightest grant us a double portion of Thy Spirit, that we might discharge the duties of this session with sincerity and truth.

Bless the officers of the Commonwealth. Bless the Speaker of this House and all of his aides. We pray that Thou would lead us into a knowledge of Thee, whom to know is eternal life.

These and all other blessings we ask in Jesus name and for his sake. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. BURROWS, the further reading was dispensed with and the Journal approved.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced, presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, July 29, 1938.

Resolved (if the House of Representatives concur), That the State Treasurer be and is hereby authorized to pay upon warrant of the Auditor General to each employe of the Senate and House of Representatives the salary or per diem compensation to which they are entitled under law for an Extraordinary Session of the General Assembly by virtue of the provisions of the Acts of Assembly under which they are elected or appointed; this resolution to be effective until the General Appropriation Law providing for the payment of the salaries of the employes of the Senate and the House of Representatives for the Extraordinary Session of 1938 is enacted into law.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

Mr. HERBERT B. COHEN asked and obtained unanimous consent for the immediate consideration of Senate concurrent resolution.

On the question,

Will the House concur in the resolution?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

LEAVES OF ABSENCE

Mr. Marino asked and obtained leave of absence for Mr. HARMUTH for the balance of the week on account of death in the family.

Mr. James W. Patterson asked and obtained leave of absence for Mr. SAMUEL A. WEISS.

Mr. Spengler asked and obtained leave of absence for Mr. WAGNER for the balance of the week.

Mr. Leisey asked and obtained leave of absence for Mr. STRODE for the balance of the week.

Mr. Schrock asked and obtained leave of absence for Mr. SERRILL for the balance of the week.

Mr. Habbyshaw asked and obtained leave of absence for Mr. GILLETTE for the balance of the week.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 15, entitled:

An Act authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate, efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth; conferring upon the commission full power to issue subpoenas, and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued; requiring the commission to make a report of its findings and recommendations to the General Assembly or to the Governor; and authorizing the commission to employ counsel and employes and making an appropriation.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 17, entitled:

An Act to amend article two of the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder," as amended, by adding a new section two hundred and one and one-tenth thereto; imposing the presumption of negligence upon employers; providing for admission of certain evidence and providing for double damage under certain circumstances.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

RESOLUTION

SYMPATHY EXTENDED

Mr. SPENGLER offered the following resolution which

was twice read, considered and unanimously adopted by a rising vote.

In the House of Representatives, July 29, 1938.

Whereas, The Divine Master has called to his reward that most distinguished public servant and our esteemed public citizen, the Honorable Warren Van Dyke, and

Whereas, He was noted for his unselfish devotion to his party and the State, and

Whereas, He always conducted himself as a courteous gentleman and had a kindly word and cheerful greeting for everyone and his disposition was of such nature as to radiate good fellowship, and

Whereas, He served the people of Carbon County, Commonwealth of Pennsylvania and the United States of America faithfully, efficiently, and honorably in many capacities as a public servant, including that of Recorder of Deeds of Carbon County, Chief Clerk for the Commissioners of Carbon County, United States Collector of Customs for the Port of Philadelphia, member of the Pennsylvania Turnpike Commission, Chairman of the Pennsylvania State Bridge Commission, Chairman of the Pennsylvania State Publicity Commission, and Secretary of Highways for the Commonwealth of Pennsylvania, and also served his party in the capacity of Secretary, Treasurer, and Chairman, respectively, of its State Executive Committee, and

Whereas, His family will find solace in the fact that he was universally loved, admired and respected, now therefore be it

Resolved, That the House of Representatives extend to the widow, Mrs. Warren Van Dyke, and family their deepest sympathy, and be it further

Resolved, That a copy of this resolution be transmitted by the Chief Clerk to the widow of the deceased.

RESOLUTION

Mr. LEWIS offered a resolution which was filed with the Clerk under the rules.

ADJOURNMENT

Mr. REESE. Mr. Speaker, I move that this House do now adjourn until tomorrow at 12:45 a. m.

The motion was agreed to, and (at 11:46 p. m.) the House adjourned until Saturday, July 30, 1938, at 12:45 a. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1938

Vol. 22 HARRISBURG, PA., SATURDAY, JULY 30, 1938. No. 6.

SENATE

The Senate met at 12:05 o'clock A. M., Saturday, July 30, 1938.

The PRESIDENT (Lieutenant Governor, Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, LL. D., offered the following prayer:

Our Lord and our God, Thou hast established Thy throne in the heavens and Thy Kingdom ruleth over all! It is Thy glory we recall the illustrious roll of the Immortals who have presided over the destinies of our Commonwealth and our Nation. Under Thy guidance, we have never made an evil choice. We rejoice in the high standard even to our present day.. Yet as in the song of the psalmist. "Blessed is the nation whose God is the Lord." Little does it matter who our President or our Governor may be, if Thou, O God, art King!

We thank Thee for Thy guardianship over the affairs of our beloved nation. "Thou hast not dealt so with any nation." Thou hast saved us from perils, from within and without. Do Thou save us from ourselves. Help us faithfully to render unto Caesar the things that are Caesar's. Above all, we would render unto Thee the things which are Thine.

Bless this assemblage of men, here of right by the confidence and the suffrages of there fellow-citizens. As we assemble in the darkness of this early hour, help us to put on the armor of light. Destroy those things within our hearts that kill, that we may make room for the things which bring happiness and peace. In his name. Amen .

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. RICE, the further reading was dispensed with, and the Journal was approved.

NOMINATION BY THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 29, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

Dr. John E. Barrick, 2301 E. Market Street, York, for appointment as a member of the State Board of Osteopathic Examiners, for the term of four years and until his successor is duly appointed and qualified, vice Dr. Harold J. Dorrance, Pittsburgh, whose term expired.

HOUSE MESSAGE

RESOLUTION AUTHORIZING SALARIES OF LEGISLATIVE EMPLOYES

The Clerk of the House of Representatives being introduced informed the Senate that the House had concurred in resolution from the Senate as follows:

In the Senate, July 29, 1938.

Resolved (if the House of Representatives concur), That the State Treasurer be and is hereby authorized to pay upon warrant of the Auditor General to each employee of the Senate and House of Representatives the salary or per diem compensation to which they are entitled under law for an Extraordinary Session of the General Assembly by virtue of the provisions of the Acts of Assembly under which they are elected or appointed; this resolution to be effective until the General Appropriation Law providing for the payment of the salaries of the employees of the Senate and the House of Representatives for the Extraordinary Session of 1938 is enacted into law.

EMPLOYEE OF THE SENATE

Mr. CAVALCANTE. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CAVALCANTE, offered the following resolution which was twice read, considered and agreed to:

In the Senate, July 30, 1938.

Resolved, That the following person be elected an employe of the Senate for the Extraordinary Session of 1938 to fill an existing vacancy:

CLERK TO COMMITTEE

George Conger, Washington, Washington County, vice Floyd Childs, resigned.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 9, entitled:

An Act making an appropriation to the Department of Public Instruction to pay rentals and expenses in connection with public school buildings constructed or improved by the General State Authority

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows viz:

YEAS—43

Barthold,	Gelder,	Lanius,	Rice,
Bean,	Gilson,	Law,	Ruth,
Cavalcante,	Haluska,	Mallery,	Salus,
Chapman,	Henney,	McCreesh,	Shapiro,
Dando,	Heyburn,	McGinnis,	Sipe,
Deitrick,	Howell,	Mundy,	Sones,
Dent,	Huffman,	Owlett,	Stiefel,
DiSilvestro,	Jacobs,	Pierson,	Thompson,
Ealy,	Kahle,	Pytko,	Wolfenden,
Eroe,	Kilgallen,	Rankin,	Woodward,
Frey,	Kunkel,	Reed,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 16, entitled:

An Act authorizing the Commonwealth or any of its agencies including the General State Authority to contract with and to lease or acquire from any housing authority any area acquired or about to be acquired by such housing authority for slum clearance purposes

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barthold,	Gelder,	Kunkel,	Reed,
Bean,	Gilson,	Lanius,	Rice,
Cavalcante,	Haluska,	Law.	Ruth,
Chapman,	Henney,	Mallery,	Salus,
Dando,	Heyburn,	McCreesh,	Shapiro,
Deitrich,	Howell,	McGinnis,	Sipe,
Dent,	Huffman,	Mundy,	Sones,
DiSilvestro,	Jacobs,	Owlett,	Stiefel,
Ealy,	Jaspan,	Pierson,	Thompson,
Eroe,	Kahle,	Pytko,	Wolfenden,
Frey,	Kilgallen,	Rankin,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably ta order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 17, entitled:

An Act authorizing housing authorities to contract with and to lease or convey to the Commonwealth or any of its agencies including the General State Authority any area acquired or about to be acquired for slum clearance purposes

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barthold,	Gelder,	Kunkel,	Reed,
Bean,	Gilson,	Lanius,	Rice,
Cavalcante,	Haluska,	Law,	Ruth,
Chapman,	Henney,	Mallery,	Salus,
Dando,	Heyburn,	McCreesh,	Shapiro,
Deitrick,	Howell,	McGinnis,	Sipe,
Dent,	Huffman,	Mundy,	Sones,
DiSilvestro,	Jacobs,	Owlett,	Stiefel,
Ealy,	Jaspan,	Pierson,	Thompson,
Eroe,	Kahle,	Pytko,	Wolfenden,
Frey,	Kilgallen,	Rankin,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 18, entitled:

An Act to further amend section three of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred fifty-two) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" by changing the personnel of the governing body

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and, were as follows, viz:

YEAS—44

Barthold,	Gelder,	Kunkel,	Reed.
Bean,	Gilson,	Lanius,	Rice,
Cavalcante,	Haluska,	Law.	Ruth,
Chapman,	Henney,	Mallery,	Salus,
Dando,	Heyburn,	McCreesh,	Shapiro,
Deitrich,	Howell,	McGinnis,	Sipe,
Dent,	Huffman,	Mundy,	Sones,
DiSilvestro,	Jacobs,	Owlett,	Stiefel,
Ealy,	Jaspan,	Pierson,	Thompson.
Eroe,	Kahle,	Pytko,	Wolfenden.
Frey,	Kilgallen,	Rankin,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and con-

sideration of Senate Bill No. 21 (House Bill No. 1), entitled:

An Act relating to the investigation of charges of or involving misdemeanor in office made against civil officers subject to impeachment providing that the jurisdiction of the House of Representatives to make such investigations shall have precedence over the jurisdiction of grand juries and limiting the circumstances under which courts of oyer and terminer and general jail delivery or courts of quarter sessions or judges of such courts may authorize grand juries to make such investigations

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. CAVALCANTE. Mr. President, all the sections of this bill, the entire bill, is a hybrid so unique in its makeup, that the keenest ornithologist would not be able to determine whether it is a crow, a vulture, or an eagle. I don't know who drew the bill up, but the bill just conglomerates many subjects together without regard to any constitutional limitations. The bill confuses impeachment proceedings and the matters relating thereto, with the criminal procedures and matters relating to them. Under the Constitution, impeachment proceedings are in the sole power of the House of Representatives, while under that same Constitution the judicial functions are entrusted to the Judiciary. In this bill, the Governor is given judicial powers. This bill invades the Judiciary and gives the Governor the right to receive information which under the Constitution, is purely within the province of the judiciary. That information is concerning the commission of misdemeanors in office. Now, this bill if passed will completely paralyze the judicial arm, in all cases now pending in the courts of our Commonwealth involving misdemeanors in office which under Section 4, of Article VI, of the Constitution are entrusted to that Department of our Government that deals with the criminal law.

On our statute books, General Sessions have passed laws defining certain misdemeanors in office, and then providing that upon conviction of the same, as part of the sentence, the Court shall decree removal from office. Now in all these cases, Mr. President, the matter of impeachment is not involved, because the Constitution specifically provides that upon conviction of a misdemeanor in office or of any infamous crime, the penalty must be removal from office, and the manner of inquiring into the misdemeanors in office, and infamous crimes, is a matter delegated by the Constitution to the Judiciary. This bill provides that before the Judicial arm, under the statutes now on the statute books, may proceed to try and convict and remove from office a public official, that it first must give an account of the same to the Executive. That is a pure and simple diversion of the Judicial powers. I say it should not be done. I have a fair knowledge of what is attempted by this bill. But the aim attempted can be accomplished within constitutional limitations without disturbing our constitutional form of government by confounding as this bill confounds, matters that are purely of the legislative branch, and matters that are purely of the judicial branch.

Take for instance, the term 'civil officers' used. Well, who are civil officers? A little election board officer is a civil officer. A registered assessor in a township is a civil officer. Road supervisors are civil officers. School directors are civil officers. Constables, justices of the peace, city councilmen and all the way up to the Executive. How many cases are now pending on the records of our judiciary, involving the prosecution of election frauds, by election officers, violation of the school board by school directors, violation of the road laws by road supervisors? What effect will this act have upon all of those prosecutions? There is just one effect. It paralyzes the judicial arm, notwithstanding that all of these charges on the records now are governed by Section 4, of Article VI, of the Constitution, and impeachment proceedings are not in any way involved. Yet this bill requires that the Governor be informed of all these cases, and before the judicial arm can move to justice, it must wait until this session is adjourned.

Now surely, the objective that is sought by the framer of this bill can be accomplished directly without paralyzing the judicial arm in all of these hundreds of cases that are now on the records in our courts. If these bills are aimed at rectifying any abuses that may have arisen here in the courts of Dauphin County in this crisis, of which we were informed by his Excellency, this bill can be framed to cover that particular situation, and not paralyze the arm of the judiciary all over the State of Pennsylvania in cases that have nothing to do with the crisis here in Dauphin County.

It is because of this promiscuous handling of these powers of sovereignty, powers of the Legislature and powers of the Judiciary that I am compelled under the oath of office to defend and obey the Constitution, to vote against the passage of this bill.

Mr. REED. Mr. President, since the convening of the General Assembly, I have devoted most of my time to a study of the issues raised by the Proclamation of the Governor, laying especial concentration on those matters that have to do with the regulation of investigations involving public officials.

In doing so, I have endeavored to set aside all bias or prejudice, to ignore all political considerations that might be associated therewith, and to view the same from the high position of a public servant interested solely in a solution that will preserve and protect the interest and welfare of the people of this great Commonwealth.

Problems of grave importance touching the fundamental and basic law of organized society, have been presented to this Senate for consideration. Serious and grave charges have been made against certain officials of this Commonwealth. In the eyes of the law, they stand today innocent of all charges, and as the law classifies them, so do I. The presumption that declares them innocent has been a part of our criminal jurisprudence for centuries. In my investigations, this salutary and wise presumption has been kept constantly before me so that no tarnish whatever might fall upon the good names of those accused. I accuse no man, I judge no man, I entertain no hatred and my action in this trying hour is completely devoid of malice. The call to this session invests us with the solemn duty to determine how these accusations shall be investigated, and in doing so our obligation to the people directs that we be guided solely by conscience and reason.

Our government is a government of the people. By gradual growth and development up through the centuries the rights and liberties of all have been jealously guarded and protected by a wise system of laws made and promulgated by and for a free people. Our jury system is a part of this growth. The origin of our grand jury runs

far back into the early history of English jurisprudence, and nothing need be said of its general use today. Grand juries have been defined as "watchmen stationed by the laws to survey the conduct of their fellow citizens, and inquire where and by whom public authority has been violated, or our Constitution and laws infringed." A grand jury is of the people, and the oath in part is "diligently to inquire and a true presentment make, as well of all such matters as shall be given them in charge as of those things which they may know of their own knowledge." Under our grand jury system, it is then the people who inquire. In Pennsylvania, in order to protect the rights of the accused, the freedom of the grand jury is very much restricted.

"Our courts, mindful of the danger that this body might, if unrestrained and unguided, encroach upon the very liberties which it was created to protect, have imposed definite limitations upon its investigatorial powers" said the Supreme Court in McNair's petition.

"It is an arm of the criminal court and criminal acts alone must be the foundation of its deliberations. A grand jury's investigation cannot be a blanket inquiry to bring to light supposed grievances or wrongs for the purpose of criticizing an officer or a department of government, nor may it be instituted without direct knowledge or knowledge gained from trustworthy information that criminal conspiracy, systematic violations of the law or other criminal acts of wide spread nature prevail and at least one or more cognate offenses should exist upon which to base a general investigation."

Is then the grand jury empowered to conduct this investigation? The law as quoted answers in the affirmative.

But rumors and reports are current tending to strike down the grand jury as the proper agency to carry on the investigation of the matters before us on the ground that political bias and ill-will dwell in those who are authorized to direct the same. If such allegations are true, a serious situation indeed prevails.

Has human frailty reached such a state of depravity that it will sacrifice innocent people for the sake of political advantage? If this be so, it is not the fault of the grand jury system but the sin of those who operate it, and their misconduct, Mr. President, in such a case will be thrown back to the people for well deserved and just punishment and any political party that would woo success by such reprehensible methods is doomed to failure.

It has been said that "the court of Quarter Sessions has no power to set such an inquiry in motion unless it has reasonable cause to believe that an investigation will disclose some criminal misconduct which is within its jurisdiction to punish. The grand jury must not be set upon fruitless searches, founded upon mere rumor, suspicion or conjecture. "

"When a court orders an investigation it acts under its official responsibility and must answer for the steps taken when it is not justified in the exercise of sound judicial discretion but is the result of an arbitrary capricious exercise of power."

Mr. President, surely the Court will not blacken the judicial ermine by departing from the path of law and right to destroy or create political prestige.

Is it possible in such an investigation that persons will degrade themselves so completely as to violate that high and sacred precept by bearing false witness against another? The destruction of this ancient maxim means the end of all law.

Such possible wrongdoing on the part of those who would participate in a grand jury inquiry is certainly dangerous and destructive, and should be the subject of a plan for moral betterment, as no legal system, however formidable, can long survive if operated by weak and unscrupulous men. The solid foundation of our republic was conceived, builded and protected by sincere and devout fathers who learned early the lasting value of dealing justly, honorably and truthfully with all men, and we today, Mr. President, would do well to follow their example.

Our grand jury, although at times in bad and unscrupulous hands, might do injury to those it should protect, still remains one of the boasted bulwarks of our liberty, and to enter its sacred domain for the purpose of limiting or transferring its vested and time-honored powers, will in the end lead to irreparable injury. This being so, its functions should not be restricted or hampered by this Assembly.

There are those who would take away from the grand jury certain of its functions and deliver them to the House of Representatives. Under the Constitution of this great Commonwealth, Article VI, Section 1, "the House of Representatives shall have the sole power of impeachment." The people of Pennsylvania, Mr. President, through their Constitution, have given the power of impeachment to the House of Representatives, as Senator Cavalcante has so well explained, but in so doing they did not destroy in the slightest degree the functions of the grand jury. The House of Representatives can sit for the purpose of a hearing on the question of impeachment, and as this is the method prescribed by the people, the accusations leveled at certain public officials should be heard by the House of Representatives, where all facts and inferences should be disclosed and considered, but such deliberations should be confined within the limits prescribed by the Constitution now in effect today.

As all power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness, the power given by them to the grand jury should not be curtailed and the authority vested in the House of Representatives by them should likewise not be interfered with.

Therefore, Mr. President, from my study of these questions I believe firmly that the institutions of the people should be permitted to function as heretofore, and that any investigation the grand jury of Dauphin County has a legal right to make, shoud not be thwarted or disturbed, and at the same time, Mr. President, any investigation the House of Representatives desires to undertake under its constitutional authority should likewise not be hindered or disturbed.

Mr. President, I believe that in the end the people will judge; and in the end, right will triumph.

Mr. RUTH. Mr. President, and members of the Senate, I understand there are a large number of people who are anxious to know my position on this program, on this issue, which is the heart of these four bills. Two of my close personal friends are seemingly on opposite sides. I shall vote to support the entire program with the firm conviction that future revelation will prove that I voted for the best interests of the people.

Mr. EALY. Mr. President, on this bill, I simply wish to rise to emphasize one feature which the Senator from

Fayette County brought out so well. There seems to be a misapprehension among the members of this Senate, as to the meaning of the term 'civil officer.' We have the same term in the Constitution of the United States. Mr. Storey in his able work on the Constitution, gives a definition which is approved by the Supreme Court of the United States. "The term 'civil officer' is held to mean any officer of the United States who holds an appointment in the National Government. Whether his duties are Executive or Judicial in the highest or lowest department of the Government, with the exception of officers in the army or navy." This term has been discussed in many cases. In a case from another state, the Supreme Court says, "In a certain popular acceptation, the word 'civil officer' under this state, might possibly be interpreted to mean 'state officer' in the sense of participating directly in the administration of the State Government as such, but they are none the less civil officers under the State, because their functions are confined to the local administration. The offices are created, and the officers are appointed, and their powers given, and their duties defined, and their salaries fixed directly by the Act of Legislature. They exercise a share of the powers of civil government, and their authority comes directly from the State. They are to be considered as much civil officers under this State, as the Judge of the Court, or the Mayor of the city." In the first section of this bill, after numerous whereases, it is said that whenever the Governor or any other 'civil officer' who is liable to impeachment, and that under the definition of 'civil officer' means anyone holding a public office, except those in the army and navy, above the rank of mere employes or clerks, any officer who is liable to impeachment shall be charged with any offense against the laws of this Commonwealth, which would involve the misdemeanor in office, the House of Representatives shall have exclusive jurisdiction to investigate. There are now, so I am told, bills to be presented to the Grand Juries involving misconduct of councilmen, school directors, election officers in many counties of this Commonwealth but this Act of Assembly, says the House of Representatives has exclusixe jurisdiction to investigate except as hereinafter provided. It doesn't give any provisos. It starts in the second section, and says under a certain case before the Court of Quarter Sessions has the power of ordinary investigation by the Grand Jury, to submit any bill to the Grand Jury, or permit it to be submitted to the Grand Jury he must notify the Governor, etc. because the House of Representatives has exclusive jurisdiction. In my opinion this act is unconstitutional, and will throw the administration of justice in many courts of this Commonwealth at the present time into confusion and until it is construed by the Superior Court might involve every court in this Commonwealth. It will throw these courts, I say, into great confusion. Why an act so poorly drawn, so confusing, may be permitted to pass this Senate is beyond me.

Mr. SHAPIRO. Mr. President, I take it that the discussion of this bill will involve all the rest of this group of bills which is the subject matter of this controversy, and because of that I don't hesitate to take the floor and express my opinion on the bill, and some of the things that have been said. I wouldn't have made any statement on the bill, were it not for the fact that some of the previous speakers, the first and last speakers, have thrown into the situation a condition which doesn't exist. The picture that is painted by the speakers so far is that the House of Representatives, that the passing of this act rather, will make it impossible for justice to be administered, in cases involving constables, school directors, and road supervisors, and that the passage of this law will violate the constitutional provisions against the grand jury. If any one of the previous speakers can point out to me in the Constitution where the grand juries are mentioned and where they are made a constitutional body, I shall be glad to acknowledge that I know nothing about the subject, and will govern myself accordingly. I have looked through the Constitution, through the index, I have read every section of it, over and over again to make sure, and there isn't the slightest word in the Constitution, concerning Grand Juries.

The gentleman from Fayette, Mr. Cavalcante, has said that Section 4, of Article VI, interferes with the administration of these acts and raises a barrier that we can't surmount. The Section reads in part "All officers shall hold their offices on the condition that they behave themselves well while in office, and shall be removed on conviction of misbehavior in office, or of any infamous crime." I call attention to the members of the Senate that before you read Section Four it might be well to read Section Three. "The Governor and all other civil officers shall be liable to impeachment for any misdemeanor in office, but judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of trust or profit under this Commonwealth; the person accused whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to the law." I call attention to the fact that this section reads he "shall nevertheless be liable to indictment, trial, judgment" and not "investigation," indictment, trial and judgment. The Senator from Somerset has said that under the decision interpretating what a civil officer is, then every officer including the road supervisor will be subject to this act. Well, I am afraid if that is a proper criticism of the act it is also a proper criticism of the Constitution because if the civil officers ae liable to impeachment and the House of Representatives under Section 1 shall have the sole power of impeachment, then the same objection still exists to the condition and the same interference might exist in the administration of criminal law, because there is nothing in this Constitution which prohibits, and on the contrary the Constitution provides, that the General Assembly shall impeach those people if the interpretation put by the Senators from Fayette and Somerset is correct. However, I read the second portion of Section 3 because that helps me to point out what appeared to be a misconception or a misinterpretation of this situation.

Assuming that all that these gentlemen say is true there is still no interference with justice because there is nothing to stop any one of the various districts through their criminal courts from arresting and indicting any supervisor or any member of a school board and assuming that they are correct, there is nothing even under this bill which would prevent the board from being tried by their own district and investigated by a grand jury because the act provides that there can be no grand jury investigation by any other tribunal if within 90 days after the charges have been brought to the attention of the Governor, he does not or he fails to call a session of the Legislature. Therefore if the Governor is notified that there are fourteen or fifteen school directors or road supervisors who have committed a

crime, or are alleged to have committed a crime, and there is going to be a grand jury investigation, if the Governor doesn't act in ninety days, then of course these gentlemen in the various districts can proceed. There have been arguments advanced during the course of this week, some of which have been brought to my attention. People say "Well, that may sound alright but how about the Statute of Limitations?" And my answer to those gentlemen is repeated here, the Statute of Limitations gives the people the power if they believe that a crime has been committed, and honestly believe it as they should, the power to proceed to indict on a District Attorney's indictment. They can go before the grand jury with their witnesses and have the indictment found by the grand jury. If the Grand Jury, the so-called sacredness of the grand jury, is to be used to protect and to permit fishing expeditions for political purposes then I think this bill is a good bill.

I think that what the Supreme Court said in regard to the petition that had been presented to it for a grand jury investigation that as far as every one of these charges is concerned, it is admitted that beyond the conferences with the former Attorney General, the District Attorney of Dauphin County has made no independent investigation whatsoever as to their truth. There ought to be some protection for decent and honorable citizens from the kind of scandalous statements that have been promulgated in this procedure. I don't want to get involved in the calling of names or the description of attitudes but I make the statement merely for the purpose of making my point plain. We have been accused by the newspapers that we are preparing a 'whitewash.' The Governor of the Commonwealth has been charged with the commission of serious crime. The Supreme Court of the Commonwealth of Pennsylvania in that very proceeding said that as far as every one of these charges is concerned it is admitted that "beyond the conferences with the former District Attorney General, the District Attorney has made no investigation whatsoever as to their truth." In spite of that fact and in spite of the fact that the Supreme Court was able to get that knowledge the Dauphin County Court certified as it was required to do, (otherwise there would have been no investigation) that there is credible evidence to warrant the calling of a grand jury and I think that when that kind of a proceeding involves the officers of the State charged with the responsibility to see to it that the State functions shall not be interrupted, that something must be done to prevent a persistence in that scheme or arrangement, call it whatever you will.

We all know that a member of the Legislature during a Session cannot be arrested and that is class legislation if you may say so, but there is a definite reason for it. It would be very easy at this moment if someone found me walking into the chambers of this Hall knowing I intend to vote for all of these bills to arrest me on charges fictitious or otherwise and take me into the county jail and confine me for the hour or two that was necessary to enable the Senators to get off the steam that is usual in these proceedings and then return me afterward upon a copy of the charge. That would be very easy to do and unless we were immune from that kind of treatment there would be very little proper voting on legislation. It is also equally easy to present charges behind closed doors or make unsupported charges of this kind against a Governor or some other officer of the State, threaten them with those charges and intimidate them to the extent that they might concede and make concession for the purpose of avoiding having their names in the newspapers.

And so it is important to know that those conditions which exist, which we are discussing today were known to the framers of the Constitution and they must have known what they were doing when they said that there shall be impeachment in a case in which fiscal or civil officers are concerned and in order to protect the Commonwealth provided that irrespective of whether a conviction is obtained in the House of Representatives, nothing shall prevent the criminal authorities from proceeding with the investigation. Many people have been scared away from these bills by the charge that they will interfere with the criminal law and I say that if the gentlemen have evidence, which is required according to the decision of the Supreme Court to support a petition, that they don't need an investigation. They can issue their warrant of arrest. There is nothing in any one of these acts that prevents any county, any district attorney in any county, from proceeding to inaugurate criminal proceeding and allow the arm of the criminal law to function. The whole trouble and the difficulty is, and I would like to reverse the situation and say that if there is all of this evidence against the Governor, then I can see no reason why everybody on both sides of the house should not vote for the investigation by the House of Representatives, the investigation which is suggested here. Because everyone knows that the Democratic party would commit political suicide by the passage of these bills if they did not give the District Attorney or any one else who has made charges the opportunity to come before the House and present them and I say that if they do that and present them, then the object has been obtained. The desire to maintain decency and honesty in office will be obtained because everyone of the members of this Senate by voting for these bills commit themselves to the proposition, and I commit myself now publicly to the proposition, whether it be the Governor or any lower officer, if there is developed in these hearings testimony which proves that any officer, any civil officer mentioned or not mentioned in the proceedings has been guilty of crime, I shall vote for his impeachment and I don't care what the rest of the members do about it. That is one of the reasons why I am in favor of these bills, because we don't want to wait and allow a Governor to function as a Governor, to perform the functions that he does, to decide that Mr. X shall not be pardoned for a crime, decide that certain money shall be expended, to perform functions which involve the life and liberty and safety of our citizens if he is the kind of a Governor or the kind of an official that the people who made these charges say he is. I say that every memebr of this Senate, certainly the Democratic members of the Senate are in duty bound to back the Governor and the rest of the officers as long as we believe, and I believe, that they are sincere in the proposition that they don't want these proceedings to be held behind closed doors of a grand jury, with nobody to know what the facts are until after January 1, and during that period of time the Governor will be acting as Governor.

I want to say that I don't know, I have been an assistant district attorney myself and I have practiced law for twenty-five or twenty-six years, I don't know of any district attorney who ever lost a case before a grand jury and I haven't the slightest doubt that if this District Attorney goes before any grand jury they will have

enough influence and fluency of words to say to them, "after all, all we have to do is make a prima-facie case and bring in that indictment." I don't know what is to stop anybody from preventing the grand jury from having hearings in October or November and making it impossible to have a trial of these who are charged until after their term of office has expired. And I for one am not in favor of allowing that to continue.

I want to finish by making this statement, which I repeat, that there is no member in this room who can point to any provision in the Constitution which says "That the grand jury can investigate," I go further and say that there is no mention of the grand jury and I call attention to the fact that even if all that has been said is true we are not dealing with indictment or trial or hearing or presentment of evidence to the grand jury. What we are saying here is that there shall be no investigation by a grand jury of charges behind closed doors when it involves the officers of this State. We are only repeating what the Supreme Court has said and I have heard a great deal about the sanctity of the court and if there is any sanctity in the court there must be some attention paid to their word. The Supreme Court in this petition said, "We have no disposition to minimize or enlarge the rule of Hartranft's appeal nor to enter into that field of conflict on the judicial act which unlawfully disturbs the conduct of government. This should never be done."

If you read this opinion you will see that it specifically states that the Governor of the Commonwealth cannot be investigated by the Grand Jury. I say that the members of the Senate need have no hesitancy or fear on their part that we by these bills are in any way interfering with the criminal function of the Criminal Court. The Supreme Court says, "You can't proceed on this petition because you have no evidence." Now they contend that they have the evidence, and I say that the Governor has suggested, and I suggest in all decency if these men have the evidence which I understand is permitting the newspapers to print the charges which they have, then in fairness and decency and in the interest of good government a warrant should have been issued long ago.

Mr. CAVALCANTE. Mr. President, there may be considerable impulse for a demonstration on the other side of the rail but within the railing where we are dealing with very fundamental principles I trust we can keep our heads and be cool. The gentleman from Philadelphia has challenged members of this Senate to point to him in the Constitution where anything is said about grand juries. In Section 9 of Article I, in the Declaration of Rights preceeding our Constitution, I shall read it in full. "In all criminal prosecutions the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favor, and, in prosecutions by indictment or information"—I want to emphasize and want the gentleman from Philadelphia to note the use of the word "indictment" in that Section. Then in Section 10 of the Declarations of Rights we have this expression, "No person shall, for any indictable offense, be proceeded against criminally by information," and there follows an exception then under the very article that the gentleman spoke of concerning impeachment and removal.

Article VI, Section 3, "The Governor and all other civil officers shall be liable to impeachment for any misdemeanor in office, but judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of trust or profit under this Commonwealth; the person accused, whether convicted or acquited, shall nevertheless be liable to indictment, trial, judgment and punishment according to law." Now we are to assume, at least, that the framers of the Constitution were intelligent men and what did they have in mind when they used the word indictment and indictable offenses? Mr. President, there is no agency under jurisprudence that returns indictment. Nobody, no agency under our form of Government that the expression "indictable offenses" is used in connection with except grand juries. Grand juries or bodies acting in similar capacity are the ones that return indictment against individuals. It is only to grand juries that we must look to for offenses that are indictable because the word "indictment" is cognate to grand juries and nothing else, and surely since these words were used by the framers of the Constitution, did they or did they not contemplate the grand jury as part of the government for which they were writing the Constitution? Surely we can arrive at no other conclusion but that when they used those expressions, those words, that they did contemplate a grand jury in their form of government.

Mr. EALY. Mr. President, the Senator from Fayette might also have referred to Section 6, of the Bill of Rights, which says that trial by jury shall be as heretofore: "Trial by jury shall be as heretofore, and the right thereof remain inviolate." A jury in a criminal case, of course is preceded by the indictment after the investigation by the grand jury. If it is desirable to proceed by investigation to discover whether impeachment shall be made by the House of Representatives, we have plenty of laws constitutional for such a proceeding without any additional act. The Bill which we have before us is one of this series of bills introduced into this Legislature for the purpose of stopping the grand jury investigation of the charges of malfeasance in office brought against the Governor and other members of this official family.

In his address at the opening of the Session, the Governor asserted that the charges made were simply part of a plot of the Republicans to discredit his administration and that the action of the courts in permitting a grand jury investigation was in violation of the Constitution of the Commonwealth.

In view of the attitude of the Governor,—the head of the Democratic party in the state—it of course, becomes unpleasant for the Democratic members of this Senate to differ from him—as to the justness of the legislation which he has demanded, and any member of the Republican party which seeks to oppose these bills is branded as an unfair partisan.

We have been chosen, however, as members of this body, to do our duty to the Commonwealth, first; and I think we should attempt to study these bills in that light.

I can readily understand that the Governor would be justly indignant against anyone who, he thinks, is charging himself or his friends of wrong-doing without proper warrant; but that his anger should carry him so far as to denounce the courts for merely hearing the complaint is surprising, to say the least.

I am in no manner familiar with the evidence which may be furnished to sustain the charges made. It may be that the evidence is wholly insufficient to convict. It is

also true that these charges were made during a heated campaign by rival candidates for office.

Nevertheless, made in the form they were and by Democratic officials who were in a position to know the truth or falsity of the same, they could not be ignored. When they were brought to the attention of the Governor he did not then call the Legislature into Special Session. He was satisfied to have a grand jury investigation provided that investigation would be in charge of his own Attorney General. He at that time apparently conceded the legality of the investigation if only he might control it.

When we consider the fact that the charges were made by the former Attorney General who had been the intimate associate and adviser of the Governor for over three years, and who would be most likely to know what was going on under the cover of administrative procedure, it seems absurd to say that this is a Republican plot. When we know the Democratic United States Senator strongly indicated the need for investigation and other Democratic leaders took the same position, the people will not look with favor upon any attempt to brush aside these charges of corruption by saying they are merely Republican propaganda.

Suppose there is no truth whatever in the allegations of wrong-doing upon the part of officials charged therewith. Why not let the investigation proceed in the usual and proper manner? Why the necessity for all this legislation in what everyone will believe is an attempt to shield persons who are guilty?

The public believes this session has been called purely to whitewash the guilty. The passage of these acts will confirm that suspicion in the minds of the people. And if these men who are charged are innocent they have nothing to fear from any investigation. To try to change the rules of a case after it has started looks bad. If the accused are not guilty, why run? "It is the wicked who flee when no man pursueth."

We all know it is very difficult to convict one who is guilty as every presumption is in his favor. The Senator from Philadelphia has said that the District Attorney has secured an indictment in every case. We all know that there are many bills in every court, that have been thrown out, ignored by the Grand Jury. The grand jury does not convict, it may merely indict or point out one for trial. Then, before the accused is brought to trial or is required to make a defense, he is given full knowledge of all charges against him. He must be confronted face to face by his accusers, he may cross-examine them in every respect necessary for his defense and before he can be convicted, his guilt must be proven beyond all reasonable doubt.

Now, this grand jury institution, as pointed out by the Senator from Washington, is a very ancient institution which goes back to the time of Edward III of England, or perhaps the reign of Henry II, or possibly even to Anglo-Saxon times. The oath taken by the grand jurors, which was given in part by the Senator from Washington, has been little changed for centuries. It is

"You shall diligently inquire and true presentments make of all such matters, articles and things as shall be given to you in charge, as of all other matters and things as shall come to your knowledge in the present service: That the Commonwealth's counsel, your fellows,' and your own you will keep secret. That you will present no one from any hatred or malice, neither will you leave anyone unpresented for fear, favor, affection, hope of reward or gain, but will present all things truly, as they come to your knowledge, according to the best of your understanding."

In McNairs petition (324 Pa. p. 48), a case which was cited by the Governor in the articles which he had published in papers, it is said by the Supreme Court:

"The ordinary conception of the duties of a grand jury was to guard the rights and liberties of the people; it was so understood at its inception. Because of the method by which its deliberations are conducted and the secrecy surrounding them, it is a particularly suitable body to investigate misconduct of public officials and public evils."

"Where it is made to appear to a court * * * that there exists a system of crime among public officers, or criminal conspiracies respecting public business, safety or health, or other criminal acts affecting these functions of a widespread nature, jeopardizing or demoralizing public security or health, the judge may properly order such investigation."

It is a well known fact that election frauds, wide spread terrorism by racketeers, conspiracies among public officials and the like cannot be broken up by open investigations where witnesses are intimitated and their lives are in danger. The grand jury system has come down to us because it has stood the test of the ages. This system protects the individual but it also protects the public and this is of the greater importance.

The Governor accuses the courts of trying to usurp unconstitutional power and encroach on the prerogatives of the legislative and executive branches of the government.

Laying aside all political arguments, we all know that is pure nonsense. What kind of government would we have if the executive branch would be immune from all liability to account through the courts for its wrong-doing? We would be in the same position as Germany, where Hitler passed a law making legal his previous summary execution of hundreds of his opponents; we would be in the same position as Russia and other countries, where the will of the executive is the law.

The Governor in his message called attention to acts of the courts in the historic instances of the "bloody assizes" of Jeffries of England and the Star Chamber proceedings. But, those were cases where the courts acted under the domination of the King. Where the courts have been uncontrolled by the executive power they have protected and preserved the rights of the people and we can only look with dismay to the time when they may be rendered powerless so to act. If the Governor has his way to subordinate the courts to the executive arm of government, then, is our system of checks and balances gone—then indeed is our Constitution destroyed.

The Republicans are not interested in this case as such, but only as citizens of this great Commonwealth. The Republican Senators are not interested as Republicans, but only as members of this body, whose duty it is to do what is best for our state.

We feel that the Democrats should take the initiative in clearing up this situation. And I am glad that Democratic Senators have taken the lead in pointing out the Unconstitutional features of this Act.

When, during a Republican administration here, charges of graft were made in the building of this Capitol, the leaders promptly brought to justice those who were guilty. When, in a Republican Federal administration, scandals

arose concerning western oil lands, the guilty men, though high in office, did not escape.

It was not very pleasant for the administration leaders in those cases to send to prison their associates, but, justice and the welfare of the country as well as of their own party required the drastic steps taken, and eminent lawyers of the opposite political party were selected to lead the fight for clean government so that no charge might be made that the attempt to prosecute was not in good faith.

Even though the Governor may be entirely without fault, I won't charge him with being guilty of any crime, he should remember that in this country the theory that the King can do no wrong does not prevail, and he should submit himself to the ordinary procedure of the law, just the same as any other citizen. If he protects himself and his associates by this unorthodox method of passing retroactive legislation, all those charged may escape conviction even though some of them may possibly be guilty, but all will be considered guilty in popular opinion, even those who in fact are innocent.

Therefore, better delay legislation. Let the courts act. Give them every opportunity to clear up in a satisfactory manner these allegations of corruption—made by the Democratic Attorney General, made by the Democratic United States Senator, made by numerous other prominent Democrats all over the State. Then you will show that you are sincere. Then and only then will you escape the charge that this session has been called to permit the guilty to escape their just deserts.

Mr. LAW. Mr. President, I want to call attention to the fact that the section referred to by the gentleman from Somerset in regard to trial by jury does not refer to the matter of crime investigation. That section only refers to the petit jury. I have that statement on the authority of many distinguished attorneys, both on the floor and off, and both Democratic and Republican. Certainly many of the latter have no prejudice in either of the present bills. I want to say further that it seems strange to me if the purpose of our colleagues on the right is solely to keep this legislation within the Constitution, that there has been no attempt made on their part to introduce amendments to these bills, which might put them in better shape to suit them. If they think the public are not satisfied why have they not proposed amendments? If would appear more as if the purpose here has been to delay action because the position taken has been uniformly against not only the two bills which would suspend the action of the Grand Jury pending the Legislative Investigation, but also against the other two bills—one of which affects only the matter of the relative powers of the District Attorney and the Attorney General, the other of which has only to do with procedure in legislative investigation.

Mr. SIPE. Mr. President, despite the newspaper barrage—despite the telegram lobby barrage—, I intend to vote for the four bills that are uppermost in our minds in this morning hour.

But I would vote against every one of these bills if I had any reasonable grounds for belief that the Dauphin County grand jury would act speedily and not prolong its investigation behind closed doors.

Early in the primary campaign, Charles J. Margiotti began making serious charges against high State officials. Soon many newspapers that are now abusing this administration, began to call upon him forthwith to prosecute if he had any evidence of wrong doing on the part of these officials. Throughout the passing days and weeks, his charges became stronger and they finally included the Governor of the Commonwealth. In the meantime, these newspapers and hundreds of citizens of the Commonwealth kept insisting that he prosecute if he had any evidence. But he did not prosecute.

After the primaries, Mr. Margiotti consulted with the district attorney of Dauphin County and the machinery for a grand jury investigation was set up. The Governor publicly called upon both Mr. Margiotti and the district attorney to prosecute if they had any evidence. This, all of these Senators well know. But no prosecution has been started notwithstanding the repeated calls of the Governor of the Commonwealth. This does not look good to me.

I am afraid that the district attorney intends to prolong the grand jury investigation until after the election. I am afraid that the district attorney, with Mr. Margiotti as his mentor, is willing for political purposes, to ruin the reputation of the Governor without giving the Governor an opportunity to defend himself until after the election.

The Governor of this Commonwealth is entitled to much better treatment than all this comes to. He is not only the Governor of the second greatest State in the Union but also a candidate for the high office of United States Senator. But he is much more than this. He bears on his body the scars that he received in defense of his country in her critical hour. He has the highest distinction that our government gives her sons for valor in her defense.

In the same war in which the Governor showed his valor, my youngest brother laid down his bright young life on the altar of his country and felt upon his noble brow the breath of the eternal morning. If I were to vote against these bills, under the circumstances, and thus help make it possible for a district attorney, animated by political rancor, to ruin the Governor, my dead brother's comrade, without giving him a chance to defend himself until after the election, I fear that my brother's spirit would whisper reproaches to me from the heavens until the hour of my death.

If it shall turn out that the Governor and the other high officials actually have been guilty of crimes, I shall be the first to urge that they be punished to the extent of the law. I will not attempt to whitewash any person. But I will not be a party in an attempt to ruin them with no chance on their part to defend themselves until after election.

Keep in mind that these bills will not prevent the district attorney from starting prosecution tomorrow if he believes he has evidence justifying prosecution. He can arrest the Governor and the other officials any day, any hour, he chooses if he thinks he has evidence justifying such action. He can not only start the prosecution. He can carry it through unhindered by these bills. All these officials—the Governor and the others—, if found guilty in the criminal courts, can be sentenced unhindered by these bills and serve their sentence unhindered by these bills.

When I was running for the office I now hold, I promised the people of my district that, if elected, I would bring my conscience with me to the Pennsylvania Senate, hold on to it while here, and then take it back with me to good old Armstrong and Butler Counties when my term is over. My conscience, I repeat, will not permit

me to vote against these bills—it will not permit me to join in the attempt to ruin the Governor of a great commonwealth without giving him a chance to defend himself until after election day.

It is silly to say that these bills "wreck the grand jury system." They simply tend to prevent its being used for political purposes. And what good citizen wants the grand jury used for political purposes?

Mr. THOMPSON. Mr. President, I do not wish to delay the debate on this bill. The Senator from Somerset has made a plea for the conducting of the investigation in the usual and proper manner and has referred to the only precedent that we have in this State for a situation such as this, namely the Capitol Graft Scandal of a generation ago. The Capitol Graft Scandal was thrown wide open by a speech of former State Treasurer Berry that was made in the county seat of Centre,—my home county. And when the State Treasurer made that speech, he told in that speech exactly who the parties were, who were involved, how much was involved, what misdemeanors were involved and with certainty and accuracy and without hesitation exactly what that scandal consisted of.

Now, when the Senator refers to the usual situation with respect to investigations, let us compare the difference between Berry's attacks on the Capitol Graft Scandal and what the Supreme Court itself said about the charges brought by District Attorney Shelley. In its opinion, the Supreme Court states as follows: "Generally speaking, and this observation applies to each and everyone of the charges made in the petition, they are vague, uncertain, indefinite and, as we have stated above, an investigation based thereon, if permitted to be carried through, tends to hinder the State Government and cripple its functioning."

The Capitol Graft Scandal, after the facts were disclosed and laid before the public in their entirety, was handled by a Legislative investigation. Now if the gentleman from Somerset feels that we should handle the matter as it was handled in the Capitol Graft Scandal, why does he object to a Legislative Investigation now? Why is there any objection to any investigation of this kind? Certainly unless the situation is tinctured all through with a political complexion, what objection can the members of the other side of the House have against a legislative investigation? There is only one reason that I can possibly see, and let us analyze a little the political complexion.

In Dauphin County they have a District Attorney and three assistant district attorneys, but who must be hired especially to conduct this investigation but the attorney for the Republican organization? They have a County Detective and a whole force of assistants and probation officers in Dauphin County, but who must be hired to do the investigating but the number one gum-shoe artist of the Republican State Committee?

Not only that, we learn in the last few days about the very rooms in which this grand jury is to sit, that the District Attorney who is to conduct the investigation is a part owner of that building, in spite of the fact that Dauphin County has a Court House where a grand jury investigation could be held.

Now, why should we attempt under any circumstances to pretend anything else than this whole investigation has been from the start and will be, if conducted without any let or hindrance or without any attempt to bring the whole matter before the public, nothing but a system of political blackmail, calculated to influence the general election and not for any reason at all will it be a matter of bringing to justice any people before the judgment of this state,—any civil officer. It is foolish and technical to try to read from the Constitution any constitutional provision regulating the grand jury.

To quote again, as the Senator from Somerset quoted, in Article I, Section 6 of the Constitution, "Trial by Jury shall be as heretofore." In other words what the framers of the Constitution protected was the rights of the defendant.

The Senator from Somerset says that we are trying to cloak this investigation with confusion. What can be more of a confusion than to have a politically minded District Attorney who takes the minions of the Republican State Committee and puts them on a payroll which is costing this state today $2000 a week to pay for these Republican agents? What could be more confusing in the minds of the public than a situation of that kind? Nothing could be more confusing.

We ask in this investigation only one purpose,—to bring this whole matter before the light of public scrutiny and that is exactly what the agents of the Republican State Committee and the members on the other side of this House do not want. They do not want any public scrutiny of any of this situation until after the general election in November.

Mr. President, it is the only stock in trade that they have by which to influence this November election. They know as we all know that the administration of George H. Earle has given the Commonwealth of Pennsylvania, fiscally and administratively, one of the best administrations in the history of the Commonwealth. They cannot go out and successfully attack this administration or its administrative record. And, Mr. President, if this is the only thing, the only attack that they can make on it in the eyes of the public, why do they shun and why do they fight against the public investigation in this situation? What is it that should be so dangerous about publicity in this situation? Why shouldn't we have it open in the Halls of this House, in the Halls of the Legislature, where everybody can get a seat and every newspaper man in the State of Pennsylvania can hear just what the situation is? Why do they struggle so hard to keep the whole thing behind the closed doors of the grand jury room? There certainly cannot be a bona fide reason for a situation of that kind.

I do not want to repeat what has already been said so ably and so professionally and so intelligently, but, Mr. President, there is not a thing in the Constitution of Pennsylvania that says the grand jury is any necessary adjunct to the administration of justice in this State and it is no more than a couple of years ago that the Chief Justice of the Supreme Court of this State stood before the Crime Conference and recommended the complete abolition of the grand jury system in Pennsylvania, or words and recommendations substantially to that effect. And year after year we wrestle with the same recommendations at the Bar Association conventions,—the revision or abolition of the Grand Jury system. We all heard it preached to us in law school,—that it is an antiquated institution of government and one that does not serve the arms of justice any more. Perhaps back in the reign of King Henry, II, of England, that the Senator from Somerset refers to, and after all that is approximately nine hundred years ago

now, maybe there was some justification for it, but the current of professional and judicial and legal opinion seems to be that there is not today.

We appeal that we want to accomplish but one thing in this investigation and that, Mr. President, is to lay the cards on the table. There may be some cards that we turn up that are not included in Mr. Shelley's petition. If they are black cards, they ought to be turned up whether in his petition or not and it does not make any difference who they hit or who they hurt if the cards are black. That is the purpose of the Democratic Party, Mr. President, in asking for a legislative investigation. The sole purpose,—to bring this whole situation out in the open and we do not intend to hide this or the defendants behind a technical situation which is unsupportable. We want that and we want it clearly known to every person in this State and it is certain we are not going to allow this thing to be conducted, an investigation to be conducted, by the Republican State Committee. Nothing could be more unfair to the people of this Commonwealth and nothing could be more unfair to the State Administration.

Mr. HALUSKA. Mr. President, I intend to vote for these bills, but I resent very much the statements made by the Senator from Armstrong, Mr. Sipe, pertaining to Mr. Margiotti. I know that some of his remarks are not true and I move, Mr. President, that the remarks made by the Senator from Armstrong, Mr. Sipe, be stricken off the record.

Mr. PRESIDENT. The motion is not in order. It is part of the debate. You have a right to rise to a question of personal privilege.

Mr. OWLETT. Mr. President, I did not intend to say anything about this bill, but I cannot sit here and let these remarks go unchallenged. My friend, the Senator from Centre, Mr. Thompson, stated that we object to a legislative investigation. Let me make it clear right here and now that without any legislation they have ample authority to investigate and have investigated from time immemorial. But we do object and every right thinking citizen must object, I think, when confronted with the provision of an investigation by the Legislature. They say the Courts of this State shall not function as normally, that there shall not be any investigation by a court.

I submit, Mr. President, and members of this Senate, this is a serious matter. It is no time for an inflammatory political speech, and I do not intend to touch upon politics, but I do intend to point out that this act provides that when an officer is charged with a misdemeanor, nobody can investigate until the Legislature investigates. In other words, this act makes a different provision for officers who committed a crime, than any other citizen, and provides that nobody can look into it. A county detective cannot investigate a crime if information comes to him there has been embezzlement of school funds, or borough funds, there can be no investigation for ninety days, unless the Governor calls the Legislature. Now, it is merely throwing dust in our faces, to stand up here and say that we are objecting to a Legislative investigation because a Legislative investigation can proceed. The Legislature is in session at this time, it is a time honored prerogative of the House, and we are not objecting to it, and let's make that clear here and now.

Mr. THOMPSON. Mr. President, I cannot allow such confusing remarks of the Senator from Tioga, to go unchallenged without a brief reply. Perhaps, the Senator from Tioga had better familiarize himself with Article I, Section 10, of the Constitution of Pennsylvania. This Section reads as follows: "No person, shall, for any indictable offense, be proceeded against criminally by information, excepting cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger, or by leave of the court for oppression or misdemeanor in office." In those cases, Mr. President, which are the kind of cases covered by the situation all the District Attorney of Dauphin County has to do is to draw up the information and go to the court and ask for a warrant. All he has to do is to sign it himself, just has to put it before the grand jury or anybody else. In five minutes he can arrest the guilty party. Why should we have months of delay in matters of this kind, when all he has got to do is to walk up to a court with the information, provided in Section 10, of Article I of the Constitution of this State? The second procedure only applies outside of the military and naval forces and for officers who are guilty of misconduct to be proceeded against in this manner. This section is intended to cover offenses by civil officers. The District Attorney can proceed thereunder, and give a warrant for all of these people. He has been challenged for three months to do that, and doesn't have the nerve to come out in the open, and I would say to you, Mr. President, that the remarks of the Senator from Tioga are confusing, when they attempt to explain away the opposition on the other side of the House to bring this matter before the eye of public scrutiny.

Mr. BARTHOLD. Mr. President, I hesitate to arise at this time and talk on this bill, but I feel that it is my duty to do so. I feel that the statements made, that the passage of this bill will interfere with and stop the orderly procedure of the court cannot go unchallenged.

A careful reading of the bill will indicate that the only thing that is made unlawful is the right of a quarter session court to order an investigation: There are various ways of proceeding before this body known as the grand jury. I think that is where the confusion arises in analyzing the bill. The time honored and accepted way of proceeding before a grand jury is first to issue a warrant, cause arrest have a hearing before a magistrate and have an indictment drawn by the district attorney and presented to the grand jury, in which case, mark you gentlemen, the individual charged has a right to a hearing before a magistrate, has a right under the Constitution, to have witnesses face him, has a right to hear all of the charges, and if you please, at the hearing before the magistrate, and has a right to offer testimony in his own defense. That is the ordinary way as we all know of a proceeding involving grand jury and indictment returned by grand jury. There are some extraordinary methods of getting indictments before a grand jury. Two that I know of, one of which is the District Attorney's bill which he frames himself upon information and with the leave of the court presents it to the grand jury; and the other is the extraordinary remedy of a grand jury investigation ordered by the court of quarter sessions.

In all of these cases I have ever read on this subject, every judge and every lawyer has stressed the limits, and extraordinary remedies should be rarely used, simply because, gentlemen, they are subversive of the fundamental principles of the Constitution as set forth in the Declaration of Rights, namely; the right to be heard in your own defense, the right to be faced by your accusers.

These are the fundamental principles of the Bill of Rights which are declared, which we are talking about. Let's clear up some things about the Constitution.

The Declaration of Rights in the Constitution of this great Commonwealth expresses the spirit and purpose of this Constitution which we are trying to interpret. It says at the very outset, "that the general, great and the essential principles of liberty and free government may be recognized and unalterably established." And mark you well, ladies and gentlemen, that "All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness," and then you have the provision of those accused of crime to be faced by the witnesses and so on and so forth.

All of these things, gentlemen, are rights declared in the Declaration of Rights, to be indefeasible and inherent in every man, and it is for that reason, that these other remedies, the grand jury investigations instituted by the court have been called extra-ordinary remedies.

The crux of the whole situation is the fact that the grand jury investigation now in progress whether based upon grounds which are false or true cannot be heard until after the November election. In the meantime, gentlemen, men in high office, men holding the highest positions in the Commonwealth of Pennsylvania, are under suspicion, with no means, no methods of preserving those rights, I have just read to you in the Declaration of Rights. This bill that is before us for passage does not in any way shape or form, and let this be clear gentlemen, if there is any doubt in anyone's mind, abolish the grand jury, does does not take away the powers of the grand jury, does not, if you please, take away this extraordinary power of a grand jury to institute investigations by order of the court, does not even take away that extraordinary power. This Act merely says in accordance with the Constitution that investigations of this kind, shall be within the exclusive jurisdiction of the House of Representatives, and this extraordinary remedy may investigate after the House has made its investigation, or in the event that no investigation is ordered or made by the House.

Now gentlemen, if these charges are true, is there any earthly reason why there should not be an investigation by the House of Representatives. Is there any earthly reason, why this district attorney, and everyone else who has any information should not produce it before the House, so that these men may know what these charges are, so that the public may know whether or not these charges are true or false. How can any Republican, how can any American citizen vote against a proposition such as this, which makes it possible to uphold a fundamental right of man, not technical right, but the fundamental right to reputation. Gentlemen, the issue seems clear to me, instead of destroying the Constitution, by passing this bill you are upholding the Constitution. An even more fundamental constitutional question arises of whether or not this grand jury investigation which means to investigate state officials is an invasion of the executive functions, as well as the legislative functions of our government. In my humble opinion it is. No grand jury of any county of this State, has a right under the Constitution to investigate officials that are state-wide officials. There is no grand jury in the Commonwealth of Pennsylvania, that has the right, by order of a court to institute a grand jury investigation of the executive and legislative branches of the Government; and mark you, gentlemen, I am not talking politics. I am talking fundamental constitutional principles, I am talking rights of free men. As soon as you destroy, as soon as you fail to have a separation of power, you destroy the fundamentals of democracy itself. For that reason, gentlemen, and for these reasons, that are fundamental in my opinion, I intend to vote for these bills with a clear conscience, that I am upholding the Constitution of this great Commonwealth.

Mr. CAVALCANTE. Mr. President, I would like to interrogate the Senator from Northampton, Mr. Barthold.

The PRESIDENT. Will the Senator from Northampton, Mr. Barthold, permit himself to be interrogated?

Mr. BARTHOLD. Mr. President, certainly.

Mr. CAVALCANTE. Mr. President, section 10, of the Declaration of Rights to the Constitution, provides that "No person shall for indictable offense, be proceeded against criminally by information, except in cases arising in the land or naval forces, "et cetera," "or by the leave of a court for oppression or misdemeanor in office." If a man accused of oppression or misdemeanor in office cannot be proceeded against by information, will the gentleman from Northampton tell us how he may be proceeded against.

Mr. BARTHOLD. Mr. President, this answers itself, I think. Everyone knows that anyone charged with misdemeanor in office may be proceeded against by information, followed by arrest, followed by a hearing before a magistrate, followed by indictment before a grand jury.

Mr. CAVALCANTE. Mr. President, does not this section prohibit any proceeding against a man by criminal information?

Mr. BARTHOLD. Mr. President, it does not. As I understand the section, the word 'information' in this section in Article I of the Constitution referred to the form of information, as well so well explained by Senator Ealy, I believe. That word 'information' refers to that ancient practice in England where the King, either the King himself or through his advisors proceeded against an individual without any affidavit of any kind. Simply went in and said, "this man committed a crime, therefore incarcerate him." That is what the word 'information' in that section of the Constitution means as far as I understand it.

Mr. CAVALCANTE. Mr. President, is the gentleman reading the same section as I am, which says "No person shall for any indictable offense, be proceeded against criminally by information, except in cases arising in the land or naval forces"—I repeat that "No person shall, for any indictable offense, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger, or by leave of the court for oppression or misdemeanor in office."

Mr. BARTHOLD. Mr. President, if the Senator from Fayette will read the cases, interpreting the word 'information', I am sure he will understand it.

Mr. CAVALCANTE. Mr. President, then I take it that the gentleman from Northampton, contends under this section, that persons may be proceeded against for indictable offenses by criminal information for oppression or misdemeanor in office.

Mr. BARTHOLD. Mr. President, of course not. That isn't the meaning of that provision.

Mr. CAVALCANTE. Mr. President, well then if you cannot proceed against them by criminal information, how may we proceed?

Mr. BARTHOLD. Mr. President, perhaps I did not understand the Senator from Fayette, when he used the word information. I was using the word information, in the sense imparted in the decision, namely, the old English custom of proceeding by a King or his henchmen, in making a statement about an individual, and having him incarcerated. That is prohibited under our Constitution at the present, but that particular provision of the Constitution in my judgment does not prevent the arrest upon information sworn before an alderman, followed by a hearing before an alderman and grand jury and then indictment. It doesn't prohibit that in any sense of the word at all.

The PRESIDENT. Now that matter has been cleared up.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—27

Barthold,	Henney,	Lanius,	Rice,
Dando,	Huffman,	Law,	Ruth,
Dent,	Jacobs,	McCreesh,	Shapiro,
DiSilvestro,	Jaspan,	McGinnis,	Sipe,
Eroe,	Kahle,	Mundy,	Stiefel,
Frey,	Kilgallen,	Pytko,	Thompson,
Haluska,	Kunkel,	Rankin,	

NAYS—18

Bean,	Gelder,	Owlett,	Scarlett,
Cavalcante,	Gilson,	Pierson,	Sones,
Chapman,	Heyburn,	Reed,	Wolfenden,
Deitrich,	Howell,	Salus,	Woodward,
Ealy,	Mallery,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order

The Senate proceeded to the third reading and consideration of Senate Bill No. 22, (House Bill No. 2), entitled:

An Act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment authorizing the Speaker of the House to appoint a special committee for any such investigation authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated providing for the summoning of witnesses and for the punishment of persons refusing to appear produce evidence or testify and authorizing the employment and compensation of counsel and other assistants

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. EALY. Mr. President, I just wish to say one word on this bill. There has been an amendment inserted in the Senate which takes out the right of the District Attorney to present evidence to this investigating committee of the House. If the sponsors of this bill are correct in that they want a full and free and open hearing, it is inconceivable that they would deny the right of the District Attorney of the County who may be particularly concerned from presenting that evidence. It also provides that the Attorney General shall be the prosecutor. That is a great chance for the Governor, when he can appoint his own prosecutor in the case.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—29

Barthold,	Henney,	Kunkel,	Rankin,
Dando,	Heyburn,	Lanius,	Rice,
Dent,	Huffman,	Law,	Ruth,
DiSilvestro,	Jacobs,	McCreesh,	Shapiro,
Eroe,	Jaspan,	McGinnis,	Sipe,
Frey,	Kahle,	Mundy,	Stiefel,
Gilson,	Kilgallen,	Pytko,	Thompson,
Haluska,			

NAYS—16

Bean,	Ealy,	Owlett,	Scarlett,
Cavalcante,	Gelder,	Pierson,	Sones,
Chapman,	Howell,	Reed,	Wolfenden,
Deitrick,	Mallery,	Salus,	Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 23, (House Bill No. 3), entitled:

An Act defining the relative powers of the Attorney General and of district attorneys in investigations or proceedings in the criminal courts authorizing the judges thereof to appoint subject to appeal to the Supreme Court special prosecutors in certain cases and providing for their compensation by the county

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. CAVALCANTE. Mr. President, Section I of this Act reads as follows:

"In any investigation or proceeding whatsoever pending before any court of oyer and terminer and jail delivery or before any court of quarter sessions in any county of this Commonwealth the Attorney General of the Commonwealth may at any stage of the investigation or proceeding in his absolute discretion supersede and set aside the district attorney of the county."

This section spells the death knell of home rule in the office of District Attorney of this Commonwealth. Under the Constitution adopted after the Revolution, and up to 1850, all criminal proceedings conducted in the name of the Commonwealth were cared for and prosecuted by an Attorney General appointed by the Governor. For a discussion of the origin and development of this office, see "The Department of Justice," by Hon. Thomas A. Bald-

ridge, Volume 34, Pennsylvania Bar Association Report 319.

"As the population of the Commonwealth grew and the commercial and social pursuits of the people became more complex, the duties of the Attorney General increased and became too onerous for one man to administer. To meet the situation it became the custom of the Attorney General, by virtue of his common law powers, to appoint as many deputies as seemed expedient by him in his common law power to appoint deputies."—See Vol. 4, Reeve's History of English Law, Chapter 25, Page 122.

"Under this arrangement the Attorney General was able to meet the demand of the citizens for a prompt and just adjudication of cases by appointing a deputy in each of the several counties of the Commonwealth. The office of the deputy situated in the county was soon looked upon as the only agency within the county to which the people might go with complaints and prosecutions in the name of the Commonwealth. This arrangement was in effect until 1850 when the legislature passed an Act providing that the qualified voters of the city and county of Philadelphia and of each and every county in the State, shall, at the general election on the second Tuesday of October next, and every three years thereafter, elect one person, learned in the law, who shall be called the District Attorney of said county." This is the Act of May 3, 1850, P. L. 655. This same act of Assembly after creating the office of District Attorney, further provided "The officers so elected shall sign all bills of indictment, and conduct in court all criminal or other prosecutions in the name of the Commonwealth, or when the State is a party, which arise in the county for which he is elected, and perform all the duties which now by law are to be performed by deputy attorney general."

"In a quo warranto proceeding instituted by the Attorney General in the case of Commonwealth against Commercial Bank, 28 P. A. 391, decided in the year 1854, Judge Lourie speaking of this act says "On the first demurrer the defendent raises the question whether the act of third May, 1850, relating to District Attorneys, does not take away the authority of the Attorney General to institute this proceeding. We do not think that it does; it was intended to vest in the District Attorneys an independent authority instead of the one dependent upon the Attorney General which his deputies had before. It does not deprive the Attorney General of the authority especially given him to institute this proceeding and possibly it has effected his authority no further than in taking from him his former power of appointment and in the authorities incident to that power." In the case of Commonwealth against McCombs 56 Pa. 436, Justice Strong said, "The office of District Attorney is not one of those offices which are usually denominated constitutional. Unlike that of sheriff or coroner it is not mentioned in the constitution and no provision is made therein for the election or appointment of such an officer. The office had no existance until it was created by the Legislature by force of the Act of Assembly of May 3, 1850. That act directs that such an officer should be chosen in each county to hold his office for a term of three years, and defined his duties to be substantially those which had before that time been performed by a Deputy Attorney General. Not having been mentioned by the Constitution the Legislature was left with unrestricted power to describe what the duties of the office would be, what the length of his tenure, what its emoluments, and how it should be filled. Having the power to create they have also the power to regulate and even destroy. Undoubtedly the Legislature may at any moment repeal the act of 1850 and abolish the office. They may provide a substitute for it. Constitutional officers are in some respect beyond Legislative control. In most cases their tenure and the mode of filling them is prescribed by the fundamental law."

After these cases, came the one of Gilroy against the Commonwealth, 105 Pa. 484 in which the Supreme Court said, "In other words, he who occupies the position formerly filled by the Deputy now takes the place of a principal whose powers are measured by those which previously belonged to the Deputy." From 1850 until 1874, the office of District Attorney existed under this act of Assembly. As set forth in the decision of the Commonwealth against McCombs, its existence was entirely at the discretion of the Legislature. It is significant to note that during this period the people had come to regard the office as one of great importance in the county. The only disturbing feature was that the Legislature might at any time abolish the office by repealing the Act of 1850. As the Legislature, had by virtue of the sovereign power conferred upon it by the people, separated the Attorney General from the duties and authorities formerly exercised by him through the Deputy in the county, so the people by virtue of the sovereign powers inherent in them removed the office of District Attorney from the reach of the Attorney General and the Legislature by providing in Article XIV, Section I of the Constitution, as follows: "County officers shall consist of sheriffs, coroners, prothonotaries, registers of wills, recorder of deeds, commissioners, treasurers, surveyors, auditors or controllers, clerks of the courts, district attorneys, and such others as may from time to time be established by law." By virtue of this provision of the Constitution the office is now a Constitutional one and cannot be abolished but the Legislature can control the incumbent. If he refuses or it be improper for him to act it may afford a remedy. In the case of Commonwealth against McHale, 97 Pa. 397, the Supreme Court said, "While the Legislature may not abolish the office it can control the officer, it can regulate the performance of his duties and punish him for misconduct as in the case of other officers, and where he neglects or refuses to act or where from circumstances of a given case it is improper and delicate, it is competent for the Legislature to afford a remedy. This is all that the Act of 1866 does and we think its provisions are not obnoxious to any constitutional provisions." In the case of Commonwealth against Havrilla 38 Pa. Sup. Ct. 292 and in the case of the Commonwealth against Irvin 110 Pa. Sup. Ct. 387, the Court says, "The Legislature may not abolish the office but it may regulate the method of its administration. Cases may arise where by reason of personal interest or relationship or other sufficient consideration it would be highly improper for the District Attorney to act. This has been taken notice of by the Legislature and provision made for conducting the prosecution in such cases. This does not violate any right of the District Attorney for impinge against any provision of the Constitution."

The omission to specify the powers and duties of the office in the Constitution by no means cloak the District Attorney with the common law powers and duties exercised by the Attorney General or his deputies. When once the people have created the office by the provisions

of their Constitution, the offce becomes subject to the provisions of the same Constitution and the laws as enacted thereunder. This is true of all such offices, even the judicial ones. The common law powers and duties attaching to the office prior to the adoption of the Constitution are only exercised if the same are not inconsistent or if the same are necessary to carry out the will of the people as manifested in the structure of the Constitution.

Following this cannon of interpretation, the Supreme Court of this Commonwealth in Commonwealth against Lehman in 309 Pa. 486, speaking through Justice Linn, said "As the Constitution does not prescribe the duties of the District Attorney it has been held that the Legislature may regulate the performance of the duties of the office and provide for cases in which it would be improper for the elected officer to act." Here then is the frank pronouncement of the Supreme Court and Superior Courts of our Commonwealth to the effect that under the Constitution the Legislature alone is the one to regulate and define the powers and duties of the office of District Attorney. Its powers, duties and emoluments are entrusted to the Legislature for regulation and definition. Nowhere in the Constitution is the Judicial Department given power to interfere with the tenure of the office. The person elected enjoys it until a vacancy or displacement occurs under the provisions of the Constitution or the statutes passed thereunder. However and notwithstanding these clear and positive judicial decisions the Supreme Court of this Commonwealth in the case of Commonwealth ex rel. Reilley against Margiotti, 188 Atlantic Report 524, said as follows: "We conclude from the review of decided cases and historical and other authorities that the Attorney General of Pennsylvania is clothed with the powers and attributes which enveloped Attorneys General at common law, including the right to investigate criminal acts, to sign indictments, to appear before the grand jury and submit testimony, to appear in court and to try criminal cases on the Commonwealth's behalf. And in all these activities, to supersede and set aside the District Attorney when in the Attorney General's judgment such action may be necessary."

Thus by this monstrous decision the Supreme Court conferred upon the Attorney General the power to supersede and set aside a constitutional officer who is entitled to the tenure of his office until displaced therefrom by the provisions of the Constitution and the statutes enacted thereunder. The decision is a bold invasion by the Judiciary of the field of sovereign prerogatives withheld from them by the people. Just recently in the crisis that made necessary this present Extraordinary Session of the General Assembly, the Judiciary in the courts of Dauphin county denied to the Attorney General of this Commonwealth the very authority which the Supreme Court had by a previous breath conferred upon him. It was unlawful in the first instance for the Judiciary to invade forbidden ground. The admission of their guilt is made manifest by their denial, in the second instance. The decisions I have cited firmly shows that the office of District Attorney is a Constitutional one and cannot be abolished, set aside or superseded except as provided by the Constitution. Section I of the bill now before us confers upon the Attorney General the absolute discretion to abolish, set aside and supersede the tenure of the District Attorney in any county of the Commonwealth. The bill completely scuttles a constitutional office and tears away from the people another agency of home rule.

My oath of office to defend and obey the Constitution restrains any desperate inclinations on my part, and compels me to vote against its passage. The bill is unconstitutional and outrageous because it permits the Attorney General to displace the District Attorney in any case whatsoever, and not in cases where the District Attorney is under a disability to act, as the Judiciary indicated in the cases of Commonwealth against Lehman already cited by me.

Mr. SHAPIRO. Mr. President, the District Attorney is elected in each county to hold office for a period of four years. He represents the Commonwealth in the prosecution of criminal cases. He is a salaried officer—the maximum salary paid in Pennsylvania being $12,000 in Philadelphia County; the minimum salary being $500 in Fulton County, and fees in Elk County. The present system of this office works fairly well in counties commanding considerable revenue. In counties where the revenue is meager, the salary is small, and as a result, the office is only sought by attorneys desiring experience or those who have failed to make sufficient income in private practice. Consequently, the Commonwealth is frequently inadequately represented in the prosecution of important criminal cases. In many counties, political expediency hampers impartial prosecution.

I will give this to you as I have it: This is the recommendation:

"That the office of District Attorney as now constituted should be abolished; that the prosecuting authority should lie in the Department of Justice, and prosecuting attorneys should be assigned to judicial districts, and cases, by that Department."

This is an extract from an address made by the number one gum shoe man of the Republican State Committee and the present chief investigator for the District Attorney of Dauphin County, Major Lynn G. Adams.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution.

Mr. EALY. Mr. President, I ask for a verification of the roll.

The PRESIDENT. The roll will be verified.

The roll was verified and was as follows:

YEAS—27.

Barthold,	Henney,	Lanius,	Rice,
Dando,	Huffman,	Law,	Ruth,
Dent,	Jacobs,	McCreesh,	Shapiro,
DiSilvestro,	Jaspan,	McGinnis,	Sipe,
Eroe,	Kahle,	Mundy,	Stiefel,
Frey,	Kilgallen,	Pytko,	Thompson,
Haluska,	Kunkel,	Rankin,	

NAYS—18

Bean,	Gelder,	Owlett,	Scarlett,
Cavalcante,	Gilson,	Pierson,	Sones,
Chapman,	Heyburn,	Reed,	Wolfenden,
Deitrick,	Howell,	Salus,	Woodward,
Ealy,	Mallery,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House

of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 24, (House Bill No. 5), entitled:

An Act suspending retroactively as well as prospectively any other pending investigation legislative executive or judicial of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment which the House of Representatives undertakes to investigate and providing under what circumstances the suspended investigation may be resumed

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. OWLETT. Mr. President, this bill suspends retroactively as well as prospectively any investigation pending the investigation by the Legislature. I want to make it clear again that the investigation by the Legislature can proceed without any legislation. The postponement of the Dauphin County grand jury probe of this present administration until a House Committee completes its investigation and the court after reviewing the testimony taken before that committee comes to the conclusion that the grand jury probe is still necessary, has some rather startling ramifications to which no one has called public attention.

This legislative investigation can be prolonged by the House committee until the first of December when the life of this body expires. It is not improbable that the investigation committee will then not have completed its task and that this administration will convene the new legislature in special session to start the Legislative investigation all over again. Such a move would again preclude a grand jury probe. Just when this legislative investigation will end neither the public nor those in the minority party can foretell, but mark you, in the meantime the statute of limitations continues to run and indictments for crimes more than two years old become absolutely worthless unless the decision of the Supreme Court is that the grand jury probe now pending is still necessary. The longer the grand jury probe is delayed the less there will be to probe. If crime has been committed, the longer the grand jury probe can be delayed the less the number of valid indictments which can be found.

Now I am not charging the Governor and those responsible for this legislation with being actuated by such a base motive. I don't know what the motive is. The Governor has demanded a thorough legislative investigation and I am taking him at his word. I doubt whether it ever entered the mind of the Governor's bill drafters and advisers that the statute of limitations entered into this picture.

For I find in these bills no safeguard that the running of the statute of limitations will be suspended during the time the hands of the grand jury are tied. And it is clear to anyone who gives the matter any thought whatever, that the inclusion of such a safeguard in these bills would be unconstitutional for the reason that it would not come within the provision of the Governor's proclamation, and probably also because it would be special legislation of the type prohibited by the Constitution. The enactment of this bill is bound to have the effect of freeing any person from prosecution for a crime if the two year period of limitation expires between August 8th and the time the grand jury is again permitted under these bills to resume its probe of this administration, and indictments are found. On the other hand if this is one of the motives behind these bills, then this administration stands indicted before the public with the basest kind of deception in not disclosing its ulterior purpose, and in resorting to this method of escape. The people of the Commonwealth will judge this for themselves.

Mr. SHAPIRO. Mr. President, it is now necessary to make an answer to that kind of statement, particularly the charge of the gentleman from Tioga, doubting that the statute of limitations has been considered by the framers of this bill. I repeat, that the gentleman from Tioga has not paid attention to some of the things that have been said on both sides of the House. There is nothing that defies any constitutional provisions. Trial and indictment may be had, irrespective of anything the Legislature does. It is still the law, and any act that we pass to the contrary would certainly be a controvention of the Constitution. Now it is silly to stand up here and talk about a statute of limitations when we are investigating the very charges of the district attorney that date back far enough to make them invalid by virtue of the existing statute of limitations, going back to 1935, and I say to the gentleman from Tioga that he better tell the district attorney that unless he hurries up and gets an indictment in the ordinary way in which I or anybody else would be indicted, the statute of limitations will run, and he will be chargeable with it and nobody else. What I am trying to find out is whether or not they want to have the facts produced that warrant an indictment or whether they merely want to delay proceedings.

I also want to answer the gentleman's first statement that he is afraid we will try to pass the time, when the statute of limitations will run for how long I don't know, and I answer him by saying that we are here today to get this thing out in the open so that they won't be able to drag this past election day, and past the present term of office of the men who are charged. And I say that it is a crime and that it is a disgrace to the Commonwealth to have the newspaper headlines, which are carried all over the Nation, advertise the fact that a Governor of a great Commonwealth, and many other official officers of a great Commonwealth are charged with heinous offenses, with crimes that are in themselves grave criminal offenses, and it is a disgrace that nobody has done anything to get them out of office, if they are guilty of those criminal actions. I say that if Mr. Owlett, the gentleman from Tioga, wants to know what we will do I can suggest that the hearing will be open and that the District Attorney, Mr. Shelley, will be called to ask him to tell in public that which neither he nor anybody else has yet told, what the facts are concerning the charges which he made against the Governor of Pennsylvania and other officers. I wouldn't have said another word on this subject, but I don't think that we should permit these written prepared speeches which may be handed out to the newspapers, to go unchallenged in the statement that the statute of limitations will prevent anybody from being convicted and that we are here engaged in helping to get past the period of the statute of limitations. What I would like to say and have the newspapers quote (I am sure

they won't but fortunately there are radios, and it can be told to the people) is this: That an opportunity is being offered to these gentlemen, who are all citizens of the Commonwealth of Pennsylvania, to engage in a decent, fair and honorable project, forgetting all politics.

A Republican and a former Democrat who was a former Republican have charged that grave offenses have been committed by high officials of a great state. The people read these charges all over the country. People think that Pennsylvania has become a place filled with criminals in high office. We are advertising our own state against its best interests, and the longer we continue to have these charges concealed behind closed doors, we are undermining, we are disgracing the name of the Commonwealth of Pennsylvania. We are all citizens of the Commonwealth of Pennsylvania, and I say that I want the newspapers to state that we ask these gentlemen to join us in the efforts to bring before the public as soon as possible the facts in connection with this case. I want to reiterate what Senator Barthold has said, that we are not going to permit a statement to be made that we are trying to upset ordinary procedure, but we are trying to invoke a procedure which will guarantee ordinary and decent rights, and protect the individual in his reputation, and not permit extraordinary proceedings to be used for purposes of besmirching the reputation of the Governor of this Commonwealth.

He is in the position that if these Senators here, the Democrats, had not sustained him in his request to permit him and the rest of the officers of the State to go before the public in the only way that is now open to them, and let these facts be brought out, he would have been in the position of having been compelled to resign his office. Decent man that he is, he could not have remained in office with these charges hanging over him, acting as Governor, if his own Senators had not backed him up. It is to the credit of every man who voted for these bills that they are giving to this man who has not yet been convicted, the same chance to go before the public as an ordinary man who is charged with stealing a loaf of bread. He would never have had the chance he is entitled to. He can never get before this grand jury, and from all I can gather it is their purpose not to permit him to get before this grand jury . If there be any dragging here, it will be done by the prosecution by the district attorney in dragging out these proceedings, while this investigation is going on if they have any opportunity to do so. If the gentleman from Tioga has any charges, I assure him that he will get an opportunity to prove them, and he needn't worry about the statute of limitations.

Mr. THOMPSON. Mr. President, I would just like to remind the Senator from Tioga, that if the district attorney would have listened two months ago to the Governor's request to make an arrest, he would have then effectively closed the statute of limitations in every respect, and if the district attorney or Mr. Owlett wants to hold the statute of limitations all he has to do is to make an arrest tomorrow or any time.

Mr. CAVALCANTE. Mr. President, will the Senator from Philadelphia permit himself to be interrogated?

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, at this very moment we have a committee we refer to as the Ruth Committee, investigating certain conduct on the part of the judiciary which also may involve misconduct in office. Will this action of the Senate also suspend the activity of that committee?

Mr. SHAPIRO. Mr. President, I suggest that the Senator take a look at Senator Ruth, who is the Chairman of that committee, and I am sure he is not the type of individual who will permit his investigation to be suspended by this act. Now, as to the legal question, there is nothing in the act that will prevent his investigation. There is nothing in this act that prevents Major Lynn Adams from investigating any charges. There is nothing in this act that will prevent the district attorney from investigating any charges. There is nothing in this act to prevent the district attorney from taking his whole force of detectives and investigating the charges. There is something in this act to prevent the district attorney upon rumor and heresay from ruining the reputation of a great governor. That is what there is in this act.

Mr. CAVALCANTE. Mr. President, now that the crowd of asses have exuded their passions, and the echoes of the outbursts of the gentleman from Philadelphia are still in the hall, I may read the section of this act to the gentleman from Philadelphia, and he may then answer whether this act will suspend the Ruth Commission or not. Section 1, "Whenever the House of Representatives shall undertake the investigation of charges of or involving misdemeanor in office on the part of the Governor or any other civil officer who is liable to impeachment or any other investigation of the same charges theretofore instituted by or before any other officer, body or agency in this Commonwealth or any political subdivision thereof, whether such investigation be legislative, executive or judicial shall be suspended until the House of Representatives shall have completed its investigation."

Mr. PYTKO. Mr. President, it had not been my intention to join the debate on these bills. But in view of the fact that the gentleman from Fayette has inquired with regard to the effect of the passage of Bill Number 5 on the Ruth Commission, I would like to inform the gentleman from Fayette that the Ruth Commission has already completed its investigation and the report will be filed with the Assembly this coming week. This bill will have no effect on the continued investigation of the Ruth Commission by virtue of the fact that that investigation is completed, and the gentleman from Fayette need not worry that it will not be able to complete its work.

I want to state for the information of the gentleman from Fayette and the members of the Senate who have voted against these four bills, that the one wish I had in voting for every one of them was to prevent a partial investigation taking place where an impartial investigation should be had.

The gentleman from Germantown, Mr. Woodward, questioned me privately with regard to the apparently anomalous position I was in when I opposed public hearings on these bills. He wanted me to reconcile my position here with my stand on the Ruth Commission, in regard to public hearings.

We had twelve hundred witnesses who appeared complaining about our courts, twelve hundred witnesses charging that the courts have trampled on individual liberties and the rights guaranteed by the Constitution. We didn't want to see any judge, Republican or Democrat, pilloried. We wanted to ask these judges to explain what they had done. We didn't want them enveloped in

a cloak of suspicion without giving them the opportunity of appearing before the Commission and defending what they had done.

The Governor leaned backward in recommending to the Ruth Commission that we select as our counsel a Republican, in order that our investigation should be impartial. I want to point out to you, gentlemen, that on our commission we had two Republican members, Senator Mallery from the Senate, and Representative Woodside from the House, and they were there to guard the interests of those who are placed in high position and are members of the Republican party.

With the Dauphin County investigation, you have a different situation. You have nothing but Republicans conducting the investigation, and do you think that we will believe you when you say that they who are admitted to have only a partisan spirit, are going to conduct an impartial investigation of our Administration? No, you will agree with me, if you are intelligent, if you are honest, that that isn't the case. You can't doubt the sincerity of the Governor that has been evident in every move that he has made, especially when he requested our commission to select a Republican counsel so that the possibility of a partisan investigation might be eliminated.

Gentlemen, I supported each and every one of these bills only to be consistent with the attitude that I assumed as a member of the Ruth Commission. When I tell you that the evidence that we have in the files of that commission will show that simply because a man referred to a judge sitting on the Philadelphia courts as the nether portion of a horse, that man languished a year in jail without a hearing, do you mean to tell me, gentlemen, that that is upholding the Constitution? Do you mean to tell me that that isn't a fit subject for an investigation? That our investigation should have been of a sort where the judge would have been given the opportunity to appear in public to justify what he had done? Before this session is completed, we will cite you many more instances.

I like to hold our judiciary in high esteem, when they are worthy of it. But they should not trample justice.

Mr. SALUS. Mr. President, I hope you will take official notice of the fact that the last controversy was strictly between Democrats.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—27.

Barthold,	Henney,	Lanius,	Rice,
Dando,	Huffman,	Law,	Ruth,
Dent,	Jacobs,	McCreesh,	Shapiro,
DiSilvestro,	Jaspan,	McGinnis,	Sipe,
Eroe,	Kahle,	Mundy,	Stiefel,
Frey,	Kilgallen,	Pytko,	Thompson,
Haluska,	Kunkel,	Rankin,	

NAYS—18.

Bean,	Gelder,	Owlett,	Scarlett,
Cavalcante	Gilson,	Pierson,	Sonco,
Chapman,	Heyburn,	Reed,	Wolfenden,
Deitrich,	Howell,	Salus,	Woodward,
Ealy,	Mallery,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

The PRESIDENT. The Senate will be at ease awaiting messages of the House of Representatives.

ANNOUNCEMENT BY THE SECRETARY

There will be a meeting of the Committee on Judiciary General in Room 265 immediately.

HOUSE MESSAGE

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL NO. 2

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives, informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 2, entitled:

An Act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment authorizing the Speaker of the House to appoint a special committee for any such investigation authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated providing for the summoning of witnesses and for the punishment of persons refusing to appear produce evidence or testify and authorizing the employment and compensation of counsel and other assistants

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 1, entitled:

An Act relating to the investigation of charges of or involving misdemeanor in office made against civil officers subject to impeachment providing that the jurisdiction of the House of Representatives to make such investigations shall have precedence over the jurisdiction of grand juries and limiting the circumstances under which courts of oyer and terminer and general jail delivery or courts of quarter sessions or judges of such courts may authorize grand juries to make such investigations

House Bill No. 2, entitled:

An Act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment authorizing the Speaker of the House to appoint a special committee for any such investigation authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated providing for the summoning of witnesses and for the punishment of persons refusing to appear produce evidence or testify and authorizing the employment and compensation of counsel and other assistants

House Bill No. 3, entitled:

An Act defining the relative powers of the Attorney General and of district attorneys in investigations or proceedings in the criminal courts authorizing the judges thereof to appoint subject to appeal to the Supreme Court

special prosecutors in certain cases and providing for their compensation by the county

House Bill No. 5, entitled:

An Act suspending retroactively as well as prospectively any other pending investigation legislative executive or judicial of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment which the House of Representatives undertakes to investigate and providing under what circumstances the suspended investigation may be resumed

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

REPORT FROM COMMITTEE

Mr. JACOBS. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JACOBS, from the Committee on Judiciary General reported as committed, Senate Bill No. 25, entitled:

An Act removing the remaining additional persons now serving as Pennsylvania members of the Delaware River Joint Commission by virtue of appointment by the General Assembly under the act approved June twelfth one thousand nine hundred and thirty-one, (Pamphlet Laws five hundred seventy-five) and providing for the appointment of their successors.

MOTION TO READ BILL THE FIRST TIME

Mr. LAW. Mr. President, I move that the bill reported from committee at today's session be read the first time.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 25, entitled:

An Act removing the remaining additional persons now serving as Pennsylvania members of the Delaware River Joint Commission by virtue of appointment by the General Assembly under the act approved June twelfth one thousand nine hundred and thirty-one, (Pamphlet Laws five hundred seventy-five) and providing for the appointment of their successors.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn until Tuesday, August 2, 1938, at 2:00 o'clock, P. M., (Eastern Standard Time).

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 4:02 o'clock, A. M., until Tuesday, August 2, 1938, at 2:00 o'clock, P. M. (Eastern Standard Time).

HOUSE OF REPRESENTATIVES

SATURDAY, July 30, 1938.

The House met at 12:45 a. m.

The SPEAKER, (Roy E. Furman), in the Chair.

PRAYER

The Chaplain, Rev. EPHRAIM Z. GALLAHER, offered the following prayer:

We ask Heavenly Father Thy blessing upon the work of this Assembly this week. May all feel Thy commendation, for all efforts and all work done. Not so much what we do, but the spirit and the motive by which each one is inspired to render service. As we render unto the State, so have we rendered unto Thee.

In His name, we pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. ELPERN, the further reading was dispensed with and the Journal approved.

BILL INTRODUCED AND REFERRED

By Messrs. JOHN A. SMITH, HABERLEN, LOVETT, ELPERN, BROAD, DAVID H. WEISS and PERSHING,

HOUSE BILL No. 31,

A Supplement to the act, approved the twenty-first day of May, one thousand nine hundred and thirty-seven (P. L. 774) entitled "An act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County; providing for the creation of the Pennsylvania Turnpike Commission, and conferring powers and imposing duties on said commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the turnpike; making such bonds exempt from taxation; constituting such bonds legal investments in certain instances; prescribing conditions upon which such turnpike shall become free; providing for condemnation; granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission; and authorizing the issuance of turnpike revenue refunding bonds," by providing for the erection at each terminus of said turnpike of Warren Van Dyke memorial gateways; and making an appropriation therefor.

Referred to the Committee on Highways.

SENATE MESSAGE

BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 9. (HOUSE BILL No. 34).

An Act making an appropriation to the Department of Public Instruction to pay rentals and expenses in connection with public school buildings constructed or improved by the General State Authority.

Referred to the Committee on Appropriations.

SENATE BILL No. 16. (HOUSE BILL No. 35).

An Act authorizing the Commonwealth or any of its agencies including the General State Authority to contract with and to lease or acquire from any housing authority any area acquired or about to be acquired by such housing authority for slum clearance purposes.

Referred to the Committee on Judiciary General.

SENATE BILL No. 17. (HOUSE BILL No. 36).

An Act authorizing housing authorities to contract with and to lease or convey to the Commonwealth or any of its agencies including the General State Authority any area acquired or about to be acquired for slum clearance purposes.

Referred to the Committee on Judiciary General.

SENATE BILL No. 18. (HOUSE BILL No. 37)

An Act to further amend section three of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred fifty-two) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" by changing the personnel of the governing body.

Referred to the Committee on State Government.

RESOLUTION INTRODUCED AND REFERRED

By Messrs. LEWIS, OSTROFF and REUBEN E. COHEN

(Concurrent) RESOLUTION No. 3.

In the House of Representatives, July 30, 1938.

Whereas, relief for the unemployed of Pennsylvania, both through direct and the works programs, has been recognized as a vital problem by the present administration of the Commonwealth of Pennsylvania; and

Whereas, the General Assembly, in order to properly meet this problem has made certain appropriations to the Department of Public Assistance that those in need may not suffer from want of sustenance; and

Whereas, the successful carrying out of any program, particularly relating to the subject of relief, must need have the cooperation of the Executive and Legislative bodies of both the Commonwealth and its political subdivisions; and

Whereas, the American way of living still clings to the inherent belief that a job and not direct relief should provide the necessary requisites of life; and

Whereas, we are today faced with the problem of insufficiency of funds to carry out the relief program set up by the General Assembly in the session of 1937, and it is necessary in this Special Session that additional funds be found and appropriated in order that no citizen of the Commonwealth be permitted to suffer; and

Whereas, this most crucial condition has in some degree been effected through the deliberate lack of cooperation by the City Council of the City of Philadelphia, wherein there exists, due to its metropolitan character and the size of its population, a great need for both direct relief and work relief to even a greater degree than any other part of the Commonwealth; and

Whereas, the Council of the City of Philadelphia has heartlessly ignored a condition brought about by its neglect whereby the direct relief load in the City of Philadelphia had to be increased out of proportion to that of any other section of the Commonwealth while the work relief program in the number of employed is out of all proportion to any other section of the Commonwealth; and

Whereas, this imposes an unfair burden upon the Department of Public Assistance of the Commonwealth of Pennsylvania that might otherwise be avoided were the Council of the City of Philadelphia to appropriate funds available as the city's contribution to the Works Progress Administration program whereby 39,812 unemployed families in Philadelphia could be removed from direct relief and be given employment that would supply their needs and at the same time be of a useful nature to the City of Philadelphia; and

Whereas, this condition has continued unabated for a considerable time despite the plea made by prominent citizens of all political faiths and leaders of both industry and labor in the City of Philadelphia and throughout the Commonwealth; and

Whereas, His Excellency, George H. Earle, the Governor of the Commonwealth, has time and again requested that the City Council of the City of Philadelphia assume its responsibilities in caring for its citizens where possible; and

Whereas, the cost of maintaining those on the direct relief rolls who would have been placed on works relief projects had the proper cooperation been extended by the City Council of the City of Philadelphia totaled $1,343,000 for the month of June, 1938, and from the beginning of the year to June, inclusive, the sum of $6,241,000; and

Whereas, it is the bounden duty of elected officers to set aside any regard for political expediencies when the lives and welfare of our citizens are concerned;

Be It Therefore Resolved, That the House of Representatives of Pennsylvania and the Senate of Pennsylvania in Special Session convened due now memorialize the Council of the City of Philadelphia to immediately appropriate available funds that the opportunity to work as supplied through Work Progress Administration projects may no longer be denied to the deserving people of Philadelphia; and

Be It Further Resolved that a copy of this joint resolution properly certified to by the Secretary of the Senate and the Chief Clerk of the House of Representatives be transmitted to His Honor, S. Davis Wilson, Mayor of the City of Philadelphia and to George Connell, President of the City Council of the City of Philadelphia.

Referred to the Committee on Rules.

BILL RE-REFERRED

Mr. SHAW, returned from the Committee on Welfare with the recommendation that it be re-referred to the Committee on Appropriations, House Bill No. 11, entitled:

A Supplement to the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (Appropriation Acts, page forty-five), entitled "An act making an appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two years beginning June first, one thousand nine hundred thirty-seven, and for the payment of assistance and expenses accrued or incurred prior to, and remaining unpaid on, May thirty-first, one thousand nine hundred thirty-seven."

The SPEAKER. The bill is now re-referred to the Committee on Appropriations.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 15, entitled:

An Act authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued requiring the commission to make a report of its findings and recommendations to the General Assembly or to the Governor and

authorizing the commission to employ counsel and employes and making an appropriation

The first section was read.

Section 1. There is hereby created a commission to consist of five competent members which shall be known as the Oil Industry Investigation Commission which shall exist and function as an agency of the General Assembly for the purpose of making a careful impartial and thorough investigation into the operation of the oil industry within the Commonwealth and to make a report of its findings and recommendations

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. LEWIS. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1.

An Act relating to the investigation of charges of or involving misdemeanor in office made against civil officers subject to impeachment providing that the jurisdiction of the House of Representatives to make such investigations shall have precedence over the jurisdiction of grand juries and limiting the circumstances under which courts of oyer and terminer and general jail delivery or courts of quarter sessions or judges of such courts may authorize grand juries to make such investigations

HOUSE BILL No. 3.

An Act defining the relative powers of the Attorney General and of district attorneys in investigations or proceedings in the criminal courts authorizing the judges thereof to appoint subject to appeal to the Supreme Court special prosecutors in certain cases and providing for their compensation by the county

HOUSE BILL No. 5.

An Act suspending retroactively as well as prospectively any other pending investigation legislative executive or judicial of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment which the House of Representatives undertakes to investigate and providing under what circumstances the suspended investigation may be resumed

With the information that the Senate has passed the same without amendment.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2.

An Act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment authorizing the presentation of evidence by the Attorney General district attorneys other counsel and the officers investigated providing for the summoning of witnesses and for the punishment of persons refusing to appear produce evidence or testify and authorizing the employment and compensation of counsel and other assistants

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, line 4, by inserting after the word "impeachment" the words "authorizing the Speaker of the House to appoint a special committee for any such investigation"; also same page, line 6, by striking out the words "district attorney" and inserting in lieu thereof the word "and"; amend Section 1, page 2, line 11, by inserting after the word "charges" the words "The Speaker of the House shall designate one of the members of the committee as chairman"; amend Section 4, page 3, by striking out in lines 7 and 8 the words "and the district attorney of any county by himself or his assistant"; amend Section 7, page 5, line 6, by striking out the words "discharged in due course" and inserting in lieu thereof the words "he or she has purged himself or herself of the contempt or has been otherwise discharged by the House of Representatives"; also same page by striking out all of lines 12 to 20 inclusive as follows: "If any such person so committed to a State penitentiary shall persist in his refusal to swear or affirm or being sworn or affirmed shall still on being brought before the House of Representatives from the penitentiary refuse to testify the House of Representatives may make a further order for the detention of such delinquent in said penitentiary until the next succeeding General Assembly shall have met and until the House of Representatives shall make an order for his further detention or discharge as to it shall seem expedient"; amend Section 11, page 6, line 10, by striking out after the figures "11" the words "The resolution which became effective the thirteenth day of June one thousand eight hundred forty-two (Pamphlet Laws four hundred ninety-one) entitled 'Resolution relative to witnesses before either branch of the Legislature' is hereby repealed so far as inconsistent with the provisions of this act" and inserting in lieu thereof the words "All acts or parts of acts inconsistent therewith are hereby repealed."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. TURNER. Mr. Speaker and members of the House: I realize that the hour is early or late, as you want to take it, and I know we are all anxious to go home and I, therefore, would hesitate to inject any debate at this time were it not for the fact that I believe that the matter I am going to bring to your attention is extremely important.

Under Section 4 of this Act, on page 3, the bill as it left the House, provides that the Attorney General of the Commonwealth, by himself or his deputy, and the district attorney of any county by himself or his assistant, may appear before the committee to present evidence. The Senate amendment leaves the Attorney General of the Commonwealth, by himself or his deputy to appear before the committee and present evidence. With that I have no quarrel. It is perfectly proper that the Attorney

General, in his capacity, and under the decisions, as to his duties, should have the right to appear before the committee and present evidence, but my objection to the bill as it now stands is in the fact that it has removed the opportunity of the district attorney of any county to appear and present evidence. I understood that it was the desire, from the great number of expressions made by the gentleman from York during this past week, that, in the instant case, we have a full, free, open investigation of the charges that have been made; that it was the desire to bring them out into the light to afford the opportunity to everybody to know what the charges were that were being made and on what were they based. In the fact that was passed by us all we know it refers not only to the present situation but to any situation that may arise in the future. It seems to me that if we are determined that the investigation before this House shall be free, open and fair, there is no reason to exclude the District Attorney from the presentation of testimony which might not involve high officials of the government at Harrisburg. The evidence which has been secured by the District Attorney, might not involve such officials. It might involve local officials. It might be perfectly possible to have an investigation of those local officials by the House to determine whether there should be impeachment. Certainly, the District Attorney of a county who is estopped, under the acts as they now stand, from starting any grand jury investigation until this House has had a chance to either be called in session to act, and then he must wait, after the House has been called in session, or, if it is in sesson, he must wait the ninety day period before he has a chance to act. If the House has the right, certainly he should have the opportunity to come before any committee; it should not be a question as to whether the committee wants to call him, but as he has charge, as the chief law enforcement officer in his own county, and is charged with the ferreting out of crime, certainly he ought to have the opportunity to present his testimony. Now, you may say, and I think that the answer of the gentleman from York immeditely will be: "Why, the Attorney General will present the testimony." Every lawyer knows that there is a great deal of difference in the presentation of testimony; every lawyer knows that the leaving out of some small piece of testimony may be the turning point on the question as to whether there is an indictible offense or whether there is sufficient testimony upon which impeachment proceedings could be based. Therefore, it is an important question as to who is going to present the testimony. There might be a situation in a county of the State, there might be a local condition which the district attorney had investigated and wanted to call the grand jury. It would be possible for a friendly majority of the House to switch it into Harrisburg, and with a friendly Attorney General to present the testimony that has been gathered by the local district attorney, it might be possible to present an entirely different picture than the one which the district attorney himself might present, had he an opportunity to appear before the committee. Certainly any group of men who want to have a fair investigation cannot object to any one appearing before the committee to present testimony. The Act provides that the committee shall have the power to select its own attorney. If the argument be that you would not want to have all kinds of people appearing before the committee to present testimony, then why should not the Attorney General, as well, be barred and the attorney only for the committee present the testimony? I can see a very sound reason why the Attorney General should appear, in addition to counsel for the committee, if the Attorney General feels that he should present testimony which he has, but I cannot see a clear, sound and logical reason, with the intent of having a fair and open investigation, with the intent to bring out all th facts why the district attorney, as well, should not have the opportunity, if he so desires, to appear before the committee and present testimony, and, therefore I oppose concurrence in this amendment.

Mr. HERBERT B. COHEN. Mr. Speaker, I would say that the argument advanced by the gentleman from Delaware would be very pointed were it not for Section 6 of the Act which provides:

Any committee of the House of Representatives which is conducting any investigation to which this act applies may adopt rules for the conduct of its proceedings which are not inconsistent with the provisions of this act * * *" which clearly indicates to my mind that the control or designation of who should appear is a question to be decided by the Committee during the conduct of the trial or the proceeding, and Section 4 to which the gentleman from Delaware objects, that is, the deletion of the section to which he objects, was taken out for a very good reason. First, the section as drawn provides that the Attorney General of the Commonwealth, by himself or his deputy, and the district attorney of any county, by himself or his assistants, may appear before the Committee and present evidence. Undoubtedly this legislation is drawn for the long future, but we also realize that this legislation is drawn to meet the situation that has been created in Dauphin County, to allow the district attorney of any county, as the act had been written, to appear, possibly might so retard the speedy conduct of an open hearing, that this method of investigation would not be nearly as effective as an investigation by the grand jury, so, in order to avert the possibility that the people of the Commonwealth were not being given the opportunity to quickly hear all the charges and all the evidence in support of those charges, and in order that the hearings might not be confused by the possible presentation of sixty-seven district attorneys throughout the Commonwealth of Pennsylvania, it was thought that under the circumstances, it would be more expeditious to delete the district attorney section of Section 4.

I also wish to call your attention that Section 8 provides that the district attorney could be called upon as a witness to testify, and I assure you that we will be only too glad if the House Committee appointed were to issue that invitation to the district attorney of Dauphin county. I might further add that this Act is not unique, and when we analyze the situation as it exists in the Commonwealth of Pennsylvania I feel that the deletion of that section is quite proper. We are about to undertake an investigation of charges that have been levelled at state officials, there is no tribunal in the entire Commonwealth that has the broad aspect that has representation from all the counties of the Commonwealth except this House of Representatives. There is no tribunal in the Commonwealth of Pennsylvania that extends from the Delaware to the Ohio, from New York to Maryland, except the House of Repre-

sentatives. To my mind, the presentation of charges involving State officials, should be undertaken by a body that has the interests of the entire Commonwealth at heart. The charges that are levelled against those officials are charges, undoubtedly as indicated, against the peace and dignity of Dauphin County, but they have a larger import, a far larger import, for those charges are not only charges levelled against the peace and dignity of Dauphin County, but they are charges that involve the peace and dignity of the entire Commonwealth of Pennsylvania. For those reasons, it is quite proper that the House of Representatives should be the body that inquires into those charges; they are State-wide, they will have State-wide representation, the action is by a State-wide body. Secondly, in order to assure a more expeditious and efficient open hearing in the matter, it is quite proper that the deletion made of Section 4 should have been so done, and I ask the members of this House to concur in the amendments inserted by the Senate.

Mr. TURNER. Mr. Speaker, I must again say that the gentleman from York, as always, is most adroit in his argument. I know he was hard puto to find an argument in this case. I don't see what the investigation has to do with the argument before us here. No one is denying the right of the House to investigate, or the propriety of the House to investigate. If the purpose of deleting the section pertained to the district attorney of any county appearing before the Committee, it would have been perfectly possible to have made an amendment which would, of course, have stated that the district attorney of the county wherein the crimes, or within which the alleged crimes had been committed could appear. Now, the question of the District Attorney appearing and offering testimony, that is, testifying himself, is an entirely different question. As the gentleman from York well knows, as to the District Attorney presenting evidence, the District Attorney may not be able to testify under the rules of evidence which are prescribed in the acts that we have passed this week, and the District Attorney would be barred from testifying as to many things as to which he might have evidence to present to the Committee. The Attorney General might have no interest in the case, he might not have anything to do with the testimony, might not know anything about the testimony, and yet he could step in and present evidence before the Committee. There is no limitation on him, there is no question raised that he could delay the proceedings which he very well might do, but it is the District Attorney who is being barred from appearing before the Committee, and I do not believe that there is any member of this House who will not say that the District Attorney should have the right to appear. True the District Attorney might be invited by the Committee to appear, but there is a lot of difference between the District Attorney appearing in his own right, and having to wait upon the Committee to determine whether he could come in, because the Committee might be partisan or opposed, and might want to prevent the District Attorney from appearing.

I might say right here inasmuch as I do not want to debate any question pertaining to the Grand Jury inventigation, I said it was not germaine, I can only draw one conclusion from the elimination of this part of this section, and that ts that the full intent and purpose is to prevent the District Attorney of this county from appearing before the Committee and presenting testimony, and if that be the intent, it must be clear to the average man who reads it, it doesn't take a lawyer to determine it, that we cannot hope to have a free, open and non-partisan investigation of these charges.

Mr. TUMELTY. Mr. Speaker, I would like to interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. TUMELTY. Mr. Speaker, I am at a little bit of a loss to understand this bill and the question I am putting is trying to clarify the situation. I would like to ask the gentleman from York if in his opinion it would be the intent of the committee to call the District Attorney of Dauphin County before the investigating committee to give testimony.

Mr. HERBERT B. COHEN. Mr. Speaker, I would say to the gentleman from Philadelphia that I think the power to appoint the committee is vested in the Speaker of the House and that I am not in a position to state what they might or might not do. I will say to the gentleman from Philadelphia as I will say to the gentleman from Delaware that I believe it is the full intent of this House that the hearings before the committee shall be held only for on purpose, namely to acquaint the committee as well as the people of Pennsylvania with the facts. The committee acting with the discretion as it is empowered to do by this Act and particularly by Section 6 which gives them the right to make the rules and regulations under which this investigation shall be conducted, they will have to determine those questions themselves and I feel that nothing could be expected of that committee except honesty, fairness and true dealings.

Mr. TUMELTY. Mr. Speaker, I don't believe the gentleman from York understood my question. I merely asked if in his opinion the committee would do this.

POINT OF ORDER

Mr. KILROY. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. KILROY. Mr. Speaker, the gentleman from York has not so far been appointed to a committee and I think the question of the gentleman from Philadelphia is out of order.

The SPEAKER. The gentleman asked for an opinion.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, it is my sincere opinion that the District Attorney of Dauphin County will undoubtedly be invited to appear before the committee.

Mr. TUMELTY. That is the point I want to bring out, Mr. Speaker. The way the thing has been carried on so far they tried to make it appear that the committee will not give the District Attorney of Dauphin County a chance, and I wanted it expressed on the floor of the House that it was the opinion of the members of the Democratic side that the District Attorney of Dauphin County would be called.

INTERROGATION

Mr. ECKELS. Mr. Speaker, I desire to interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. ECKELS. Mr. Speaker, I would like to ask the gentleman from York if in his opinion the District Attorney will be invited into the committee and also invited to present testimony.

Mr. HERBERT B. COHEN. Mr. Speaker, utilizing the same preamble to the answer to the gentleman from Crawford that I utilized in my answer to the gentleman from Philadelphia, Mr. Tumelty, namely, that I am not able to speak for the committee, if the gentleman is asking my personal opinion, I would say, yes. The intent as I see it of the section was not to exclude the District Attorney of Dauphin County but not to include all of the district attorneys of all of the sixty-seven counties of Pennsylvania.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—127.

Alexander,	Dubbs,	Matthews, H. T.,	Schor,
Allmond,	Dyson,	McArdle,	Schrope,
Arnold,	Elpern,	McCullough,	Shaw,
Aukerman,	Falkenstein,	McDermott,	Shea,
Baine,	Finnerty,	McElroy,	Shepard,
Baker, J. T.,	Flanagan,	McFall,	Shoemaker,
Balthaser,	Flannery,	McGee,	Shugarts,
Bierly,	Flinchbaugh,	McShane,	Siegel,
Bohn,	Ganser,	Melchiorre,	Simon,
Boies,	Gerard,	Mellott,	Smith, John A.,
Boltz,	Haberlen,	Mihm,	Spengler,
Bradley,	Hagerty,	Moomaw,	Stank,
Brancato	Hamilton, F. P.,	Mooney,	Thomas,
Brigerman,	Harkins,	Moran,	Thompson,
Broad,	Hering,	Moul,	Tronzo,
Burrows,	Hess,	Nagel,	Tumelty,
Caesar,	Hindman,	O'Brien,	Valibus,
Caputo,	Hirsch,	O'Keefe,	VanSickle,
Chervenak,	Holland,	Ominsky,	Vogt,
Coakley,	Holmes,	O'Neill,	Walsh,
Cohen, H. B.,	Holstrom,	Ostroff,	Weiss, D. H.,
Cohen, R. E.,	Hontz,	Patterson, C. S.,	Welliver,
Coleman,	Horting,	Patterson, J. W.,	Welsh,
Coolahan,	Jirolanio,	Pershing,	Westrick,
Corrigan,	Keenan,	Piole,	Whalen,
Costanzo,	Kelso,	Powers,	Whitenight,
Decker,	Kilroy,	Readinger,	Wright,
DeNote,	LaRue,	Reese,	Yanoshat,
Dickinson,	Levy,	Reising,	Yourishin,
Donohoe,	Lewis,	Robinson,	Zappala,
Dougherty,	Lopresti,	Rothenberger,	Furman,
Downey,	Marino,	Sarraf,	

NAYS—31.

Boose,	Huntley,	Lyons,	Trout,
Brown,	Imbrie,	Matthews, J. F.,	Turner,
Cadwalader,	Kane,	Perry,	Van Allsburg,
Eckels,	Kline,	Royer,	Watkins,
Fiss,	Kroll,	Scanlon,	Wilson,
Habbyshaw,	Leisey,	Schrock,	Wood,
Hall,	Long,	Schumacher,	Woodside,
Hamilton, R. S.,	Lovett,	Stockham,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 1.

An Act relating to the investigation of charges of or involving misdemeanor in office made against civil officers subject to impeachment providing that the jurisdiction of the House of Representatives to make such investigations shall have precedence over the jurisdiction of grand juries and limiting the circumstances under which courts of oyer and terminer and general jail delivery or courts of quarter sessions or judges of such courts may authorize grand juries to make such investigations.

HOUSE BILL No. 2.

An Act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment authorizing the Speaker of the House to appoint a special committee for any such investigation authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated providing for the summoning of witnesses and for the punishment of persons refusing to appear produce evidence or testify and authorizing the employment and compensation of counsel and other assistants.

HOUSE BILL No. 3.

An Act defining the relative powers of the Attorney General and of district attorneys in investigations or proceedings in the criminal courts authorizing the judges thereof to appoint subject to appeal to the Supreme Court special prosecutors in certain cases and providing for their compensation by the county.

HOUSE BILL No. 5.

An Act suspending retroactively as well as prospectively any other pending investigation legislative executive or judicial of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment which the House of Representatives undertakes to investigate and providing under what circumstances the suspended investigation may be resumed.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILLS INTRODUCED AND REFERRED

By Mr. HARKINS. HOUSE BILL No. 32.

An Act proposing an amendment to articles two and three of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

By Mr. HARKINS. HOUSE BILL No. 38.

An Act abating certain tax penalties and interest on county, city (except city of the first class), borough, town, township, school district (except school district of the first class), and poor district taxes; prohibiting the sale of real property for the non-payment of any such taxes for a certain period, and preserving certain tax liens; and providing for the extension thereof.

Referred to the Committee on Municipal Corporations.

STATEMENT BY MR. WALSH

Mr. WALSH asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, owing to the flood of oratorical pyrotechnics during the session, I was reluctant to take the time in which to thank the members for the honor which they bestowed upon me last night

in the resolution that was offered in my behalf by Representative McGee. Forty years ago all of the trouble started. I was born. Naturally my memory of the momentous event is not very vivid but very dim. I have been informed that I was a pretty baby but time has wrought its havoc.

In conclusion, members of the House, I wish to once again express to my colleague from Philadelphia, Mr. McGee, and to this honorable body my sincere thanks for the great honor they bestowed upon me in felicitating me upon my birthday.

The SPEAKER. The remarks of the gentleman will be spread upon the Journal.

STATEMENT BY MR. DAVID H. WEISS

Mr. DAVID H. WEISS asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, I just want to mention this fact that the County of Philadelphia is not the only county that happens to have a birthday among its members. The County of Westmoreland has also the honor of having a birthday for one of its members, Representative Lovett, and I know that the House will extend its sincere congratulations to Mr. Lovett on his forty-fourth birthday.

The SPEAKER. The remarks of the gentleman will be spread upon the Journal.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 1, 2, 3 and 5.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg.
July 30, 1938.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 1, Printer's No. 6, entitled "An act relating to the investigation of charges of or involving misdemeanor in office made against civil officers subject to impeachment providing that the jurisdiction of the House of Representatives to make such investigations shall have precedence over the jurisdiction of grand juries and limiting the circumstances under which courts of oyer and terminer and the circumstances under which courts of quarter sessions or judges of such courts may authorize grand juries to make such investigations."

House Bill No. 2, Printer's No. 12, entitled "An act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment authorizing the Speaker of the House to appoint a special committee for any such investigation authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated providing for the summoning of witnesses and for the punishment of persons refusing to appear produce evidence or testify and authorizing the employment and compensation of counsel and other assistants."

House Bill No. 3, Printer's No. 8, entitled "An act defining the relative powers of the Attorney General and of district attorneys in investigations or proceedings in the criminal courts authorizing the judges thereof to appoint subject to appeal to the Supreme Court special prosecutors in certain cases and providing for their compensation by the county."

House Bill No. 5, Printer's No. 9, entitled "An act suspending retroactively as well as prospectively any other pending investigation legislative executive or judicial of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment which the House of Representatives undertakes to investigate and providing under what circumstances the suspended investigation may be resumed."

GEORGE H. EARLE.

RESOLUTION

APPOINTMENT OF COMMITTEE AUTHORIZED

Mr. HERBERT B. COHEN offered a resolution which was twice read as follows:

In the House of Representatives, July 30, 1938.

Whereas, Article VI, Section 1, of the Constitution of the Commonwealth of Pennsylvania provides that the House of Representatives shall have the sole power of impeachment; and

Whereas, Article VI, Section 3, of the Constitution of the Commonwealth of Pennsylvania provides that the Governor and all other civil officers shall be liable to impeachment for any misdemeanor in office; and

Whereas, the District Attorney of Dauphin County has filed before the Court of Quarter Sessions of Dauphin County, Pennsylvania, to No. 235, March Sessions, 1938, a petition and supplemental petition requesting a grand jury investigation of certain charges against the Governor and certain other civil officers of the Commonwealth; and

Whereas, Act No. 1 of this extraordinary session of one thousand nine hundred thirty-eight, approved the thirtieth day of July, one thousand nine hundred thirty-eight, provides that whenever the Governor or any other civil officer who is liable to impeachment shall be charged with any offense against the laws of this Commonwealth which would constitute or involve misdemeanor in office, as charged in the petition and supplemental petition filed by the District Attorney of Dauphin County before the Court of Quarter Sessions of Dauphin County, Pennsylvania, to No. 235, March Sessions, 1938, the House of Representatives has exclusive jurisdiction to investigate the same; and

Whereas, such charges intend to destroy public confidence in the integrity of the government itself and thus threaten the ability of our government to function; and

Whereas, it is to the vital interest and welfare of the people of this Commonwealth that all such charges be investigated by the House of Representatives, to the end that the guilty be impeached and the innocent vindicated; now, therefore, be it

Resolved by the House of Representatives of the Commonwealth of Pennsylvania that, pursuant to the provisions of Act No. 2 of this extraordinary session of one thousand nine hundred thirty-eight, approved the thirtieth day of July, one thousand nine hundred thirty-eight, and in pursuance of the constitutional powers and duties of the House of Representatives, the Speaker of the House of Representatives is hereby authorized and directed to appoint a special committee, consisting of seven members of the House of Representatives, one of whom shall be designated as chairman, which committee shall inquire into, and concerning, the official conduct of those named

and charged, touching their conduct in regard to matters mentioned in the aforesaid petitions of the District Attorney of Dauphin County, and especially whether the said Governor and other civil officers aforementioned, or any of them, have been guilty of any impeachable offense, and to report to the House of Representatives the conclusions of the committee in respect thereto, with its recommendations, to the end that the House of Representatives may take appropriate action thereon.

Mr. HERBERT B. COHEN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution.

The SPEAKER. Will the House give its unanimous consent for the immediate consideration of the resolution? Is there objection?

Mr. TURNER. With the understanding, Mr. Speaker, that this is the resolution to appoint an investigating committee under the act which the Governor has just signed, we are glad to grant unanimous consent.

The SPEAKER. I presume, Mr. Turner, that is the resolution. The Chair hears no objection, and consent is granted.

On the question,

Will the House adopt the resolution?

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, as this resolution states, charges such as those made in the petitions of the District Attorney of Dauphin County, does the gentleman from York not think it would be well to have appended to this resolution the petitions of the District Attorney, because while they are a matter of official record there, they are not a matter of record in the House?

Mr. HERBERT B. COHEN. Mr. Speaker, I might say, as the gentleman from Delaware indicated, the charges that are now filed in the Dauphin County Court are not only official records but they are also public records, we felt that it was not necessary in the drafting of this resolution to set forth those charges. However, I can assure the gentleman from Delaware that at the Tuesday meeting of this House that the presentation to the grand jury of the charges as filed by the District Attorney, both the first presentation and the second presentation, will be presented through the House to the specially appointed committee.

On the question recurring,

Will the House adopt the resolution?

It was adopted.

BILL INTRODUCED AND REFERRED

By Mr. HERBERT B. COHEN. HOUSE BILL No. 38.

An act making an appropriation for the expenses of the special committee appointed by the Speaker of the House of Representatives on the day of , one thousand nine hundred thirty-eight, pursuant to a resolution adopted by the House of Representatives on the day of , one thousand nine hundred thirty-eight, by authority of the act, approved the day of , one thousand nine hundred thirty-eight, (Act No.), entitled "An act defining the procedure for, and regulating the investigation by the House of Representatives, and its committees, of charges of, or involving, misdemeanor in office on the part of civil officers liable to impeachment; authorizing the Speaker of the House to appoint a special committee for any such investigation; authorizing the presentation of evidence by the Attorney General and other counsel, and the officers investigated; providing for the summoning of witnesses and for the punishment of persons refusing to appear, produce evidence, or testify, and authorizing the employment and compensation of counsel and other assistants."

Referred to the Committee on Appropriations.

ANNOUNCEMENTS BY THE SPEAKER

The Chair wishes to announce that the meeting of the Rules Committee will be held on Tuesday at 11 o'clock Eastern Standard Time instead of the time that was heretofore fixed.

The Chair has an important announcement to make. The Chair wishes to announce that checks will be available at the Chief Clerk's office in five minutes.

ADJOURNMENT

Mr. KILROY. Mr. Speaker, I ask unanimous consent of the House that this House do now adjourn until Tuesday, August 2d at 2 p. m., Eastern Standard Time.

The SPEAKER. Will the House give its unanimous consent? Is there any objections? The Chair hears none and consent is granted.

Mr. KILROY. Mr. Speaker, I move that this House do now adjourn until Tuesday, August 2d, 1938, at 2:00 p. m.

The motion was agreed to, and (at 4:31 a. m.) the House adjourned until Tuesday, August 2, 1938, at 2:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1938

Vol. 22 . HARRISBURG, PA., TUESDAY, AUGUST 2, 1938. No. 7.

SENATE

The Senate met at 2:00 o'clock P. M., (E.S.T.), Tuesday, August 2, 1938.

The PRESIDENT (Lieutenant-Governor, Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, LL. D., offered the following prayer:

From age to age, O Lord, Thou art our God, and to Thee, a thousand years is as the flight of yesterday. A mighty fortress is our God a sure refuge in time of storm.

Strange voices fall upon our ears. A voice crieth out, "There is no God—but bread to spare for all." Another saith, "Yea, there is a God—and I am He!" Above the din of confusion, may we know, hear and heed the still small Voice.

Our Father, may we draw near unto Thee at this time. Do Thou bless our Commonwealth. Bestow Thy Grace upon these here representatives; upon those committed to tasks of leadership. May they realize that the true, faithful minister of state is truly a servant of God. We would covet the rule of right, rather than the right to rule.

Cautious, but progressive yet forward may our footsteps be, seeking the right as Thou givest us to know the right, forgetting not that thrice armed is he whose cause is just.

With a vision of the invisible, may we look aloft and afar, beholding a new life, a new heaven and a new earth. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. RICE, the further reading was dispensed with, and the Journal was approved.

LEAVES OF ABSENCE

Mr. Pytko asked and obtained leave of absence for the Senator from Philadelphia, Mr. JASPAN, on account of illness.

Mr. Kahle asked and obtained leave of absence for the Senator from Centre, Mr. THOMPSON.

Mr. Wolfenden asked and obtained leave of absence for the Senator from Philadelphia, Mr. WOODWARD.

He also asked and obtained leave of absence for the Senator from Lancaster, Mr. PIERSON.

He also asked and obtained leave of absence for the Senator from Northumberland, Mr. SCARLETT.

Mr. Deitrick asked and obtained leave of absence for the Senator from Luzerne, Mr. SORDONI, on account of illness.

Mr. Shapiro asked and obtained leave of absence for the Senator from Luzerne, Dr. MUNDY, on account of injury.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations.

JUSTICE OF PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, August 2, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

J. Carroll Molloy, Jr., 110 South State Street, Newtown, Bucks County, for appointment as Justice of the Peace in the Borough of Newtown, Bucks County, vice Robert Croasdale, deceased, until the first Monday in January, 1940.

GEORGE H. EARLE.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency the Governor of the Commonwealth, which was read as follows:

APPROVAL OF RESOLUTION

AUTHORIZING PAYMENT OF SALARIES OF EMPLOYES

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 30, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the Senate and House authorizing the State Treasurer to pay, upon warrant of the Auditor General, to each employe of the Senate and House of Representatives the salary or per diem compensation to which they are entitled under the law for an extraordinary session of the General Assembly by virtue of the provisions of the Acts of Assembly under which they are elected or appointed, until the general appropriation law providing for such salaries for the extraordinary session of 1938 is enacted into law.

GEORGE H. EARLE.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. RICE. Mr. President, I move that the Senate do now proceed to the consideration of Nominations for Notaries Public and Commissioners of Deeds, sent to the Senate July 25, 28, 29, and August 2, 1938, by His Excellency, the Governor of the Commonwealth.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, Pa., July 25, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, the following named persons to be NOTARIES PUBLIC for the Commonwealth of Pennsylvania for the term of four years, to compute from the date of their confirmation.

ADAMS COUNTY

Krepps, Mark E., McSherrystown
Steinberger, Edgar, Gettysburg

ALLEGHENY COUNTY

Cook, Clarence A., Pittsburgh
Cuddyre, Miss Barbara F., Pittsburgh
Gup, David B., Pittsburgh
Hammer Miss Josephine E., Pittsburgh
Krieger, Miss Eva R., Pittsburgh
Franke, Mrs. Ruth W., Pittsburgh
Mologne, Frank E., Pittsburgh
Farnen, Miss Anna Marie, Braddock
Gegenhuber, Charles, Clairton
Neely, Miss Kathryn D., Sewickley
Neimeyer, C. C., Pittsburgh
Feri, Mrs. Amelia R., Pittsburgh
Lausberg, C. H., Springdale
Miller, Miss Florence, Braddock
Covert, Mrs. Anna F., Forest Hills
Falkenhagen, J. H., Pittsburgh
Oyer, Mrs. Margaret R., Pittsburgh
Terwilliger, Walter, Glassport
Gastel, A. F., Emsworth
Oldenburg, Miss Vera E., Pittsburgh
Bachmann, I. L., Dormont
Conlin, Mrs. Myrtle, Pittsburgh
Wright, Robert P., Mifflin Twp.
Verner, Milton A., Pittsburgh
Bernot, Charles, Pittsburgh
Geibel, George M., Pittsburgh
Kolonits, W. A., McKees Rocks
Mahaffey, Miss Lillian B., East Deer Twp.
Verosky, Joseph, Braddock
Wolak, Mrs. Gertrude G., Pittsburgh
Buzza, Clyde A., Pittsburgh
Keough, Robert Ed., Braddock
Holoka, Mrs. Elizabeth, Oakmont
Weishaup, Roy C., Pittsburgh
Terry, Miss Elizabeth J., Verona
Rosenzweig, Miss Ethel, Duquesne
Bello, Miss Antoinette M., Pittsburgh
Love, Mrs. G. D., Pittsburgh
McCrady, William F., Jr., Pittsburgh
Morgenstern, G. H., McKees Rocks
Switzer, Raymond E., Pittsburgh
Irmen, Miss Elsie A., Pittsburgh
Burnstein, Miss Ethel, Duquesne
Fetters, Mrs. Grace B., Pittsburgh
Kinsey, Mrs. Mary V., Shaler Twp.
Monaghan, Miss Margaret C., Pittsburgh
Seeger, Miss Kathryn, Pittsburgh
Dillner, William J., Pittsburgh
Kling, Raymond I., Pittsburgh
Wallace, Miss A. Jean, McKeesport
Reuter, H. P., Pittsburgh
Suttner, Simon, Brentwood
Bacon, Ritzema L., Pittsburgh
Benintend, Mrs. Mary E., Castle Shannon
Rettew, Mrs. Jane G., Pittsburgh
Gee, George D., Pittsburgh
Dingeldein, Mrs. Laura M., Versailles Twp.
Guthrie, Cyril, Oakmont
Samuels, Bernet B., Clairton
Schneider, Miss Naomi R., Pittsburgh
Apter, S. M., Braddock
Lengel, Arthur C., Pittsburgh
Myers, Earl W., Sewickley
Scharf, Clyde L., Jr., Tarentum
Bove, Mario L., Pittsburgh
Lageman, Harry A., Pittsburgh
Pastrick, John L., Tarentum
Posch, Miss M. A., Pittsburgh
Berg, Geo. G., Pittsburgh
Degenhardt, J. Roy, Pittsburgh
Grab, H. A., Pittsburgh
Muchow, Mrs. Cecelia, Pittsburgh
Defonso, Leonard, Carnegie
Ferragonio, Louis J., Pittsburgh
Forster, John A., Pittsburgh
Gould, Miss Agnes J., Pittsburgh
Gribbin, Jas. A., Pittsburgh
Irwin, Mrs. Helen B., Pittsburgh
Joyce, Joseph F., Pittsburgh
Loughran, Miss Clara Anne, Pittsburgh
Mason, Alvin E., Harrison Twp.
Mellett, Miss Mary F., Pittsburgh
Milich, Nicholas, McKees Rocks
Miller, Miss Lavina M., Pittsburgh
Neuhart, Miss Charlotte M., Pittsburgh
Price, William H., Pittsburgh
Rea, James A., Bellevue
Sandler, Miss Margaret, Pittsburgh
Stobart, Mrs. Carolyn E., Pittsburgh
Stone, J. R., Mt. Lebanon Twp.
Weiss, Joseph K., Pittsburgh
Maier, Mrs. Catherine A., Etna
Deverts, A. C., Pittsburgh
Vattimo, Wm. Milly, McKees Rocks
Streib, G. A., Pittsburgh
Moore, G. Paul, Wilkinsburg
Schweikert, Miss H. M., Pittsburgh
Ferguson, Miss Lydia M., Pittsburgh
Gyekis, Mrs. Blanche A., Pittsburgh
House, Geo. H., Braddock
White, William J., Jr., Wilkinsburg
Hughes, Mrs. Anna J., Pittsburgh
Kleinhans, Mrs. Maude S., Pittsburgh
Mehrlich, Eugene, Shaler Twp.
Miller, Miss Ruth S., Pittsburgh
Weible, Miss Etta A., Pittsburgh
Clovis, W. P., Pittsburgh
Brazosky, Miss I. E., Homestead
Herda, Michael J., Snowden Twp.
Lloyd, Richard E., Munhall
Scioscia, Mrs. Frances A., Pittsburgh
Smith, A. August, Pittsburgh
Winnenberg, Walter G., Forest Hills
Ambill, Miss Marie M., Pittsburgh
Shontz, Miss Edith, Tarentum
Aronson, Earle, Pittsburgh
Ford, William R. C., Pittsburgh
Rudert, E. W., Mt. Lebanon Twp.
Maccarone, John, Pittsburgh
Willock, George K., Pittsburgh
Lang, Alexander, McKeesport
Walsh, Miss Mary P., Pittsburgh
Burroughs, Richard E., Pittsburgh
Noah, Miss M. A., Pittsburgh
McCormick, J. E., Pittsburgh
King, Mrs. Katharine Dean, Pittsburgh
Logan, Robert H., Pittsburgh

Orr, Robert B., Pittsburgh
Aiello, Natale F., Pittsburgh
Frick, Walter H., Glassport
McMillen, A. W., Carnegie
Schornagle, Miss Jane, Pittsburgh
Wolfe, E. B., Pittsburgh
Angerer, F. E., Wilkinsburg
Bardes, Paul M., Oakmont
Affatigato, Salvator, Pittsburgh
Meiser, Mrs. Emma M., Braddock
Murray, Mrs. Minette A., Pittsburgh
Sheperd, Miss Marion, Forward Twp.
Edwards, Miss Mary E., Pittsburgh
Hartmann, Howard G., Pittsburgh
Newbury, S. H., Pittsburgh
Newingham, Nathaniel, Pittsburgh
King, C. Dewain, Duquesne
McCrory, Miss Rosemary M., Pittsburgh
Boehm, Leonard M., Pittsburgh
Long, Raymond A., Turtle Creek
Trax, Miss Elizabeth, Pittsburgh
Schnepp, Elmer J., Pittsburgh
Adams, Chas. H., Oakdale
Buckley, Mrs. A. E., Pittsburgh
Goldstein, Mrs. Naomi R., Braddock
Stevens, Samuel W., Homestead
Gerster, G. A., Pittsburgh
Lindsay, Robert J., Coraopolis
Mason, Mrs. Gladys F., Pittsburgh
Roller, Rex H., Elizabeth
Lovewell, Mrs. Ada, Pittsburgh
Succop, Miss Kathryn L., Pittsburgh
Adams, F. Quincy, Jr., Sewickley
Carlson, Mrs. H. B., Braddock
Heckman, H. L., McKeesport
Cone, Miss C. E., Robinson Twp.
Hezlep, Donald R., Oakdale
Meagher, Miss Margaret A., Crafton
Butler, Miss Lois A., Pittsburgh
Fell, Miss Anna R., Pittsburgh
Greene, Homer R., Pittsburgh
Reynolds, Geo. A., Pittsburgh
Schlegel, J. A., Mifflin Twp.
Diven, James G., Pittsburgh
Greene, Miss Rita J., Pittsburgh
Marquis, W. P., Mifflin Twp.
Devlin, John R., Pittsburgh
Payne, H. C., McKeesport
Pursell, Miss Margaret S., Pittsburgh
Berger, S. Stephen, Pittsburgh
McKeag, Miss Helen S., Pittsburgh
Bollinger, David E., Pittsburgh
Brennan, Miss Nelle J., Pittsburgh
Schmid, Miss Helen M., Pittsburgh
Jones, Mrs. Marie D., Pittsburgh
Motta, George, Pittsburgh
Bossart, Victor E., Crafton
Spadafora, Cecil, Wilkinsburg
Kubancek, Albert J., Homestead
Mann, Miss Margaret C., Pittsburgh
Tomlinson, J. H., Oakmont
Waters, Walter S., Clairton
Buckley, Harry H., Pittsburgh
Gigler, Fred J., Millvale
Ackley, J. A., Tarentum
Gordon, Miss Alice, Pittsburgh
Irwin, Miss Alice U., Pittsburgh
Karper, Ray H., Pittsburgh
Harrison, Miss Lillian, Pittsburgh
Schwab, Miss Katherine M., Pittsburgh
Enterline, E. V., Pittsburgh
Anderson, R. H., Jr., Pittsburgh
McWilliams, Miss Beryl M., Pittsburgh
Witzel, Karl, Pittsburgh
Lippert, Leonard M., McKeesport
Schreibeis, J. F., Pittsburgh
Virostek, John A., Pittsburgh
Klein, Morris, Pittsburgh
Wilson, Ross S., Jr., Swissvale
Cook, Miss Julia C., Ross Twp.
Kilmer, Norman, Pittsburgh
Wein, Edward, Pittsburgh
Wilson, Harry E., Wilkinsburg
Spencer, Gordon A., Penn Twp.
Knoff, Miss Anna C., Pittsburgh
Nicely, Miss Ella Ruthe, Pittsburgh
Hess, Raymond L., Jr., Pittsburgh
Schmidt, Gilbert H., Pittsburgh
Vesely, Miss Mildred A., Patton Twp.
Demarest, Miss M. M., Pittsburgh
Burns, Mrs. Elizabeth J., Pittsburgh
Sabin, R. W., McKees Rocks
Banyasz, Miss Helen, Homestead
Dolce, John, Pittsburgh
Kvasnak, Miss Irene M., Jefferson Twp.
McAloney, Mrs. Mabel H., Pittsburgh
Kornman, Miss Gladys C., Bellevue
May, Louis J., McKees Rocks
Butera, Miss Catherine M., Pittsburgh

ARMSTRONG COUNTY

Henry, David H., Kittanning

BEAVER COUNTY

Bobby, John, Ambridge
Birnesser, H. T., Baden
Laney, James H., Ambridge
Riddle, S. Keith, West Mayfield
Smith, Mrs. Evelyn L., New Sewickley Twp
Summerville, Mrs. Elizabeth, Ambridge
Reid, John W., Ambridge
Baldwin, George A., Jr., Beaver
Parrott, Edwin P., Aliquippa
Laughner, Samuel B., Aliquippa
Hayward, C. R., Aliquippa
Patterson, Cameron M., Beaver Falls
Soldressen, John, Ambridge
Steward, Richard P., New Brighton
Baeuerlein, Miss Esther L., Ambridge
Garrison, Miss Harriet M., Harmony Twp
Pelosi, Severio, Aliquippa

BEDFORD COUNTY

Dallard, Harold A., Bedford
Augustine, M. Elwood, Bedford

BERKS COUNTY

Gerhart, Paul H., Boyertown
Sisk, Carl M., Jr., Reading
Holland, Thomas R., Reading
Froding, H. Edward, Reading
Maier, Miss Helen C., Reading
Hill, Mrs. Edith B., Reading
Knauer, Paul I., Reading
Schmehl, Miss Edna B., Reading
Chelius, Raymond H., Reading
Kerber, Leo A., Reading
Wolf, Miss Mary M., Reading
Holzman, Paul A., Jefferson Twp.
Herbein, Charles S., Boyertown
Mosser, Mrs. Katie R., Cumru Twp.
Crowell, Miss Beatrice, Reading
Haring, Philip I., Boyertown
Snyder, H. Gilbert, Reading
Davis, Robert W., Penn Twp.
Spohn, Mrs. Edith M., Reading
Moyer, Earl H., District Twp.
Schneiderman, Benj. H., Reading
Fox, Miss Bette M., Reading
McCoy, Miss Dorothy A., Reading
Yoder, Miss Mary, Reading
Sarachek, Miss Sara, Reading
Moll, Ambrose L., Longswamp Twp.
Musser, Miss Mary I., Reading
Hess, Clarence W., West Reading
Autem, Mrs. Winifred A., Reading
Parthemore, Ira E., Reading
Rudolph, M. Louis, Reading

Breininger, Russell W., Laureldale
Smith, Warren K., Birdsboro

BLAIR COUNTY

McGraw, Miss Jessie P., Altoona
Rahm, Joseph D., Altoona
Fisher, Mrs. Rose C., Altoona
Harclerode, Miss Naomi, Altoona
Shirey, Mrs. Charlotte V., Bellwood
Miller, Hugh C., Tyrone
Megahen, Mrs Geraldine, Altoona
Janker, Miss Mary A., Altoona
Fisher, Miss Leila P., Altoona
Miller, Miss E. Lillian, Tyrone
Curry, Miss M. Catherine, Altoona
Rauscher, Miss Helen M., Altoona
Kimmel, F. W., Altoona
Brubaker, Donald L., Altoona
Plummer, Miss Ethel, Hollidaysburg
Hoover, Miss Edna I., Altoona
Stern, Cyrus Y., Altoona
Ferguson, Miss Hilda M., Altoona
Rossman, Miss Grace Madeline, Altoona
Carter, Miss S. Dorothy, Altoona
Yon, James A., Altoona
Montgomery, Thos. G., Newry
Long, Miss Ruth R., Altoona

BRADFORD COUNTY

Frantz, Robert E., Wyalusing Twp.
Kleinkauf, Miss Sally L., Sayre
Focht, Theodore M, Sayre
Cook, LeRoy M., Athens
Bender, C. M., Towanda
Hewitt, Mrs. Lucelia F., Troy
Northrup, Delos R., Canton

BUCKS COUNTY

Grim, Robert H., Perkasie
Semashko, Mrs. Sophie, Morrisville
Steely, Miss Miriam K., Quakertown
Ams, Miss Katherine M., Morrisville
Molloy, William H., Ivyland
Funk, Miss Sarah A., Quakertown
Cooley, Miss Alice T., Morrisville
Strawn, Thomas, Quakertown
Terry, C. Harold, Perkasie
Christine, Miss I. Esther, Perkasie
Jeffries, Miss Anne, Bristol
Fretz, Nero S., Bedminster Twp.
Good, Howard W., Tinicum Twp.
Heyer, Francis D., Perkasie
Christine, Miss Mary K, Perkasie
Byers, Miss Catharine A., Bristol
Warner, William D., Bristol
Lippincott, Robert H., Doylestown
Stall, C. H., Doylestown

BUTLER COUNTY

Stoops, R. Glenn, Bruin
Smith, C. P., Butler
Levis, Miss C. E., Butler
Kley, Miss Helen E., Butler
Reynolds, Miss Beatrice, Butler
Griffis, Mrs. Donna H., Butler
Cross, W. L., Butler
Smith, Cloyd M., Butler Twp.
Spence, J. S, Evansburg
Scott, Porter, Butler
Dixon, Joseph B., Zelienople
Forster, Chas. W., Butler
Rutan, Arthur S., Butler

CAMBRIA COUNTY

Loebrich, Miss Vera M., Johnstown
Cohen, Miss Margaret, Johnstown
Door, H. F., Ebensburg
Goebert, Miss Leonora J., Johnstown
Fisher, Gerald L., Patton
Gradwohl, Miss Mary Louise, Johnstown
Maze, William K., Johnstown
Davis, Mrs. Leeanna E., Ebensburg
Fornwalt, Miss Margaret E., Johnstown
Nicholas, Miss Jane, Johnstown
Biss, Mrs. Mary J., Spangler
Byrne, John T., Gallitzin
Head, Miss Florence, Johnstown
Saly, Vincent B., Johnstown
Studt, Miss Kathryn L, Johnstown
Pentrack, Frank J., Johnstown
Fisher, Mrs. Cora M., Patton
Dittmar, Miss Lula M., Johnstown
Curry, Mrs. Julia, Ebensburg
McCleary, David S., Dale
Schonek, Wilbur E., Lower Yoder Twp.
Constable, Mrs. Pauline, Johnstown
Hart, Miss Rita A., Johnstown
Spory, Miss Gertrude, Johnstown
Branagan, Miss Irene, Johnstown
Weaver, Mrs. Esther E., Johnstown
Clarks, Miss Mary Jo, Johnstown

CARBON COUNTY

Campbell, Mrs. Hazel, Lansford
McFadden, Vincent D., Mauch Chunk
Person, Wilbur W., Lehighton
Yost, Miss Miriam I., Mauch Chunk
Heldt, Milton M., Franklin Twp.
Sterling, Miss Arline, Mauch Chunk

CENTRE COUNTY

Tarman, William M, Snow Shoe Twp.
Rankin, Miss Mary M., Bellefonte
Keichline, John M., Bellefonte
Miles, Miss Mary Emily, Bellefonte
Tressel, J. L., Spring Twp.
Harper, Mrs. Leila J., Bellefonte
Brooks, R. Stanley, Centre Hall

CHESTER COUNTY

Pyott, Miss Sarah M., Easttown Twp.
Summerell, Miss Myrtle E., Tredyffrin Twp
Smith, Miss Kathryn E., West Chester
Peoples, Miss Anna, West Chester
Hagy, Mrs. Dorothy R., Oxford
King, Miss Marian T., Easttown Twp.
DeVos, Mrs. A. K., Coatesville
McCombs, Francis, West Chester
Roberts, Chandler P., Downingtown
Sabol, John A., Phoenixville
Sheeler, Mrs. Elmira F., Coatesville
Szegedy, Julius R., Phoenixville
Lacey, Miss Margaret D., West Chester
Welsh, W. Crawford, West Goshen Twp.
Cline, Miss Evelyn, Phoenixville
Hawk, Asher M., Parkesburg
Patrick, R. Jones, West Chester
Daylor, Miss Emma C., Coatesville
Smith, Miss Helen F., Phoenixville
Tyson, Josiah B., Phoenixville
Osborne, C. H., Tredyffrin Twp.
Thrasher, Miss Amelia, Schuylkill Twp.
Martin, Miss Helen E., Coatesville

CLARION COUNTY

Philips, Ben W., Clarion
Lovett, John E., East Brady

CLEARFIELD COUNTY

Pfaff, Miss Nancy A., DuBois
DeMott, Miss T., DuBois
Wing, Miss LaRue, DuBois
Edner, Merritt I., DuBois
Haney, R. M., Clearfield
Haag, Miss Grace K., DuBois
Stewart, Walter, Cooper Twp.

CLINTON COUNTY

Strump, Ervin J., Lock Haven
Schadt, Miss Dorothy Mae, Lock Haven
Fowler, Miss Anna G., Lock Haven
Snyder, Clyde W., Lock Haven
Livingston, George L., Renovo

CRAWFORD COUNTY

Heile, C. E., Meadville
Walsh, James P., Meadville
Mahany, Rowland B., Titusville
Arnold, Robert M., Titusville
Anderson, E. S., Titusville
Love, N. Allen, Titusville
Long, Miss Emily, Meadville
Caddahan, Miss Ann Virginia, Meadville
Thomas, Miss Gertrude T., Meadville
McDonald, Miss Evelyn, Titusville
Smith, Miss Marian J., Meadville
Morrow, David J., Meadville
Frantz, Miss Lorena, Saegerstown
Preston, Wm. H., Titusville
Cooper, J. Boyd, Cochranton
Wyatt, J. S., Meadville

CUMBERLAND COUNTY

McClellan. Emmert B., Shippensburg
Bitner, W. E., Shiresmantown
Arnold, Miss Vera J., Carlisle
Clapsaddle, Paul A., Shippensburg
Fulton, Benj. F., New Cumberland

DAUPHIN COUNTY

Huber, Mervin F., Harrisburg
Shreffler, Robert I., Harrisburg
Lindle, Miss Marie, Harrisburg
Shenk, Roy J., Harrisburg
Burkholder. Mrs. Florence, Harrisburg
Pugh, Charles E., Harrisburg
David, Miss Mary Magdalene, Harrisburg
Herman, Donald E., Harrisburg
Meminger, Mrs. Ruth S.. Harrisburg
Sweger, W. Donald, Harrisburg
Wickenhaver, J. A., Harrisburg
Lane, James H.. Harrisburg
Mages, Isidore, Harrisburg
Deibler, Charles E., Lower Paxton Twp.
Major, C. Lloyd, Jr., Harrisburg
Olewine, Miss Marian J., Harrisburg
Hamilton, Mrs. Kathryn Z., Harrisburg
Carpenter, Mrs. Mary E., Harrisburg
Meredith. Miss Dorothy, Harrisburg
Metzger, Jos B., Harrisburg
Wilson, Mrs. Lillian Sullivan, Harrisburg
Golden, Mrs. Catherine M., Lykens
Weber, J. R., Harrisburg
Piper, Miss Catharine B., Harrisburg
Walmer, Paul L., Penbrook
Clough, Arthur T., Williams Twp.
Zlogar, Rudolph P., Steelton
Stauffer, J. R., Harrisburg
Hyman, W. G., Harrisburg
Redden, Mrs. Rhea Z., Harrisburg
Anderson, Miss Bernice J., Penbrook
Seip, Miss Bernice F., Harrisburg
Kocsis, Joseph J., Harrisburg
Wilbar, George H. Jr., Harrisburg
Wallower, Edw. A., Harrisburg

DELAWARE COUNTY

Benjamin, Herman M., Marcus Hook
Oehlrich. Miss Retia, Upper Darby Twp.
Powers, Cornelius J., Chester
Fleming, J. Kenneth, Chester
Concello, Miss Mary D., Chester
McNamee, B. L., Chester
Myers, Mrs. H. N., Lansdowne
Cotter, J. Wm., Upper Darby Twp.
Cunningham, Mrs. Mary P., Media
Lee, James T., Upper Darby Twp.
Friedman, William, Eddystone
Cole, Horace T., Upper Darby Twp.
Kershaw. Isaac, Jr., Upper Darby Twp.
Parker, Mrs. Mary T. Erwin, Swarthmore
Ward, Wm. T., Ridley Park
Adicks. Miss M. Eugenia, Upper Darby Twp.
Carey, Edward F., Darby
Owens, James C., Eddystone
Wolf, Morton A., Chester
Pastuszek, Martin, Chester
Ansel, Mrs. Molly R., Chester
Connell, Miss Margaret E., Tinicum Twp.
Powell. Miss Catherine H., Media
Klauser, Frank, Morton
Smith, Albert E., Chester
Grant, Miss Elizabeth M., Media
Fenimore, Miss Elizabeth, Radnor Twp.
Schappet, Miss Chris, Upper Darby Twp.
Smith, Mrs. Mildred W., Ridley Park
Courter, Miss E. Arlene, Media
Shortlidge, H. E., Haverford Twp.
Wilson, Edmund R., Haverford Twp.
Worrall, Miss A. May, Media
Gamble, Mrs. Mary, Radnor Twp.
Mascio, Frank J., Jr., Clifton Heights
Pyle, Mrs. Anne B., Media
Levin. Joseph M., Media
Lipshutz, Charles K., Upper Darby Twp.
Williamson. Charles W., Marcus Hook

ELK COUNTY

Robacker, F. A., St. Marys

ERIE COUNTY

Schade, Mervyn M., Erie
Mook, Harold F., Erie
Bible, Mrs. Mildred R., Girard
Kidder, Miss Mildred L., Girard
Meyer, Miss Marie C., Erie
Stadler, Miss Rose M., Erie
Connor, Miss Mary M., Erie
Loesch, Miss Ruth E., Erie
Nash, Fred L., Erie
Peerboom, Mrs. Alice C., Erie
Hagmann, Harry W., Erie
Faulhauber, Miss Doris M., Erie
Joslin, Paul B., Erie
MacFayden, E. G.. Erie
Meehan, Miss Genevieve, Erie
Raeke, Miss Violet A., Corry
Law, Miss Esther D., Erie
Konnerth, J. F., Erie
Swift, Layton. North East
Doyle, Miss Virginia M., Erie
Reagan, Terence, Jr., Erie
Wheeler, Theodore F., Erie
Chambers, L. C., Erie
Glowacki, J. W., Erie
Wilcox, Mrs. Gertrude E., Girard
Walker, Miss Myrtle E., Lawrence Park Twp.
Johnson, Miss Elsie M., Erie
Hoffman, Joseph J., Erie
Schneider, Edwin J., Erie

FAYETTE COUNTY

King, Homer F., Uniontown
Crow, Miss Geraldine M., Uniontown
Rankin, Miss Kathryn H., Uniontown
Henry, John A., Uniontown
Miller, Miss Dorothea M., Uniontown
Schmidt, Robert, Uniontown
Mumaw, Miss Margaret, Uniontown
Newcomer, Charles R., Uniontown
Goughnour, Mrs. Cornelia M., Uniontown
Hirleman, Miss Hilda, Connellsville
Parshall, Wm. B., Uniontown
Harmon, Ewing R., Connellsville

Spangler, John L.. Dunbar
Sedlak, W. J., Uniontown
May, John F., Connellsville Twp.
Duff, Harry E., Luzerne Twp.
Keibler, Alfred R., Brownsville
Sparrow, Edgar R.. Franklin Twp.
Wallace, John E., Connellsville
Westcoat, Mrs. Fern, Brownsville

FORREST COUNTY

Daniels, Miss Iva M., Tionesta
Pickens, William M., Jenks Twp.

FRANKLIN COUNTY

Grove, Mrs. Gertrude K., Guilford Twp.
Strite, W. W., Waynesboro
Hartzok, John W., Chambersburg
Snowberger, Norman F., Waynesboro
Cunningham, V. H., Mercersburg
White, Walter T., Waynesboro
Cordell, J. Edw., Jr., Waynesboro
Howe, Trayer B., Chambersburg
Stouffer, Miss Elva M., Greene Twp.

GREENE COUNTY

Thompson, James Neil, Waynesburg
Baily, H. Allan, Cumberland Twp.
Page, John J., Waynesburg

HUNTINGDON COUNTY

Milburn, R. Paul, Huntingdon
Jones, Miss Sue, Porter Twp.
Laird, Elmer, Mount Union
Milliken, J. F., Huntingdon
Enyeart, Miss Gladys, Mount Union
Ulbrich, Myron J. C., Huntingdon

INDIANA COUNTY

Fassett, G. E., Homer City
Seaman, A. H., Pine Twp.
Reese. Howard B., Indiana
Repine, Arch, Pine Twp.
Butson, Harry, Rayne Twp.
Baker, Mrs. Jane D., Blairsville

JEFFERSON COUNTY

Marsh, Miss Bernadette, Brookville
Strawcutter, Miss Maxine, Punxsutawney
Davis, J. F., Punxsutawney
Davis, Clifford E., Punxsutawney

LACKAWANNA COUNTY

Wallace, Miss Anne C., Scranton
Hanf, John T., Scranton
Sweetser, Arthur A., Sr., Taylor
Gilbert, Fred F., Jermyn
Phillips, David W., Scranton
Allen, Mrs. Fae C., Scranton
Coyne, Miss Marion M., Scranton
Gordon, Harry M., Scranton
Roughton, Miss Elizabeth. Scranton
Adair, Elmer D.. Dunmore
Bartholomay, W. J., Carbondale
Mantor, Maurice H., Dunmore
Walsh, Joseph V., Scranton
Johnson, Mrs. Beulah C., Carbondale
Bonner, George, Blakely
White, Miss Ruth, Archbald
Fanning, M. E., Dunmore
Best, Andrew P. J., Scranton
Kelly, Mrs. Margaret M., Scranton
Stresnieski, Miss Sallie R., Scranton
Schall, J. M., Scranton
Skaluba, Robert J., Scranton
Speicher, William A., Carbondale
Walsh, M. William, Scranton
Finnegan, Frank P., Carbondale
Tortorella, Miss Mary E., Scranton
Bassoff, Herman, Scranton
Glover, James R., Scranton
Sena, Miss Venzina, Scranton
Coleman, Miss May Frances, Scranton
Coons, Clarence E., Scranton

LANCASTER COUNTY

Little, Miss Auguste M., Lancaster
Coho, Frank E., Lancaster
Fulmer, Mrs. Margaret N., Lancaster
Goodwin, Edgar Austin, Lancaster
Antes, Miss Margaret E., Lancaster
Butts, John W., Lancaster
Gansman, Herbert, Lancaster
Shirk, David L., Paradise Township
Keene, Miss Rachel L., Lancaster
Overly, Harold R., New Holland
Koehler, Adolph C., Lancaster
Miller, William L., Columbia
Fisher, Mrs. A. Florence, Lancaster
Hess, Miss Lillian M., Lancaster
Sauder, Paul N., New Holland
Hicks, Charles C., East Donegal Township
Adams, Miss F. Ethel, Lancaster
Rehm, Mrs. Alice R., Lancaster
Musser, Mrs. Verna F., Lancaster
Price, Mrs. Catharine M., Lancaster
Sheetz, Samuel B., East Hempfield Township
Eyster, L. R., Denver
Weaver, Irvin H., Lancaster
Hershey, Frank W., Salisbury Township
Hoshauer, Maurice A., Brecknock Township
Hess, Phares, Manheim
Kachel, Miss Elizabeth M., Lancaster
Miller, Miss Emma R., Lancaster
Detra, B. William, Lancaster
Geib, Stanley R., Manheim
Brubaker, Miss Phoebe L., Manheim
Schiedt, Richard C., Jr., Manheim Township

LAWRENCE COUNTY

Burns, Miss Anna M., New Castle
Colgan, Miss Eleanor I., Taylor Twp.
Waldman, Miss Mina L., New Castle
Orlando, Louis A., New Castle
Morgan, Miss Elsie Mae, New Castle
Edgington, Miss Cordelia A., New Castle
Carlson, Charles J., Ellwood City
Cooper, Miss Ina M., New Castle
Thomas, Griff, New Castle
Orres, Miss Margaret M., New Castle
Casacchia, Angelo J., New Castle
Hum, Miss Elizabeth B., New Castle
Zohosky, Mrs. Agnes, Wayne Twp.
Book, George N., New Castle
Aylesworth, Ray H., Ellwood City
Green, Joseph A., New Castle
Hazen, Miss Sallee M., Ellwod City
Ryan, Miss Georgina E., New Castle
Ivey, Mrs. Anna Mae, New Castle
Kennedy, J. C., New Castle
Rhodes, R. P., New Castle
Gordon, Lee R., New Castle
Coates, Clarence H., New Castle
Frasso, Mrs. Minnie F., New Castle

LEBANON COUNTY

Cramer, Miss Violet C., Lebanon
Lehman, Herman R., Palmyra
Kreider. Miss Beatrice J., Lebanon
Lentz, Miss Ruth E., Lebanon
Sholly, Mrs. Gladys E., Bethel Twp.
Webber, Mrs. Mae I., Heidelberg Twp.
Horst, Irwin, Heidelberg Twp.
Weary, Miss Elmira, Lebanon
Deck, Miss Dorothy C., Myerstown
Basselgia, Mrs. Eleanor L., Lebanon
Frantz, Tilden H., Myerstown

Sheetz, Paul W., Myerstown
Mease, Charles R., Lebanon

LEHIGH COUNTY

Dorshimer, Miss Helen L., Allentown
Jones, Mrs. Bernice B., Allentown
Wotring, L. W., Allentown
Keefer, Miss Charlotte M., Allentown
Lentz, Mrs. B. Katherine, Allentown
Cannon, Richard F., North Whitehall Twp.
McGuire, Claire A., Allentown
Yablonski, Miss Olga, Allentown
Long, Iron A., Whitehall Twp.
McGill, Miss Dorothy A., Allentown
Burns, Joseph V., Catasauqua
Ludrof, Joseph A., Allentown
Frey, Homer L., North Whitehall Twp.
Kemmerer, Miss Olive, Allentown
MacAdam, Miss Millie, Allentown
Peifly, Miss Marion A., Allentown
Knappenberger, Mrs. Estella K., Allentown
Nagle, Miss Gladys A., Allentown
Clauss, Richard H., Allentown
Stephens, Willoughby W., Allentown
Rutz, Miss Eleanor M., Allentown
Doyle, Mrs. Kathryn M., Allentown
Casarotto, Miss Margaret G., Allentown
Snyder, Mrs. Verna M., Lynn Twp.
Held, Albert L., Sr., Whitehall Twp.
Brown, Mrs. Beatrice M., Allentown
Rems, Miss Winifred E., Macungie
Trumbore, Mrs. Avona, Allentown
Reichenbach, Miss Jean S., Allentown
Johnson, Miss Ruth R., Allentown
Schellhamer, Mrs. Mamie M., Allentown
Novak, Miss Sadie, Allentown
Snyder, Miss Dorothy M., Allentown
Lutz, Frank E., North Whitehall Twp.

LUZERNE COUNTY

Saxon, Miss Helen, Wilkes-Barre
Elters, Henry, Hazleton
Petrey, Clifford, Pringle
Edwards, E. E., Wilkes-Barre
Reilly, Mrs. Marie L., Wilkes-Barre
Kashuba, Miss Frances, Pittston
Kintz, G. J., Wilkes-Barre
Gettinger, Mrs. Edna, Wilkes-Barre
Shimko, Michael, Hazleton
Neary, Bala S. Kingston
Potoski, Carl B., Plymouth
Corrigan, Miss Esther R., Hazleton
Kennedy, Miss Dorothy C., Wilkes-Barre
Elliott, Ralph F., White Haven
Lynch, Edward A., Hazleton
Sobotka, Joseph F., Edwardsville
McGlynn, Miss H. R., Wilkes-Barre
Morrow, Miss Mary C., Pittston
Schreiner, J. William, Nanticoke
Shupeck, Harry, Hazleton
Gardner, Earl W., Wilkes-Barre
Ellis, Horace G., Kingston
Lenahan, Miss Therese L., Wilkes-Barre
Nalbach, Leon P., Nanticoke
O'Donnell, Miss Mary R., Wilkes-Barre
Koval, Mrs. Kathryn E., Pittston
Shipkowski, Edward, Nanticoke
Bernstein, Isadore R., West Pittston
Selecky, Alois J., Nanticoke
Brenton, William G., West Pittston
Kemper, John K., Nanticoke
Schiavo, Miss Theresa M., Hazleton
Goeppert, Albert E., Freeland
Job, Rbt. B., Newport Twp.
Riehl, C. H., Wilkes-Barre
Griffiths, Jno, A., West Pittston
Miller, Ellsworth W., Hazleton
Mack, Miss Rachel, Wilkes-Barre
Fosko, Miss Anne M., Wilkes-Barre
Jones, Robert F., Hazleton
Krzywicki, T. A., Wilkes-Barre
Kossa, Miss Margaret H., Kingston
Tomascik, Geo., Wilkes-Barre
Gouldner, William H., Hazleton
Bonner, William J., Wilkes-Barre
Serafine, Miss Wilhelmina, Exeter
Casey, Miss Mary B., Wilkes-Barre

LYCOMING COUNTY

German, Robert E., Loyalsock Twp.
Emerick, E. Russell, Williamsport
Foucar, Mrs. Mary, Muncy
Wise, Mrs. Kathryn, Williamsport
Norrito, Mrs. Katherine E., Williamsport
Harvey, Ralph W., Williamsport
Baird, Harry R., Williamsport
Fabel, Miss M. Esther, Williamsport
Mark, Miss Charlotte E., Williamsport

McKEAN COUNTY

Ellison, Miss M. M., Bradford
Bauer, G. Gerald, Bradford
Shelgren, Miss Dorothy E., Bradford
August, Miss Elizabeth G., Bradford
Newton, Mrs. Marian, Bradford
Armagost, Mrs. Josephine S., Bradford
Babcock, Miss Esther S., Bradford
Hosford, R. F., Bradford
Ryan, Miss Marie, Bradford
Barry, Miss Frances E., Bradford
Coit, Mrs. Berdena R., Bradford
Marshall, William F., Foster Twp.
Nelson, Miss Helen, Bradford

MERCER COUNTY

Wirbanic, Miss Frances J., Farrell
Gilkey, Robert M., Greenville
Hoffman, Miss Ruth E., Greenville
Rollinson, H. J., Sharon
Stoyer, Ray W., Sharon
McKee, Miss Mary M., Grove City

MIFFLIN COUNTY

Gracey, Mrs. Neva S., Lewistown

MONROE COUNTY

Butts, Miss Dorothy O., Stroudsburg
Wilson, Mrs. Helen L. P., Stroudsburg
Meichner, August B., Stroudsburg

MONTGOMERY COUNTY

Smith, Horace H., Pennsburg
Brown, Henry T., Lower Merion Twp.
Donaldson, Wm. K., Abington Twp.
Fox, Henry I., Jr., Norristown
Gill, Miss Irene W., Norristown
McGrady, Miss Elizabeth H., Norristown
Scirica, Mrs. Anna S., Norristown
Delwig, Miss Harriet C., Whitpain Twp.
Fling, Miss Mary E., Norristown
Doyle, Mrs. Marian R., Norristown
Wagner, Lloyd F., Pottstown
Jones, H. LeRoy, Ambler
Berman, Albert I., Pennsburg
Hartling, Emil R., Abington Twp.
Wood, John P., Lower Merion Twp.
Fritsch, Miss Anna Mabel, Narberth
Hoffman, George W., Cheltenham Twp.
Geyer, Lester K., North Wales
Rittenhouse, Jacob A., Lansdale
Johnson, C. Wm., Bridgeport
Freas, Gordon H., Norristown
Leddon, Elmer R., Abington Twp.
Klodarska, Miss Elizabeth, Lower Merion Twp.
Griffiths, Mrs. Frances B., Norristown
Gallagher, Clarence J., Lower Merion Twp.

Furnell, Miss L. Mae, Pottstown
Kratz, George S., Hatfield
Landis, Vernon S., Lansdale
Neiman, Mrs. M. Lillie, Norristown
Hillegass, R. M., Lower Salford Twp.
Schreiber, William, Jr., Lower Providence Twp.
Alderfer, Arthur A., Lower Salford Twp.
Clemens, Alvin A., Lower Salford Twp.
Kneezel, Clement F., Lower Moreland Twp.
Alloway, Roy C., Norristown
Renninger, Harry, Cheltenham Twp.
DiGiovanni, Louis, Norristown
Landis, Frank B., Pottstown
Bicking, Lewis A., Lower Providence Twp.
Gleason, William J., Lower Merion Twp.
Cronin, Thomas W., Lower Merion Twp.

MONTOUR COUNTY

Bausch, John H., Danville

NORTHAMPTON COUNTY

Frable, Hearst H., Bethlehem
Mahoney, Bernard E., Bethlehem
Walters, George W., Easton
Remaly, Kenneth W., Bethlehem
Allen, Arthur, Pen Argyl
Erich, Miss Ethel J., Northampton
Pegg, Albert E., Palmer Twp.
Estock, Miss Irene M., Bethlehem
Miller, Mrs. Belle M., Easton
Picone, Bartolo, Easton
Jaxheimer, John L., Bethlehem
Saylor, Miss Mildred B., Bethlehem
Riegel, John O., Bangor
Bair, Mrs. May Kern, Bangor
Smith, Ammon H., Easton
Bernhardt, Henry A., Bethlehem
Weber, Wm. F., Northampton
Klemmer, Clarence P., Bethlehem
Litts, Miss Blanche A., Easton
Carman, Michael A., Easton
Stefko, John F., Bethlehem

NORTHUMBERLAND COUNTY

Ramer, Mrs. Naomi L., Sunbury
Harter, M. L., Jr., Watsontown
Petrovich, Alex S., Coal Twp.
Shoemaker, Mrs Blanche, Sunbury
Silvano, Dominic, Mount Carmel Twp.
Haupt, Russell G., Coal Twp.
Gaetz, Howard W., Mount Carmel
Walter, Mrs. Mildred W., Milton
Zecoski, Joseph G., Mount Carmel
Moore, Howard D., Mount Carmel Twp.
Snyder, Vernon G., Sunbury
Strouss, Carleton M., Mount Carmel

PERRY COUNTY

Howanstine, I. N., Newport
Lightner, Ralph E., Bloomfield
Metz, Miss Marjorie R., Bloomfield
Rhoads, Joseph R., Tyrone Twp.

PHILADELPHIA COUNTY

Allen, Miss Ethel F.
Schweiger, Miss Miriam
Caggiano, Louis
Cunnane, Joseph P.
Adams, Joseph M.
Baumann, Louis M.
Charlton, Frank C.
Margolis, Miss Pauline E.
Marley, Willis J.
Maurer, Mrs. Irene E.
Siatowski, Leonard T.
Coyne, Mrs. Marion F.
Harres, Mrs. Mary W.
Lutz, John W., Jr.
Meiklejohn, James J., Jr.
Skilton, Miss Irene T.
Vento, Joseph
Barnes, R. T.
Lewis, Miss Mary E.
Stumpf, Mrs. Cecelia W.
Finkel, Miss Esther M.
Menna, Jesse
Quain, Mrs. Anna M.
Smith, Joseph H.
Canfield, Theodore, 4th
Krombolz, Miss Mildred
Levin, William I.
Welsh, Alfred F.
Cullen, Mrs. Marie B.
Harper, Mrs. Adella Byrd
Johnston, Joseph G.
Sagendorph, Thomas M.
Sweeney, J. Carroll
Taintor, Miss C. P.
Maser, Henry S.
Meyers, Samuel
Michaelson, Abraham
Schramm, William T., Jr.
Zovesus, Miss Julia M.
Hild, Mrs. Madeline C.
Jordan, John P.
Harrison, Sigmund S.
Hinkle, John S.
Crist, Charles W., Jr.,
McDonald, Miss Catherine
Reimer, Mis Marjorie
Williams, Russell G.
Bradford, John L.
Plumer, Louis J.
Watt, John N.
Loftus, Cornelius J.
Baitzel, Mrs. Evelyn
Bidus, Edward W.
Burton, Mrs. Eva
Danagher, Mrs. Ruth B.
Fogg, J. Robinson
Hummel, Mrs. Kathryn M.
Bailey, Thomas R.
Hassenfritz, Ed. J.
Adams, George F.
Bozorth, Joseph C.
Brodsky, Louis
Coyne, Miss Mary G.
Segal, Albert
Beck, William M.
Breniser, Miss Lillian
Duggan, Richard J.
Bixler, Ralph M.
Boehm, Miss Jeannette G.
Eckstein, Wm. M.
Goldmann, Howard J.
Heller, Miss Louise K.
Pellicciotta, Donato
Super, Charles G.
Fasy, Harry J.
Haas, Robert C.
LeBar, Mrs. Mabel J.
Neeger, J. Miller
Young, John B., Jr.
Goldman, Miss Claire
Creato, Anthony
Fritsche, John, Jr.
Livengood, Harry E.
Monks, John G.
Durham, James G.
Hensel, Thomas P.
Mason, Stuart H.
Beacher, Mrs. Myrtle B.
Fengler, Mrs. Mary M.
Smith, Hubert M.
Stavru, Peter N.
Trimble, Miss Mary S.
Eskuchen, Mrs. E. Marjorie
Grodsky, Meyer
Guariglia, Carl
Levy, Mrs. Jennie
Lewars, Thomas B.

McFadden, Miss Peggy C.
Fyfe, James E.
Groves, P. R.
Niedelman, Herman L.
Wise, Bernard G., Jr.
Wittmaier, Fredk. J.
Bradley, Francis N.
Fulton, Mrs. Mary A.
McElroy, Edwin L.
Baumholtz, Mrs. Libby
Senese, Otto R.
Brown, A. Chester
Agnew, Mrs. Kathryn M.
Archer, Miss H. Olga
Barton, Miss Elizabeth G.,
Burkart, J. Frederick
Burke, John J., Jr.
Childers, Henry D.
Crisp, Harry A.
Dorsey, William
Dougherty, Miss Teresa M.
Goldfarb, Harry
Gross, Morris
Hall, Miss G. Ruth
Horgan, Denis J., Jr.
Huder, Mrs. Helen D.
Klein, Miss Anna
Krimm, A. John
Martin, Miss Elizabeth M.
Moore, R. M.
Novello, Manes
Peiper, Saul
Schulz, August P.
Segel, Albert M.
Soloner, E.
Stinson, Miss Rosemary
Tait, John A.
Waddington, Robert M.,
Wagner, Miss Elsie P.
Weil, Mrs. Carol L.
Wolf, Fred J.
Dolde, John T.
Gabell, Miss Katharine
Anderson, R. David
Russ, John C.
Barish, Benjamin
Hoffmeister, Harry
Barth, Howard I.
Kaighn, Miss Thelma Jean
Greger, William C.
Hopper, Ernest W.
Kenin, Nathan
Tyson, Edw. T., 3rd
Azeff, Jacob
Benedict, Mrs. Josephine
Galbraith, Miss Edith J.
O'Hanlan, Miss Jane F.
Heath, Miss Anne C.
Curley, William D.
Rankin, J. W.
Stafford, Walter H.
Jurewicz, Stanley
Pentz, Mrs. Katherine M.
McGehee, Harry A.
Beissel, Charles E.
Bodenhorn, L. A.
Coleton, Miss Elizabeth
Deal, George W.
Diehl, Miss Marie E.
Dieterich, Fred R.
Glenn, Wm. H.
Kay, F. R.
Levin, Walter
Perry, Mrs. Beatrice L.
Speidel, Albert I.
Tunick, Mrs. Constance M.
Kinsley, C. Webster
Schwamb, Howard K.
Edwards, Henry G.
Harding, Miss E. B.
Clark, Stewart F.
Holloway, Edward G.
Kanig, Sidney H.
Meers, Miss Elizabeth L.
Patton, John
Lashner, Albert J.
Meyers, Harry C.
Kaye, Albert K.
Maloy, Miss Violet V.
Wright, Miss Anne C.
Paterson, D. S.
Mkitarian, Robert
Patler, Louis
Grimmett, Mrs. Dorothy M.
Lordan, John V.
Janke, Albert E.
Ludwig, Edward
McCarthy, John F.
Conlin, F. T.
Ottey, Miss Mildred E.
Cochran, Clinton R.
Schoedler, Julius A.
Rubens, Herman J.
Ryan, Miss Ellanor R.
Meale, Miss Ida
Hadley, Miss Dorothy
Trifield, Miss Clara
Hinkle, Walter A.
Rupp, Miss Eleanor M.
Schwartz, Samuel M.
Houston, Miss Elizabeth S.
McClain, Charles L.
Gates, Miss Laura R.
Moore, Miss Leah
O'Rourke, William J.
Bloome, Mrs. Etta G.
Carroll, Miss Margaret M.
Hughes, Miss Rhoda E.
Miller, Mrs. Ethel G.
Adam, Wm. A.
Gleeson, Miss Regina A.
Jenkins, E. W.
Lough, George A.
Carlson, Miss Alfreda
Cathal, Miss Mildred O.
Chairnoff, Samuel
Cunningham, Miss Mary S.
Henderson, Miss Mary Jane
Mohler, Miss Margaret M.
Olson, Miss Thelma M.
Shaw, Charles R.
Fraser, James A.
Manning, Miss Naomi E.
Pfoutz, Percival M.
Rothman, Mrs. Blanche L.
Davenport, Miss Ada I.
Drake, Miss Mildred E.
Boyle, Miss Mary E.
Donnelly, John J.
Melwert, Miss Margaretta S.
Phillips, David
Blickley, Joseph F., Sr.
Clynes, Miss Catharine R.
Gash, Mrs. Eleanor U.
Heritage, Miss Sara D.
Saddic, Albert H.
Ackerman, Charles
Hayden, Miss Marie G.
McHugh, Miss Ellen M.
Whitcomb, Sterling J.
Wolfe, D. Martin
Esposito, Mrs. Anna S.
Seemiller, George P.
Tunstall, Miss Thelma W.
Barenbaum, Miss Anne
Bissell, Charles J.
Holmes, William Jr.
Kohler, Miss Irene H.
McKeever, Miss Carolyn M.
Schellenberg, William A.
Geissel, Miss Elizabeth
Barron, Miss Marie K.
Gunsser, Walter H.

Jones, Miss Margaret C.
Kaytes, Alb[illegible] J.
Bernstein, Reuben
Sheneman, F. T.
Coyle, James J.
Krawitz, Harry
Maguire, Robert A.
Feely, Mrs. Margaret Q.
Middleberg, David G.
Mooney, John J.
Dogole, Mrs. Ethel
Pacian, John C.
Cohen, Miss K. G.
Ferris, Miss Hilda
Gough, Miss Kathryn F.
Scott, Mrs. Miriam B.
Field, Miss Jaynne E.
Chiosso, Miss Louise M.
Endy, Walter W.
Fogel, Miss Dorothy
Black, John S.
Connell, Mrs. Margaret L.
Sullivan, Mrs. Jean D.
DeFeo, Dominick
Hartman, Miss Gladys C.
Kuech, Mrs. Helen C.
Wunderle, Albert J.
Preston, Edward W.
Fisher, Morris
Lightcap, Albert Y.
Muldowney, Miss Kathryn M.
Silbert, Miss Ida A.
Smith, Frank M.
Covert, Lloyd W.
Hassall, Harry D.
O'Hair, James E.
Stinson, W. Rowland
Beard, Miss Marcia L.
White, Miss Helen W.
Elsasser, Mrs. A.
Harrigan, Miss Elizabeth M.
Higgins, Mrs. Margaret M.
Schlosberg, Albert R.
Nothacker, Harry E.
Rivele, John F.
Wallace, Geo. B.
Nightlinger, Miss Doris
Judge, Mrs. M. Jane
Ludwig, Mrs. Madelyn B.

PIKE COUNTY

Kelder, Ralph E., Matamoras

POTTER COUNTY

Swetland, W. R., Coudersport

SCHUYLKILL COUNTY

O'Neill, Mrs. Kathryn, Gordon
Sherman, Mrs. Dora, Tamaqua
McFadden, Raymond J., Minersville
Heinbach, Earle L., Pottsville
Fanelli, John, Shenandoah
Drake, Miss Alma S., Pottsville
Unger, A. A., Porter Twp.
Bashore, Robert S., Pottsville
DeLuca, Martin S., Shenandoah
Link, Mrs. Florence M., Shenandoah
Hoy, Kimber H., Pottsville
Maberry, Albert R., Pottsville
Williams, Marvin W., Mahanoy City
Spaide, Herald H., Ashland
Hughes, Miss Margaret C., St. Clair
Fernsler, Miss M. Rebecca, Pottsville
Graham, Joseph E., E., Mahanoy City
Moyer, I. B., Cressona
Manhart, Miss LaVerne I., Pottsville
Thomas, E. J., Cass Twp.
Felsburg, Joel L., Gilberton
Higgins, Miss Mary K., Pottsville
Knell, Jay More, Pottsville
Moyer, George C., West Mahanoy Twp.
Kerrigan, James P., Gilberton
Feeney, Miss Rita T., Pottsville

SNYDER COUNTY

Dinius, Palmer E., Middleburg

SOMERSET COUNTY

Saylor, Haldor E., Somerset
Vincent, Mrs. M. Lucille, Conemaugh Twp.

SUSQUEHANNA COUNTY

Kelly, William B., Susquehanna

TIOGA COUNTY

Linkhorn, Walter L., Wellsboro
Schultz, Louis R., Elkland
Hawk, J. M., Wellsboro
Husted, Mrs. Hilda F., Wellsboro

UNION COUNTY

Watson, John C., Hartleton

VENANGO COUNTY

Hedley, Frank E., Franklin
Maitland, Mrs. Janet F., Oil City
Mendenhall, F. G., Coopperstown
Wurster, William Edward, Cornplanter Twp.
Crosby, Fred E., Emlenton
Berlin, Miss Beatrice K., Pleasantville
Moulin, Archie J., Oil City

WARREN COUNTY

Spalding, M. G., Warren
Cederlof, R. C., Sheffield Twp.
Mitchell, Miss Grace E., Warren
Rader, Christian L., Sheffield Twp.
MacDowell, Mrs. Verna T., Warren
Johnson, Miss Ruth E., Warren

WASHINGTON COUNTY

Zwick, Miss Alyce, Washington
Schneider, Mrs. Catherine D., Donora
Wright, Geo E., Houston
Kenney, Alvin B., McDonald
Vorhees, Miss Lena G., Washington
Smith, Mrs. Ethel, Charleroi
Kaufman, Miss Victoria, Charleroi
Campbell, Robert R., Washington
Hill, Howard W., North Bethlehem Twp.
Gladden, Mrs. Lenore K., Washington
Stoffer, James W., Houston
McMillen, Miss Mae S., Canonsburg
Scott, Miss Sara Louise, Washington
Werton, Thomas E., Allenport
Noble, Miss Gladys E., Washington
Roesch, William V., East Bethlehem Twp.
Gigliotti, Miss Mafalda V., Monongahela
Olloman, Walter, Canonsburg
Vester, Miss M. H., Washington
Smith, Mrs. Florence L., Canonsburg
Sorice, Miss Angeline, Washington
Ruben, Mrs. Ethel G., Donora
Gowern, Paul K., Canonsburg

WAYNE COUNTY

Riefler, John F., Honesdale
Keyes, Ellis D., Lake Twp.

WESTMORELAND COUNTY

Scales, A. C., Trafford
Klingensmith, Leon G., Vandergrift
Hegmann, Wm. H., New Kensington
Speer, Kendall, Jr., Sewickley Twp.
Berkmyre, Miss Rose E., Latrobe

Keim, Thos. H., Greensburg
Ardisson, Mrs. Mary J., Salem Twp.
Ferrante, Mrs. Amelia Irene, Vandergrift
Page, Charles E., Smithton
Sibel, Miss Marie, Greensburg
Marr, Charles W., Irwin
Mitchell, Mrs. Jeannette R., Ligonier
Campbell, Mrs. Rheubena C., Latrobe
Sabetta, Thomas J., Greensburg
Shire, Joseph, Monessen
Duda, Miss Gertrude J., New Kensington
Linhart, J. R., Jeannette
Huffman, E. E., New Alexandria
Bair, John F., Vandergrift
Smith, A. D., Jeannette
Bear, Gus A., Greensburg
Cappone, Theodore, New Kensington
Barclay, Jas. T., Vandergrift
Cook, Jack W., Scottdale
Travis, Alfred, North Huntingdon Twp.
Huston, James, New Alexandria
Barker, Alex, Monessen
Hofmann, Miss Hazel D., Greensburg
Stewart, T. Dale, New Kensington
Hover, Alex E., Ligonier
Harrold, Miss Ruth, Greensburg
Tomajko, Frank J., Hempfield Twp.
McCormick, Russell T., Greensburg
Shrader, Paul H., Jeannette
Wirsing, Herbert, Greensburg
Patterson, Harry C., Irwin
Kopcsak, Julius J., Greensburg
Lohr, Joseph M., Latrobe
Walter, Nelson L., Greensburg
Watt, Miss M. Ozelma, Greensburg
Miner, Miss Nelle, Scottdale
Cook, Nevin L., Ligonier
Kessler, P. J., Unity Twp.
Stoner, Chas. F., Mount Pleasant

YORK COUNTY

Crider, Miss Ethel F, York
Bitner, Walter E., York
Rehmeyer, Curtis H., York
Elicker, Miss Elizabeth, York
Landis, George E., Hallam
Howells, Benj., Hanover
Bream, Miss Mary E., York
Thompson, Paul E., York
Harshman, Mrs. Mildred B., Hanover
Ilgenfritz, Miss Thelma, York
Keesey, L. D., York
Patterson, Miss Miriam E., York
Hake, H. Milton, York
Dempwolf, Miss Clara A., York
Trone, Curtis J., Penn Twp.
Becker, Norman E., Hanover
May, Noah C., York
Brooks, Mrs. Marie B., Fawn Grove
Wolf, Miss Mary M., York
Reidel, Miss Helen C., York

GEORGE H. EARLE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 25, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from date of confirmation:

ALLEGHENY COUNTY

Miss Dorothy Stegmeyer, Wilkinsburg

CAMBRIA COUNTY

Francis J. Gall, Lilly

CENTRE COUNTY

Miss Bertha Stein, Philipsburg

CLEARFIELD COUNTY

Mrs. Cecelia Gaul, Coalport

CUMBERLAND COUNTY

Miss Ferne Smith, Lower Allen Twp., Camp Hill

PHILADELPHIA COUNTY

Miss Kathryn M. Darrah, 6003 N. Fifth St., Phila.
Ben Dubyn, N. E. Cor. Broad & Lehigh, Phila.
Thomas M. Fitzgerald, 807 Fidelity Phila. Trust Bldg. Phila.
Miss Louise M. Lee, 469 N. American St., Phila.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 25, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation.

ALLEGHENY COUNTY

Miss Louise Donocan Pittsburgh, William Penn Hotel
Mrs. Olga Kirby, Pittsburgh, 4106 Butler St.
T. F. Sheridan, McKees Rocks

BLAIR COUNTY

Miss Helen M. Rankin, Altoona

BUCKS COUNTY

Miss Sara B. Rafferty, Bristol

CLEARFIELD COUNTY

William S. Gilliland, Clearfield

CUMBERLAND COUNTY

A. Reginald Day, Jr., Wormleysburg

DAUPHIN COUNTY

Helen A. Jackson, Harrisburg

DELAWARE COUNTY

George M. Heffron, Chester

INDIANA COUNTY

G. W. Aughenbaugh, Cherry Tree

LANCASTER COUNTY

George W. Bard, Lancaster
Menno B. Rohrer, Lancaster

LEHIGH COUNTY

Jos. A. Schmidt, Allentown

LYCOMING COUNTY

Mrs. Floretta J. Hunter, Williamsport

MERCER COUNTY

J. W. Wolfe, Sharon

PHILADELPHIA COUNTY

Mrs. Doris J. Duff, 4221 Frankford Ave., Phila.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 28, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

J. Morgan Siegrist, Pittsburgh, 129 S. Highland Avenue.

BEDFORD COUNTY

Mrs. Maude E. Whetstone, Everett.

SCHUYLKILL COUNTY

Mrs. Ruth G. Beard, Tamaqua.
Leonard J. Chaikowsky, Shenandoah.

WESTMORELAND COUNTY

Mrs. Ruth G. Stein, New Kensington.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 29, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for appointment as a Notary Public, for the term of four years to compute from the date of confirmation:

LACKAWANNA COUNTY

Joseph E. Boland, Carbondale.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, August 2, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Lois N. Campbell, Pittsburgh, Peoples Alliance Bldg., 100 7th Street.

LEHIGH COUNTY

Lee E. Roeder, Upper Milford Twp., R. D. 1, Emaus.

PHILADELPHIA COUNTY

William S. Savage, 3249 Woodland Avenue, Phila.

GEORGE H. EARLE.

COMMISSIONERS OF DEEDS

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 25, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, the following named persons to be Commissioners of Deeds, for the term of five years to compute from the dates set opposite their names, respectively:

Blank, Harry C., Fort Lauderdale, Florida, May 9, 1938.

Harris, James A. L., Wildwood, New Jersey, June 13, 1938.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. Rice and Mr. McCreesh,

That Rule 38 which requires nominations made by the Governor to be referred to a proper committee be dispensed with, and the Senate do now resolve itself into executive session, for the purpose of acting on the foregoing nominations,

Which was agreed to,

Whereupon,

A motion was made by Mr. Rice and Mr. McCreesh,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35.

Barthold,	Frey,	Kilgallen,	Rice,
Cavalcante,	Gelder,	Kunkel,	Rodgers,
Chapman,	Gilson,	Pytko,	Rupp,
Dando,	Haluska,	Lanius,	Ruth,
Deitrick,	Heyburn,	Law,	Shapiro,
Dent,	Huffman,	McCreesh,	Sipe,
DiSilvestro,	Jaspan,	McGinnis,	Stiefel,
Ealy,	Kahle,	Rankin,	Wolfenden,
Eroe,	Henney,	Reed,	

NAYS—0.

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be notified accordingly.

Mr. RICE. Mr. President, I move that the Executive Session do now rise.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

RESOLUTION

EMPLOYEE OF THE SENATE

Mr. JACOBS offered the following resolution, which was twice read, considered and agreed to:

In the Senate, August 2, 1938.

Resolved, That the following person be elected an employe of the Senate for the Extraordinary Session of 1938 to fill an existing vacancy:

PAGE

COLLINS KELLER, Carlisle, Cumberland County
Vice Adam Keller, resigned.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 25, as follows:

An Act removing the remaining additional persons now serving as Pennsylvania members of the Delaware River Joint Commission by virtue of appointment by the General Assembly under the act approved June twelfth one thousand nine hundred and thirty-one (Pamphlet

Laws five hundred seventy-five) and providing for the appointment of their successors,

Whereas under the provisions of the Constitution of Pennsylvania appointive officers may be removed at the pleasure of the power by which they shall have been appointed and

Whereas it has been decreed by the Supreme Court of Pennsylvania that four (4) additional members serving on the Delaware River Joint Commission at the time of the enactment of the act approved June twelfth one thousand nine hundred and thirty-one (Pamphlet Laws five hundred seventy-five) were appointed by the General Assembly and

Whereas two (2) of the said four (4) additional members have since resigned their office and their successors have since been appointed by the Governor in the manner provided by law

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The two (2) remaining additional members now serving on the Delaware River Joint Commission by virtue of appointment by the General Assembly under the act approved June twelfth one thousand nine hundred and thirty-one (Pamphlet Laws five hundred seventy-five) are hereby removed as members of the Commission and the vacancies hereby created shall be filled by the Governor in the manner provided by law in the case of vacancies occurring in the appointive membership of the commission

Section 2 This act shall become effective immediately upon final enactment.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess for thirty minutes.

Mr. Law. Mr. President, I second the motion.

The motion was agreed to.

ANNOUNCEMENTS BY THE SECRETARY

Meeting of the Committee on State Government in Room 265 immediately.

Meeting of the Committee on Appropriations in the same room immediately following the meeting of the Committee on State Government.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORTS FROM COMMITTEES

Mr. FREY. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY, from the Committee on Appropriations reported as amended, Senate Bill No. 10, entitled:

A supplement to the act approved the sixteenth day of June, one thousand nine hundred and thirty-six, (P. L. 16), entitled, "An act making an appropriation to the Department of Health to defray the cost of pumping the water from slate quarries and anthracite and bituminous coal mines which have been flooded, directly or indirectly, by the high waters during March, one thousand nine hundred thirty-six," by making a further appropriation to supply the deficiency incurred and needed under the provisions of said act.

Mr. EROE. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EROE, from the Committee on State Government reported as committed, Senate Bill No. 15, entitled:

An Act abating certain tax penalties and interest on county, city (except city of the first class), borough, town, township, school district (except school district of the first class), and poor district taxes; prohibiting the sale of real property for the nonpayment of any such taxes for a certain period; and preserving certain tax liens, and providing for the extension thereof.

Mr. HENNEY. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HENNEY, from the Committee on State Government reported as amended, Senate Bill No. 20, entitled:

An Act abating certain tax penalties and interest on city and school taxes in cities of the first class and school districts of the first class.

Mr. BARTHOLD. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BARTHOLD, from the Committee on State Government reported as amended, Senate Bill No. 14, entitled:

An Act providing for the adjournment and re-adjournment of county treasurers' sales of seated and unseated lands that were to have been held in the years one thousand nine hundred thirty-seven, or one thousand nine hundred thirty-eight, for nonpayment of taxes in counties except those of the first and second class, and preserving the lien of all taxes on such lands.

MOTION TO READ BILLS THE FIRST TIME

Mr. LAW. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 10, entitled:

A supplement to the act approved the sixteenth day of June, one thousand nine hundred and thirty-six, (P. L. 16), entitled, "An act making an appropriation to the Department of Health to defray the cost of pumping the water from slate quarries and anthracite and bituminous coal mines which have been flooded, directly or indirectly, by the high waters during March, one thousand nine hundred thirty-six," by making a further appropriation to supply the deficiency incurred and needed under the provisions of said act.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 14, entitled:

An Act providing for the adjournment and re-adjournment of county treasurers' sales of seated and unseated lands that wre to have been held in the years one thousand nine hundred thirty-seven, or one thousand nine hundred thirty-eight, for nonpayment of taxes in counties except those of the first and second class, and preserving the lien of all taxes on such lands.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 15, entitled:

An Act abating certain tax penalties and interest on county, city (except city of the first class), borough, town, township, school district, (except school district of the first class), and poor district taxes; prohibiting the sale of real property for the nonpayment of any such taxes for a certain period; and preserving certain tax liens, and providing for the extension thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 20, entitled:

An Act abating certain tax penalties and interest on city and school taxes in cities of the first class and school districts of the first class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn until Wednesday, August 3, 1938, at 1:00 o'clock, P. M., (Eastern Standard Time).

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 3:56 o'clock P. M., until Wednesday, August 3, 1938, at 1:00 o'clock, P. M., (Eastern Standard Time).

HOUSE OF REPRESENTATIVES

TUESDAY, AUGUST 2, 1938.

The House met at 2:00 p. m.

The SPEAKER, (Roy E. Furman), in the Chair.

PRAYER

The Rev. FRANCIS A. KIRCHNER, of St. Patrick's Cathedral, Harrisburg, Pa., offered the following prayer:

O Eternal God of might, wisdom and justice, through whom authority is rightly administered, laws enacted, judgments decreed, assist with Thy Holy Spirit of Counsel and Fortitude the members of this assembly.

Grant that in their legislative work they may be useful to the people of this great Commonwealth of Pennsylvania, by encouraging due respect for virtue and religion and by a faithful execution of their duties in justice and honesty.

Let the light of Thy Divine Wisdom direct their deliberations; let it shine forth in the proceedings framed for our rule and government.

Inspire them to remember always that every man is their brother, and that Thou art the common Father of all, to Whom some day they must give an account of all their thoughts, their words and their acts, of this day and every day.

May these, our representatives, then, with Thy divine guidance, proceed to the preservation of peace, the promotion of happiness and the increase of industry, sobriety and useful learning, and perpetuate to us the blessings of equal liberty. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Saturday, July 30, 1938.

The Clerk proceeded to read the Journal of Saturday, July 30, 1938, when, on motion of Mr. DYSON the further reading was dispensed with and the Journal approved.

LEAVES OF ABSENCE

Mr. Welliver asked and obtained leave of absence for Mr. FRANCIS T. BAKER for the balance of the week on account of illness.

Mr. Valibus asked and obtained leave of absence for Mr. ZAPPALA for today's session.

Mr. Stewart asked and obtained leave of absence for Mr. SLOAN for the balance of the week on account of illness.

Mr. Gillette asked and obtained leave of absence for Mr. MERRELL for the balance of the week on account of illness.

Mr. Scanlon asked and obtained leave of absence for Mr. FITCH for the balance of the week on account of illness.

Mr. Arnold asked and obtained leave of absence for Mr. DECKER for today's session.

REPORT FROM COMMITTEE

Mr. OMINSKY from the Committee on Rules reported as committed, House Resolution No. 3.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 17, entitled:

An Act to amend article two of the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred thirty-six) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determining of liability and compensation thereunder" as amended by adding a new section two hundred and one and one-tenth thereto imposing the presumption of negligence upon employers providing for admission of certain evidence and providing for double damage under certain circumstances

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article two of the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred thirty-six) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder" as reenacted and amended by the act approved the fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws one thousand five hundred fifty-two) is hereby further amended by adding thereto section two hundred and one and one-tenth to read as follows

Section 201.1 In any action brought to recover damages for personal injury to an employe in the course of his

employment or for death resulting from such injury the following legal presumption the rules for admitting certain evidence and the amount of damages which can be recovered shall apply

(a) When injury results to an employe in the course of his employment it shall be presumed that the employer's negligence caused said injury which presumption may be rebutted by the employer and both the injured employe and the employer will be permitted to introduce testimony showing the cause of said injury The final determination in all cases shall be a question of fact for the jury

(b) When an employe sustains an injury in the course of his employment the hearsay rule of evidence shall be extended to include declarations remarks and utterances made by the injured employe within twenty-four hours after the injury was sustained

(c) If the jury finds that the employe's injury was caused or contributed to by the employer's violation or failure to observe any safety law or regulation in effect at the time of the injury the injured employe or his dependents shall be entitled to double damages

On the question,

Will the House agree to the section?

Mr. YOURISHIN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1 (Sec. 201.1), page 2, lines 25 and 26 by striking out the following: "the hearsay rule of evidence shall be extended to include"

Amend Sec. 1 (Sec. 201.1), page 2, line 27 by striking out the following: "Twenty-Four" and insert in lieu thereof "Twelve"

Amend Sec. 1 (Sec. 201.1), page 2, line 28 by inserting after the word "sustained" the following: "shall be admissable as competent evidence."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Mr. YOURSHIN offered the following amendments:

Amend bill, page 3, by inserting after line 5 the following sections: "Section 2. The provisions of this act shall be severable, and if any of the provisions shall be held to be unconstitutional, such decision shall not affect the validity of any of the remaining provisions of this act. It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein.

Section 3. This act shall become effective immediately upon its final enactment."

On the question,

Will the House agree to the amendments?

They were agreed to.

The title was read and agreed to as follows:

An Act to amend article two of the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred thirty-six) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder" as amended by adding a new section two hundred and one and one-tenth thereto imposing the presumption of negligence upon employers providing for admission of certain evidence and providing for double damage under certain circumstances

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

RESOLUTION

SYMPATHY EXTENDED

Mr. WAGNER offered the following resolution which was twice read, considered and unanimously adopted.

In the House of Representatives, August 2, 1938.

Whereas, On March 5, 1938, William D. Kinney, a former Member of this House, died at the age of 72 years. He was first elected as a Member of the House of Representatives in 1932, and was reelected in 1934. He represented the First District of Erie County. He was born in Erie on September 23, 1866, and upon completing his education he learned the printers' trade and later became a reporter and finally city editor of the Erie Evening Herald. In 1916 he was elected a member of the Erie City Council and served for sixteen years, being nominated three times by both Democratic and Republican parties. He served fourteen years as Director of Parks of the City of Erie.

His death has caused deep and sincere sorrow to all who had the privilege of knowing him, and particularly to his legislative colleagues; therefore be it

Resolved, That the House of Representatives expresses to his family its deepest and sincere sympathy; and be it further

Resolved, That a copy of this resolution be suitably engrossed and sent to his family by the Chief Clerk; and be it further

Resolved, That when this House holds its memorial services for certain deceased officers and Members, it shall include among those to whom honor shall be paid, the name of William D. Kinney.

STATEMENT BY MR. FINNERTY

Mr. FINNERTY asked and obtained unanimous consent to address the House. Mr. Speaker and members of the House, I did not intend to inject myself into these proceedings, but when a gross injustice is done to a neighbor of mine, I feel that I would be remiss in my duty if I did not bring it before this House. I am going to ask you to bear with me for just a moment, while I read to you an article taken from the Philadelphia Evening Ledger, of July 27, 1938, concerning an incident that happened in the Traffic Court in the County of Philadelphia, presided over by Magistrate John J. O'Malley. The article reads as follows:

"One-act drama entitled 'A Night in the Traffic Court'. Chief Magistrate O'Malley (to man before the bench): So you're here on a warrant

"Man: Yes, sir.

"O'Malley: Why

"Man: I didn't pay any attention to a summons for illegal parking. But, please, Your Honor, I just got married at Winnetka, Ill., last month. Fidelia Richards is her name. The summons arrived while I was out of town.

"O'Malley (studying man): Aren't you the son of the late W. W. (Bill) Roper, former Princeton Football coach and Councilman

"Man: Yes, sir.

"O'Malley (with a wave of his hand): Discharged! Next case.

"Mrs. Mary Soloman, 27, of 4928 Aspen Street, steps to the bench. She has a worried look.

"O'Maley: Charged with reckless driving, eh.

"Mrs. Soloman: But, Your Honor, I don't think I was driving recklessly. You see I was driving my mother home from University Hospital. She was nervous and sick. I was careful.

"O'Malley: Who's your committeeman?

"Mrs. Soloman: John Boykin.

"O'Malley: Democrat, isn't he?

"Mrs. Soloman: Yes, sir.

"O'Malley: You walk right over to the cashier and pay a $12.50 fine."

I consider, ladies and gentlemen of the House, that this is a travesty on justice and that Magistrate O'Malley violated his oath of office and should be impeached, and later on I will probably bring impeachment proceedings against him.

During the weekend I called on Mrs. Soloman and she told me she wanted to appeal the case, but that she had no lawyer and did not know the form and when she asked the Magistrate and he found she was a Democrat, the officer pushed her away from the desk. Now, the Soloman's are highly respectable citizens, good neighbors, from the 44th Ward, in the 18th Legislative district, and are members and good members of Rev. Shepard's church, so you know, when you are a member of Rev. Shepard's church, you must be a good religious person.

Our Governor has truthfully said that there is one law for a Republican Governor and another law for a Democratic Governor. Most people were under the impression that that was only for the high civil authorities, but I find in this case of Magistrate O'Malley, that this runs through the minor judiciary.

Now, as I am not a lawyer, and, therefore, not learned in the law, to me it seems that it is a crime and not constitutional to be a Democrat.

Thank you.

The SPEAKER. The remarks of the gentleman will be spread upon the Legislative Journal.

COMMITTEE MEETING

The Appropriations Committee will hold a meeting in the House Caucus Room during the recess period.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess for fifteen minutes. Are there objections? The Chair hears none and declares a recess for fifteen minutes.

AFTER RECESS

The time of recess having expired the House was called to order.

The SPEAKER, (Roy E. Furman), in the Chair.

BILL INTRODUCED AND REFERRED

By Mr. FALKENSTEIN. HOUSE BILL No. 39.

A Joint Resolution propsing an amendment to section fifteen, article five, of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

REPORTS FROM COMMITTEES

Mr. JOHN J. BAKER, from the Committee on Appropriations, reported as committed, House Bill No. 8, entitled:

An Act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals, and other charges that may be due on leases and other contracts executed by such department with the General State Authority for the use and occupancy by the Commonwealth of various projects, structures, buildings, and facilities of the Authority or for the services rendered by the Authority or its projects.

Mr. WELSH, from the Committee on Appropriations, reported as committed, House Bill No. 16, entitled:

An Act making an appropriation to the Department of Health to supply the needed cost of pumping the water from slate quarries and anthracite and bituminous coal mines which have been flooded, directly or indirectly, by the high waters during March, one thousand nine hundred and thirty-six, or in which human bodies are lying.

Mr. MELCHIORRE, from the Committee on Appropriations, reported as committed, House Bill No. 11, entitled:

A Supplement to the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (Appropriation Acts, page forty-five), entitled "An act making an appropriation to the Department of Public Assistance, for the purpose of carrying out the Public Assistance Law for the two years beginning June first, one thousand nine hundred thirty-seven, and for the payment of assistance and expenses accrued or incurred prior to, and remaining unpaid on, May thirty-first, one thousand nine hundred thirty-seven."

Mr. ACHTERMAN, from the Committee on Appropriations, reported as committed, House Bill No. 34, (Senate Bill No. 9), entitled:

An Act making an appropriation to the Department of Public Instruction to any pay rentals and expenses in connection with public school buildings constructed or improved by the General State Authority.

Mr. WESTRICK, from the Committee on Appropriations, re-reported as committed, House Bill No. 15, entitled:

An Act authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubrication oils and gasoline to the people of the Commonwealth conferring upon the commission full power to issue subpoenas and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued requiring the comission to make a report of its findings and recommendations to the General Assembly or to the Governor and authorizing the commission to employ counsel and employees and making an appropriation.

Mr. KILROY, from the Committee on Appropriations, reported as committed, House Bill No. 38, entitled:

An Act making an appropriation for the expenses of the special committee appointed by the Speaker of the House of Representatives on the day of , one thousand nine hundred thirty-eight, pursuant to a resolution adopted by the House of Representatives on the day of , one thousand nine hundred thirty-eight, by authority of the act, approve the day of , one thousand nine hundred thirty-eight (Act No.), entitled "An act defining the procedure for, and regulating, the investigation by the House of Representatives, and its committees, of charges of, or involving, misdemeanor in office on the part of civil officers liable to impeachment; authorizing the Speaker of the House to appoint a special committee for any such investigation; authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated; providing for the summoning of witnesses and for the punishment of persons refusing to appear, produce evidence, or testify, and authorizing the employment and compensation of counsel and other assistants."

ANNOUNCEMENTS

The Committee on Welfare will meet tomorrow at 8:30 A. M. in the House Caucus Room.

The Committee on Education will meet tomorrow at 10:00 A. M. in the House Caucus Room.

The Committee on Public Utilities will meet tomorrow at 11:30 A. M. in Room 325.

The Committee on Judiciary General will meet tomorrow at 12:30 P. M. in Room 325.

The Committee on Highways will meet tomorrow at 11:30 A. M. in Room 323.

The Committee on Municipal Corporations will meet tomorrow at 11:00 A. M. in Room 324.

The Committee on State Government will meet tomorrow at 10:00 A. M. in Room 323.

APPOINTMENT OF SPECIAL COMMITTEE

Thte SPEAKER. In accordance with Act No. 2 of the Special Session of 1938 and the resolution of this House, I am constituting a special committee for the purpose of investigating the charges set forth in a petition of the District Attorney of Dauphin County, filed in the Court of Quarter Sessions of that county.

On this committee I am appointing the following Members of the House: Messrs Herbert B. Cohen, Chairman; Schrope, Gerard, Ominsky, Bierly, Turner, Perry.

I have every confidence in the men I have selected, that they will discharge the duties of their office with the utmost fidelity, and that they will make an honest, fair, impartial and searching investigation of all these charges so that the public may be advised of their truth or falsity, and that they will not permit politics or friendships to sway them from their path of duty.

These are charges which cannot be overlooked or brushed aside. The reputations of men are at stake. If they are innocent, the public is entitled to know this fact; if they are guilty of misdemeanor in office, then the duty to be performed is plain under the Constitution and laws of the Commonwealth.

I ask the committee to organize as soon as possible and promptly proceed with the investigation.

ADJOURNMENT

Mr. SHUGARTS. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1:00 p. m.

The motion was agreed to, and (at 3:46 p. m.) the House adjourned until Wednesday, August 3, 1938, at 1:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1938

Vol. 22. HARRISBURG, PA., WEDNESDAY AUGUST 3, 1938. No. 8.

SENATE

The Senate met at 1:00 o'clock P. M., (E.S.T.), Wednesday, August 3, 1938.

The PRESIDENT (Lieutenant-Governor, Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, LL.D., offered the following prayer:

It is a good thing to give thanks unto the Lord, and to sing praises unto Thy name, O most High: to show forth Thy loving kindness every morning, and Thy faithfulness every night.

O that all men everywhere would praise Thee for Thy goodness, and for Thy wonderful works unto the children of men. Creator of all things, Giver of all good gifts—lacking wisdom, we have been taught to ask of Thee the giver of all good gifts, who giveth to all men liberally, and upbraideth not.

We exult in thy revelation that Thou art our Father. Give unto us a sense of human brotherhood—a great truth yet strange to an unheeding world. Bless the deliberations of this day; and may our endeavors rebound to the common weal.

Endue us with Thy Spirit, that the adorning graces may have place in our walk and conversation, and shine forth in our lives. In His name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when on motion of Mr. RICE, the further reading was dispensed with, and the Journal was approved.

LEAVES OF ABSENCE

Mr. Wolfenden asked and obtained leave of absence for the Senator from Lancaster, Mr. HOMSHER, on account of illness.

He also asked and obtained leave of absence for the Senator from Bucks, Mr. BUCKMAN, on account of illness.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, August 3, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

Dr. I. Calvin Fisher, (Democrat) 135 South 10th Street, Lebanon, Lebanon County, for appointment as a member of the Lebanon County Board of Assistance, vice Mrs. Edith V. Walter, resigned.

A. M. Eck, Carrolltown, Cambria County, for appointment as Justice of the Peace in the Borough of Carrolltown, Cambria County, vice Alex Grieff, deceased, until the first Monday in January, 1940.

GEORGE H. EARLE.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

BILLS INTRODUCED

Mr. SHAPIRO read in his place and presented to the Chair Senate Bill No. 27, entitled:

An Act to amend section two of the act, approved the eleventh day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, four hundred eighty-seven), entitled "An act authorizing the Department of Welfare to determine the legal residence of indigent, insane, feeble-minded and epileptic persons, returned to this Commonwealth by the authorities of another State, or transferred from one poor district to another by the department, and requiring the proper district to pay the costs of the care and treatment of such persons in accordance with the laws relating to indigent insane persons," by relieving poor districts of certain costs and placing such costs on the Commonwealth.

Which was committed to the Committee on City Government.

He also read in his place and presented to the Chair Senate Bill No. 28, entitled:

An Act relating to institutions of counties, cities, and institution districts for the care, maintenance and treatment of mental patients; providing for the transfer of such institutions to the Commonwealth; providing for the management and operation, or closing thereof, and the maintenance of mental patients therein; conferring and imposing upon the Governor, the Department of Welfare, and counties, cities and institution districts certain powers and duties; prohibiting cities, counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients; and repealing inconsistent laws.

Which was committed to the Committee on City Government.

He also read in his place and presented to the Chair Senate Bill No. 29, entitled:

An Act to amend the act, approved the eleventh day of July, one thousand nine hundred twenty-three (Pamphlet Laws, nine hundred ninety-eight), entitled "An act for the prevention and treatment of mental diseases, mental defect, epilepsy, and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients; providing for the payment by individuals, counties, or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties," as amended, by further defining and limiting the institutions in which persons metally ill may receive care and treatment; relieving counties and poor districts of the payment of the cost of admission, care, and discharge of mental patients, with certain exceptions; imposing such costs on the Commonwealth; and repealing inconsistent laws.

Which was committed to the Committee on City Government.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of personal privilege.

Mr. SHAPIRO. Mr. President, in connection with these bills I should like to make a statement.

Pennsylvania is one of only 5 or 6 states in which the responsibility for the care and maintenance of indigent mentally ill persons is divided among state, cities, and counties.

Experience has proven that the care and maintenance of indigent mentally ill persons should be centralized in the State government in order to insure their proper and uniform care, custody, safety and welfare. The bills introduced today will place Pennsylvania in line with the majority of the states in practice in this important subject. It marks, also, the second step in the efforts of our committee to correct the appalling conditions existing at Byberry in Philadelphia. The enactment of these bills into law will mark the final step.

One of these bills provides for the taking over of the real and personal property as well as the management of any institution operated by any county, city or institution district for the care, maintenance and treatment of mental patients, and transfers and vests the same in the Commonwealth of Pennsylvania. It provides that the Welfare Department shall promptly make an investigation and survey of the institutions transferred to the Commonwealth for the purpose of determining: (1) Which of them are necessary having regard to the number of persons requiring care and treatment and the geographical locations and capacity of other mental hospitals; (2) Which of them, having regard to existing facilities, may be operated by the Commonwealth in such a manner as to insure the proper maintenance, safety and welfare of the patients, and from time to time, but not later than May 31, 1939, by Governor's proclamation, determine which of the institutions shall be operated and managed by the Commonwealth as State mental hospitals and which, if any, shall be closed.

The bill further provides that as each institution is taken over the Governor shall direct the Department of Welfare to operate and manage the same in accordance with the laws of the Commonwealth relating to such hospitals.

Until the institutions are actually taken over, the cost of management and operation must be borne by the present operating authorities, and under existing laws as to contributions from the State. When and if these institutions are taken over and until May 31, 1939 (the end of the present State biennium), the several counties in which the institutions are maintained will be obliged to make contributions to the State in accordance with existing laws ($3.00 per week). After May 31, 1939, the State will assume full obligation for the costs incurred in care and maintenance of patients of the institution, and the various cities and counties will be freed from any further cost in connection with care and maintenance of the mentally ill.

The second bill makes amendments to the Mental Health Act of 1923 so that its provisions will conform with the plan provided for in the above act. The first bill provides that the Philadelphia Hospital for Mental Diseases at Byberry shall be taken over immediately after the passage of this act. If and when these institutions are taken over, they will be operated by the Secretary of Welfare.

The passage of these laws insures a saving of millions of dollars to the several communities involved. In Philadelphia alone the saving should be close to $1,000,000.00 per year after May 31, 1939. The result of this legislation should mean a reduction in the tax on real estate in the several cities and counties now operating institutions for the care of the mentally ill.

The bills will be available for distribution after printing. There will be no attempt to rush them through, but constructive criticism is invited.

BILL INTRODUCED

Mr. DENT read in his place and presented to the Chair Senate Bill No. 30, entitled:

An Act authorizing the compromise of delinquent taxes on lands and the penalties, interest and costs due thereon, before a tax sale of such lands; and providing the procedure in such case.

QUESTION OF PERSONAL PRIVILEGE

Mr. DENT. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Westmoreland, Mr. Dent, will state his question of personal privilege.

Mr. DENT. Mr. President, I desire to make a very short statement regarding this bill. In introducing this piece of legislation I want to say that it was the result of hearings and studies made by the Tax Commission relative to the question of delinquent taxes and accumulated taxes and interest, particularly on industrial properties. We find that many properties have been assessed during their boom period. During the last seven or eight years there has been quite a decrease in production of a great many industries in mines and mining. By putting in this piece of legislation we hope to allow those people who own these properties to go to the Commissioner and effect a compromise before the tax sale rather than after the property is sold and later coming in and trying to get the property from the people who bought it in. This I believe will open the road to many small industries and particularly small mines in Pennsylvania to again become productive that have been tied down with great loads of ac-

cumulated tax interest. I therefore ask that the Committee who gets this piece of legislation for consideration give it a speedy consideration in Committee and allow it to come on the floor in order that some remedy may be given to those people who are overburdened by taxes.

The PRESIDENT. Similar bills based on practically the same principle are being handled at this session by the Committee on State Government and if there is no objection the Chair feels obliged to send this bill to that Committee on State Government.

ANNOUNCEMENT BY THE SECRETARY

The President Pro Tempore announces the appointment of Paul Bisbing as page to the President Pro Tempore of the Senate vice Melvin Scott resigned.

RESOLUTION

CONDOLENCE ON DEATHS OF SENATOR EROE'S FATHER AND BROTHER

Mr. LAW offered the following resolution, which was twice read, considered and agreed to:

In the Senate, August 3, 1938.

Whereas, Divine Providence has seen fit to take away within the space of a few months the brother and father of the Honorable William J. Eroe, Jr., Senator from the Forty-seventh Senatorial District, comprising the Counties of Beaver and Lawrence; and

Whereas, E. George Eroe, brother of Senator Eroe, was a resident of Cleveland, Ohio, where he had been prominent in business, active in the American Legion and in various civic and fraternal organizations; and his death on March 13, 1938, was a great loss to his family and his many friends; and

Whereas, William J. Eroe, Sr., the father of Senator Eroe had attained the age of 86, and passed away quietly, in his sleep on May 18, 1938, after a long and useful life during which he was respected and esteemed as a citizen interested in the well being of his fellow citizens and active in civic betterment; and

Whereas, William J. Eroe, Sr., was especially esteemed in the city of New Castle where he was for many years engaged in business as a jeweler and watchmaker, and also served for a period in the City Council; therefore be it

Resolved, That the Senate of Pennsylvania extend to Senator Eroe and his family their profound sympathy and that a copy of this resolution be forwarded to Senator Eroe.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 25, entitled:

An Act removing the remaining additional persons now serving as Pennsylvania members of the Delaware River Joint Commission by virtue of appointment by the General Assembly under the act approved June twelfth one thousand nine hundred and thirty-one, (Pamphlet Laws five hundred seventy-five) and providing for the appointment of their successors.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution.

Mr. GELDER. Mr. President, I ask for a verification of the roll.

The PRESIDENT. The roll will be verified.

The roll was verified and was as follows:

YEAS—30.

Barthold,	Haluska,	Lanius,	Rodgers,
Cavalcante,	Henney,	Law,	Rupp,
Dando,	Heyburn,	McCreesh,	Ruth,
Dent,	Huffman,	McGinnis,	Shapiro,
DiSilvestro,	Jacobs,	Rankin,	Sipe,
Eroe,	Kahle,	Reed,	Stiefel,
Frey,	Kilgallen,	Rice,	Thompson,
Gilson,	Kunkel,		

NAYS—6.

Chapman,	Ealy,	Mallery,	Wolfenden,
Deitrick,	Gelder,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 10, as follows:

A Supplement to the act approved the sixteenth day of June one thousand nine hundred and thirty-six (Pamphlet Laws sixteen) entitled "An act making an appropriation to the Department of Health to defray the cost of pumping the water from the slate quarries and anthracite and bituminous coal mines which have been flooded directly or indirectly by the high waters during March one thousand nine hundred thirty-six" by making a further appropriation to supply the deficiency incurred and needed under the provisions of said act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one hundred forty-seven thousand dollars ($147,000) or so much thereof as may be necessary is hereby appropriated to the Department of Health for the purpose of supplying the deficiency incurred and needed for the purpose of pumping the water from slate quarries and anthracite and bituminous coal mines which were flooded directly or indirectly by the high waters during March one thousand nine hundred and thirty-six including the purchase and installation of pumps motors and other equipment the purchase of electric power and all necessary incidental expenses under the provisions of the act to which this is a supplement

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 14, entitled:

An Act providing for the adjournment and re-adjournment of county treasurers' sales of seated and unseated lands that were to have been held in the years one thousand nine hundred thirty-seven, or one thousand nine hundred thirty-eight, for nonpayment of taxes in counties except those of the first and second class, and preserving the lien of all taxes on such lands.

Mr. EALY. Mr. President, I desire to interrogate the sponsor of this bill but I observe that he is not present.

Therefore I should like to interrogate the Senator from Northampton, Mr. Barthold, who reported the bill out of Committee.

The PRESIDENT. Will the Senator from Northampton, Mr. Barthold, permit himself to be interrogated?

Mr. BARTHOLD. Mr. President, I will.

Mr. EALY. Mr. President, this bill and the following bill, perhaps the following two bills, were introduced on July twenty-eighth and the people who are very much concerned with these bills have not had a chance to study them sufficiently. There are so many confusing problems which arise in connection with these bills that I wish to ask whether they will not be permitted to go over until next week in order to give us a chance for further study.

BILL OVER IN ORDER

Mr. BARTHOLD. Mr. President, it will be agreeable for them to go over in order.

The PRESIDENT. The request is made that the bill go over in order. The Chair hears no objection and the bill goes over in order.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 15, on second reading, entitled:

An Act abating certain tax penalties and interest on county, city (except city of the first class) borough town township school district (except school district of the first class), and poor district taxes; prohibiting the sale of real property for the nonpayment of any such taxes for a certain period; and preserving certain tax liens, and providing for the extension thereof.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Billl No. 20, as follows:

An Act abating certain tax penalities and interest on city and school taxes in cities of the first class and school districts of the first class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All penalties interest and costs imposed but not actually paid out on delinquent city or school taxes in cities of the first class and in school districts of the first class for the tax year one thousand nine hundred and thirty-four and for all previous tax years and the penalties and costs imposed but not actually paid out on such taxes for the tax year one thousand nine hundred and thirty-five or any parcel or parcels of real estate shall be abated without the necessity of further action on the part of the council of such city or by the board of public education of such school district as the case may be if the following provisions are complied with.

(a) That all of the said respective delinquent taxes are paid in four equal installments as follows one-fourth on or before the thirty-first day of December one thousand nine hundred and thirty-eight one-fourth on or before the thirty-first day of December one thousand nine hundred and thirty-nine one-fourth on or before the thirtieth day of June one thousand nine hundred and forty and the final one-fourth on or before the thirty-first day of December one thousand nine hundred and forty

(b) The respective current taxes for the years during such installment period shall be paid before they become delinquent

(c) In case any taxpayer shall default in the payment of any installment of taxes or in the payment of current taxes as required in section one of this act the penalties interest and costs on the installments of such delinquent taxes remaining unpaid shall not be abated but shall remain due and payable as provided by existing law

Section 2 Any taxpayer may on or before December thirty-first one thousand nine hundred and thirty-eight pay the entire amount due on delinquent taxes for the year one thousand nine hundred and thirty-five and all previous years whereupon the penalties interests and costs on such delinquent taxes for the year one thousand nine hundred and thirty-four and previous years and penalties and all costs on delinquent taxes for the year one thousand nine hundred and thirty-five shall be abated and all liens filed for delinquent taxes shall be satisfied of record

Section 3 Any taxpayer may at any time during the installment period pay the balance due on said delinquent taxes provided for in this act Provided That at the time such payment is made the conditions of section one (a) have been complied with And further provided That the taxes for the then current year have been paid

Section 4 The benefits of this act shall extend and accrue to any successful bidder or purchaser at a sheriff's or other judicial sale grantee transferee mortagee or other party in interest in the parcel or parcels of real estate against which the above-mentioned taxes have been assessed and levied

Section 5 Any taxpayer shall have the right to pay delinquent taxes assessed and levied against any parcel or real estate and receive the benefits of this act without being required to pay the delinquent taxes assessed and levied against any other parcel or parcels of real estate

Section 6 The abatement of penalties and interest on such taxes shall be made whether or not liens for such taxes have been filed in the office of the prothonotary or proceedings for the collection of such taxes shall have been instituted in any court of such county and the taxpayer and the real estate shall not be liable for the payment of any costs incurred in filing such liens or in prosecuting such proceedings

Section 7 Any taxpayer who on the effective date of this act is making payments on delinquent taxes under the provisions of the act of July twenty-second one thousand nine hundred and thirty-six (Pamphlet Laws 67) or the act of May twenty-sixth one thousand nine hundred and thirty-seven (Pamphlet Laws 893) may secure the benefits of this act by making payments on the balance due on such delinquent taxes at the times and in the fractional parts prescribed herein

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

RECONSIDERATION OF SENATE BILL NO 20.

Mr. SHAPIRO. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 20, passed second reading.

The PRESIDENT. How did the Senator vote?

Mr. SHAPIRO. Mr. President, I voted 'aye'.

Mr. DiSILVESTRO. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. DiSILVESTRO. Mr. President, I voted 'aye'.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

Mr. SHAPIRO. Mr. President, I move that the Senate do now reconsider the vote by which the title was agreed to.

Mr. DiSILVESTRO. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the title?

The seventh, sixth and fifth sections were severally reconsidered.

And the question recurring,

Will the Senate agree to the fifth section?

Mr. SHAPIRO. Mr. President, I move to amend Sec. 5, page 3, line 16, by striking out the word: "or" and inserting in lieu thereof: of

Mr. DiSILVESTRO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The sixth and seventh Sections, of the bill were read as follows and agreed to.

Section 6 The abatement of penalties and interest on such taxes shall be made whether or not liens for such taxes have been filed in the office of the prothonotary or preceedings for the collection of such taxes shall have been instituted in any court of such county and the taxpayer and the real estate shall not be liable for the payment of any costs incurred in filing such liens or in prosecuting such proceedings

Section 7 Any taxpayer who on the effective date of this act is making payments on delinquent taxes under the provisions of the act of July twenty-second one thousand nine hundred and thirty-six (Pamphlet Laws 67) or the act of May twenty-sixth one thousand nine hundred and thirty-seven (Pamphlet Laws 893) may secure the benefits of this act by making payments on the balance due on such delinquent taxes at the times and in the fractional parts prescribed herein

The title of the bill was read as follows and agreed to:

An Act abating certain tax penalties and interest on city and school taxes in cities of the first class and school districts of the first class.

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

HOUSE MESSAGE

RESOLUTION MEMORIALIZING PHILADELPHIA CITY COUNCIL TO APPROPRIATE FUNDS FOR W. P. A. PROJECTS

The Clerk of the House of Representatives being introduced, presented extract from the Journal of the House of Representatives which was twice read as follows:

In the House of Representatives, July 29, 1938.

Whereas relief for the unemployed of Pennsylvania both through direct and the works programs has been recognized as a vital problem by the present administration of the Commonwealth of Pennsylvania and

Whereas the General Assembly in order to properly meet this problem has made certain appropriations to the Department of Public Assistance that those in need may not suffer from want of sustenance and

Whereas the successful carrying out of any program particularly relating to the subject of relief must need have the cooperation of the Executive and Legislative bodies of both the Commonwealth and its political subdivisions and

Whereas the American way of living still clings to the inherent belief that a job and not direct relief should provide the necessary requisites of life and

Whereas we are today faced with the problem of insufficiency of funds to carry out the relief program set up by the General Assembly in the session of 1937 and it is necessary in this Special Session that additional funds be found and appropriated in order that no citizen of the Commonwealth be permitted to suffer and

Whereas this most crucial condition has in some degree been effected through the deliberate lack of cooperation by the City Council of the City of Philadelphia wherein there exists due to its metropolitan character and the size of its population a great need for both direct relief and work relief to even a greater degree than any other part of the Commonwealth and

Whereas the Council of the City of Philadelphia has heartlessly ignored a condition brought about by its neglect whereby the direct relief load in the City of Philadelphia had to be increased out of proportion to that of any other section of the Commonwealth while the work relief program in the number of employed is out of all proportion to any other section of the Commonwealth and

Whereas this imposes an unfair burden upon the Department of Public Assistance of the Commonwealth of Pennsylvania that might otherwise be avoided were the Council of the City of Philadelphia to appropriate funds available as the city's contribution to the Works Progress Administration program whereby 39,812 unemployed families in Philadelphia could be removed from direct relief and be given employment that would supply their needs and at the same time be of a useful nature to the City of Philadelphia and

Whereas this condition has continued unabated for a considerable time despite the plea made by prominent citizens of all political faiths and leaders of both industry and labor in the City of Philadelphia and throughout the Commonwealth and

Whereas His Excellency George H Earle the Governor of the Commonwealth has time and again requested that the City Council of the City of Philadelphia assume its responsibilities in caring for its citizens where possible and

Whereas the cost of maintaining those on the direct relief rolls who would have been placed on works relief projects had a proper cooperation been extended by the City Council of the City of Philadelphia totaled $1,343,000 for the month of June 1938 and from the beginning of the year to June inclusive the sum of $6,241,000 and

Whereas it is the bounden duty of elected officers to set aside any regard for political expediencies when the lives and welfare of our citizens are concerned

Be It Therefore Resolved that the House of Representatives of Pennsylvania and the Senate of Pennsylvania in Special Session convened do now memorialize the Council of the City of Philadelphia to immediately appropriate available funds that the opportunity to work as supplied through Works Progress Administration projects may no longer be denied to the deserving people of Philadelphia and

Be It Further Resolved that a copy of this joint resolution properly certified to by the Secretary of the Senate and the Chief Clerk of the House of Representatives be transmitted to His Honor S Davis Wilson Mayor of the City of Philadelphia and to George Connell President of the City Council of the City of Philadelphia

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Rule 39 which requires resolutions be referred to an appropriate committee, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

The PRESIDENT. Is there objection?

Mr. EALY. Mr. President, I understand we are having a session of the Senate tomorrow and I cannot understand this resolution. I ask it go over until tomorrow.

The PRESIDENT. Under the rules if there is objection to immediate consideration the Chair has no alternative but to refer it to committee.

Mr. EALY. Mr. President, I object.

Mr. SHAPIRO. Mr. President, before that is done I would like to call the attention of the gentleman from Somerset, Mr. Ealy, to some facts in the hope that he will withdraw his objection. The Council of the City of Philadelphia meets on Thursday. Council will be obliged to

take some action on this matter Thursday. On the desks of most of the Senators they will find the picture of what the situation in Philadelphia is and what this is intended to strike at. It is a report from the Assistance Board.

In the City of Philadelphia there has been spent since June over six million dollars by the Commonwealth of Pennsylvania, in direct relief, because of the failure of the Council in Philadelphia to appropriate money required in order to obtain W.P.A. funds. Now this is one of the few memorials that I have seen in the Senate that has a proper place. The Commonwealth of Pennsylvania is particularly interested in this resolution. It is interested because of the fact, that if Council does not assume its burden, it is throwing the burden right back again to us. The figures that I have submitted to you will show what I have said to be true. In January, 1938, we spent $656,000 more than was anticipated by the Board of Public Assistance. In February, $795,000. In March, $1,030,000. In April, $1,172,000. In May, $1,245,000. In June, $1,343,000.

Now, the Council can appropriate the money. If Council will appropriate the money these additional unexpected expenditures will be avoided. The political aspect of the situation has been covered by the leader of the Democratic party and the Philadelphia leader of the Republican Party since yesterday and if Mr. Ealy is worried about the job I suggest that he sit down and apportion the jobs if there be any. There is no excuse or reason why this money should not be appropriated. The same councilmen who are refusing to appropriate this money are talking about issuing bonds for the purpose of building a three million dollar palace for the Municipal Court in Philadelphia at the same time that they are refusing to take advantage of several millions of dollars that will be spent by W.P.A. the moment that there is appropriated a little less than two million dollars by the City of Philadelphia

I would ask the gentleman from Somerset to withdraw his objections to this bill so that we can send it down to the Council at the meeting tomorrow. That is the purpose of asking for immediate action today.

Mr. EALY. Mr. President, I do not see what right we have to interfere with the Council of Philadelphia. I think we should let this lie aside for a moment until we can read it over and see what it means and see if there are any objections.

The PRESIDENT. Under the rules if there is objection the Chair has no alternative but to refer it to committee.

MOTION TO LAY ON THE TABLE

Mr. GELDER. Mr. President, this is not a matter of being Republican or Democrat, it is simply a matter of knowing what is in the resolution and we were not able to understand the reading of it. I move that the resolution be laid on the table for the present.

Mr. EALY. Mr. President, I second the motion.

It was agreed to.

HOUSE MESSAGE

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 17 (Senate Bill No. 31), entitled:

An Act to amend article two of the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred thirty-six) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder" as amended by adding a new section two hundred and one and one-tenth thereto imposing the presumption of negligence upon employers providing for admission of certain evidence and providing for double damage under certain circumstances

Which was committed to the Committee on Labor and Industry.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess until 4:00 o'clock P. M. (E. S. T.)

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

BILL INTRODUCED

Mr. HUFFMAN. Mr. President, I ask unanimous consent to introduce a Bill, at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HUFFMAN read in place and presented to the Chair, Senate Bill No. 32, entitled:

An Act to amend sections two and five of, and to add section three and one-tenth to, the act, approved the first day of July, one thousand nine hundred and nineteen (P. L. 717), entitled "An act fixing the number, compensation, mileage, and duties of the officers and employes of the General Assembly, and providing for their election or appointment, term of office, and manner of filling vacancies;" further regulating the term of office of such officers and employes and the compensation of certain officers and employes.

Which was committed to the Committee on Appropriations.

BILL RE-REFERRED

Mr. HUFFMAN. Mr. President, I would suggest that this bill be sent to the Committee on Judiciary General. It has nothing to do with appropriations.

The PRESIDENT. The bill will be re-referred to the Committee on Judiciary General.

RESOLUTION MEMORIALIZING PHILADELPHIA CITY COUNCIL TO APPROPRIATE FUNDS FOR W P A PROJECTS

Mr. SHAPIRO. Mr. President, I move that the Senate do now proceed to the consideration of House Resolution No. 3 (Printer's No. 17) which was laid on the table.

Mr. DiSILVESTRO. Mr. President, I second the motion.

The motion was agreed to.

The Resolution was read as follows:

In the House of Representatives, July 29, 1938.

Whereas relief for the unemployed of Pennsylvania both through direct and the works programs has been recognized as a vital problem by the present administration of the Commonwealth of Pennsylvania and

Whereas the General Assembly in order to properly meet this problem has made certain appropriations to the Department of Public Assistance that those in need may not suffer from want of sustenance and

Whereas the successful carrying out of any program particularly relating to the subject of relief must need have the cooperation of the Executive and Legislative bodies of both the Commonwealth and its political subdivisions and

Whereas the American way of living still clings to the inherent belief that a job and not direct relief should provide the necessary requisites of life and

Whereas we are today faced with the problem of insufficiency of funds to carry out the relief program set up by the General Assembly in the session of 1937 and it is necessary in this Special Session that additional funds be found and appropriated in order that no citizen of the Commonwealth be permitted to suffer and

Whereas this most crucial condition has in some degree been effected through the deliberate lack of cooperation by the City Council of the City of Philadelphia wherein there exists due to its metropolitan character and the size of its population a great need for both direct relief and work relief to even a greater degree than any other part of the Commonwealth and

Whereas the Council of the City of Philadelphia has heartlessly ignored a condition brought about by its neglect whereby the direct relief load in the City of Philadelphia had to be increased out of proportion to that of any other section of the Commonwealth while the work relief program in the number of employed is out of all proportion to any other section of the Commonwealth and

Whereas this imposes an unfair burden upon the Department of Public Assistance of the Commonwealth of Pennsylvania that might otherwise be avoided were the Council of the City of Philadelphia to appropriate funds available as the city's contribution to the Works Progress Administration program whereby 39,812 unemployed families in Philadelphia could be removed from direct relief and be given employment that would supply their needs and at the same time be of a useful nature to the City of Philadelphia and

Whereas this condition has continued unabated for a considerable time despite the plea made by prominent citizens of all political faiths and leaders of both industry and labor in the City of Philadelphia and throughout the Commonwealth and

Whereas His Excellency George H. Earle the Governor of the Commonwealth has time and again requested that the City Council of the City of Philadelphia assume its responsibilities in caring for its citizens where possible and

Whereas the cost of maintaining those on the direct relief rolls who would have been placed on works relief projects had the proper cooperation been extended by the City Council of the City of Philadelphia totaled $1,343,000 for the month of June 1938 and from the beginning of the year to June inclusive the sum of $6,241,000 and

Whereas it is the bounden duty of elected officers to set aside any regard for political expediencies when the lives and welfare of our citizens are concerned

Be It Therefore Resolved that the House of Representatives of Pennsylvania and the Senate of Pennsylvania in Special Session convened due now memorialize the Council of the City of Philadelphia to immediately appropriate available funds that the opportunity to work as supplied through Works Progress Administration projects may no longer be denied to the deserving people of Philadelphia and

Be It Further Resolved that a copy of this joint resolution properly certified to by the Secretary of the Senate and the Chief Clerk of the House of Representatives be transmitted to His Honor S Davis Wilson Mayor of the City of Philadelphia and to George Connell President of the City Council of the City of Philadelphia

Mr. SHAPIRO. Mr. President, I ask unanimous consent that rule 39 which requires resolutions be referred to an appropriate Committee, be dispensed with and the Senate proceed to the consideration of the forgoing resolution.

The PRESIDENT. Is there objection?

The Chair hears none.

On the question,

Will the Senate agree to the Resolution?

Mr. SHAPIRO. Mr. President, In connection with this resolution, I offer the following amendment to amend the preamble to the resolution at page 2, line 5, by striking out after the word "whereas" the rest of line 5, all of lines 6, 7, 8, 9, 10, 11, 12, 13 and the first two words "neglect whereby" on line 14.

On the question,

Will the Senate agree to the amendment?

Mr. EALY. Mr. President, there are some of us that feel that the Senate of Pennsylvania and the House of Representatives are not concerned with the policy of the members of Council of any city of the State. Also there are certain facts set forth in this resolution which have not been established to our satisfaction. We are therefore going to vote "No" on this resolution. However, I do not wish to raise a technical objection and delay the passage of this resolution for merely a day, therefore I withdraw the objection which I made heretofore.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the resolution as amended?

It was agreed to.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. GELDER. Mr. President, have we voted on the resolution as well as the strike-out amendments?

The PRESIDENT. The Senate agreed to the strike-out amendments and then we put the question on the adoption of the resolution as amended which was agreed to by the Senate.

Mr. GELDER. Should we not have a vote on whether or not we agree to the strike-outs?

The PRESIDENT. If you want that, alright.

Mr. GELDER. Incidentally, Mr. President, I want to say that we have no objection to the strike-outs because it improves the resolution by removing offensive language that never should have been in such a resolution, if it is going to be passed at all.

The PRESIDENT. The record will show that the amendments were adopted by the Senate and then the resolution, as amended, was adopted.

May the Chair point out to the Senate that in putting the original motion, as amended, he had asked the Senate how they wanted to vote, then put it to a voice vote. The Chair is of the opinion that this being a concurrent resolution, and in view of the fact that there were negative votes we had better call the roll.

The yeas and nays were required by Mr. Shapiro and were as follows; viz:

YEAS—26

Barthold,	Haluska,	Lanius,	Rodgers,
Cavalcante,	Henney,	McCreesh,	Rupp,
Dando,	Heyburn,	McGinnis,	Ruth,
DiSilvestro,	Huffman,	Rankin,	Shapiro,
Eroe,	Jacobs,	Reed,	Stiefel,
Frey,	Kahle,	Rice,	Thompson,
Gilson,	Kilgallen,		

NAYS—6

Chapman,	Ealy,	Mallery,	Wolfenden,
Deitrick,	Gelder,		

So the question was determined in the affirmative.

Ordered, That the Clerk return the same to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

RESOLUTION

TIME OF NEXT MEETING

Mr. RICE. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RICE, offered the following resolution which was twice read, considered and agreed to:

In the Senate, August 3, 1938.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, August 8, at 8 o'clock, Eastern Standard Time; and when the House of Representatives adjourns this week it reconvene on Monday evening, August 8, at 8 o'clock, Eastern Standard Time.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess for five minutes.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

ANNOUNCEMENT BY THE SECRETARY

The Committee on Judiciary General will meet immediately in Room 265.

AFTER RECESS

The time of recess having elapsed, the Senate will be in order.

REPORT FROM COMMITTEE

Mr. JACOBS. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JACOBS. Mr. President, I have been instructed by the Committee on Judiciary General to report as committed, Senate Bill No. 32, entitled:

An Act to amend sections two and five of, and to add section three and one-tenth to, the act, approved the first day of July, one thousand nine hundred and nineteen (P. L. 717), entitled "An act fixing the number, compensation, mileage, and duties of the officers and employes of the General Assembly, and providing for their election or appointment, term of office, and manner of filling vacancies;" further regulating the term of office of such officers and employes and the compensation of certain officers and employes.

MOTION TO READ BILL THE FIRST TIME

Mr. RICE. Mr. President, I move that the bill reported from committee at today's session be read the first time.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 32, entitled:

Senate No. 32. An Act to amend sections two and five of, and to add section three and one-tenth to, the act, approved the first day of July, one thousand nine hundred and nineteen (P. L. 717), entitled "An act fixing the number, compensation, mileage, and duties of the officers and employes of the General Assembly, and providing for their election or appointment, term of office, and manner of filling vacancies; "further regulating the term of office of such officers and employes and the compensation of certain officers and employes.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

MOTION TO ADJOURN

Mr. RICE. Mr. President, I move that the Senate do now adjourn until Thursday, August 4, at 9:00 o'clock A. M. (E. S. T.).

Mr. McCREESH. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

It was not agreed to.

Mr. CAVALCANTE. Mr. President, I move that the Senate do now reconsider the vote by which this motion was not agreed to.

The PRESIDENT. The motion is out of order. There has been no intervening business.

Mr. SHAPIRO. Mr. President, I call up for consideration House Resolution No. 1, Printer's No. 1.

The PRESIDENT. The resolution is not in the Senate, but that constitutes business.

RECONSIDERATION OF MOTION TO ADJOURN

Mr. CAVALCANTE. Mr. President, I move that the Senate do now reconsider the vote by which the motion to adjourn was not agreed to.

The PRESIDENT. How did the Senator vote?

Mr. CAVALCANTE. Mr. President, I voted "Nay."

Mr. HALUSKA. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. HALUSKA. Mr. President, I voted "Nay."

The motion was agreed to.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

ADJOURNMENT

The Senate adjourned at 4:48 o'clock P. M., until Thursday, August 4, at 9:00 o'clock A. M. (E. S. T.).

HOUSE OF REPRESENTATIVES

WEDNESDAY, AUGUST 3, 1938.

The House met at 1:00 p. m.

The SPEAKER, (Roy E. Furman), in the Chair.

PRAYER

The Chaplain, Rev. EPHRAIM Z. GALLAHER, offered the following prayer:

Most gracious Lord, we invoke Thy Blessing upon the transactions of this day; give strength to all officers and members of the House to serve under the strain of the

duties and under the excessive heat of the day. We ask Thy special watch-care at the bed-side of the Honorable member of the House and comforting assurance to his family, the Honorable Francis T. Baker. Others who may be ill, we beseech Thy helpful ministration.

In Christ's name we pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. FRANK P. HAMILTON, the further reading was dispensed with and the Journal approved.

LEAVES OF ABSENCE

Mr. Holmes asked and obtained leave of ascence for Mr. ALLMOND for today's session on account of illness.

Mr. Eckles asked and obtained leave of absence for Mr. SCHUMACKER for today's session.

Mr. Valibus asked and obtained leave of absence for Mr. ZAPPALA for the balance of the week on account of illness.

The Speaker asked and obtained leave of absence for Mr. MIHM for today's session on account of illness.

REPORTS FROM COMMITTEES

Mrs. HORTRING, from the Committee on Education, reported as committed, House Bill No. 24, entitled:

An Act to further amend Section one thousand four hundred and sixteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled: "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administred, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by extending the age limit within which certain children engaged in farm work or domestic service may be exempted from complying with the provisions of said act relating to compulsory school attendance.

Mr. MORAN, from the Committee on Municipal Corporations, reported as committed, House Bill No. 26, entitled:

An Act abating certain tax penalties and interest on county, city (except city of the first class), borough, town, township, school district (except school district of the first class), and poor district taxes; prohibiting the sale of real property for the non-payment of any such taxes for a certain period; and preserving certain tax liens, and providing for the extension thereof.

Mr. SCANLON, from the Committee on Highways, reported as committed, House Bill No. 10, entitled:

An Act authorizing the Secretary of Highways to change the width, grades and lines of Vine Street in Philadelphia, from the Delaware River Bridge approach to Parkway; the expense thereof and damages occasioned thereby to be paid by the Commonwealth. Authorizing the City of Philadelphia, persons associations, and corporations to enter into agreements with the Commonwealth to bear a portion of such expenses and damages and making an appropriation.

Mr. SHUGARTS, from the Committee on State Government, reported as committed, House Bill No. 30, (Senate Bill No. 8), entitled:

An Act to amend article six of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine), entitled: "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general, special or local or any parts thereof that are or may be inconsistent therewith" by authorizing school districts singly or jointly with other districts to convey or lease property to the General State Authority to acquire additional property for such purposes to contract with and lease property from said Authority and to levy additional taxes to pay rentals and authorizing the Commonwealth to join with school districts in such contracts and leases and in such cases defining the assistance to be rendered by the Commonwealth.

Mr. SCHOR, from the Committee on Judiciary General, reported as committed, House Bill No. 36, (Senate Bill No. 17), entitled:

An Act authorizing housing authorities to contract with and to lease, or convey to the Commonwealth, or any of its agencies including the General State Authority, any area acquired or about to be acquired for slum clearance purposes.

Mr. OSTROFF, from the Committee on Judiciary General, reported as committed, House Bill No. 35, (Senate Bill No. 16), entitled:

An Act authorizing the Commonwealth or any of its agencies, including the General State Authority, to contract with, and to lease or acquire, from any Housing Authority, any area acquired, or, about to be acquired, by such Housing Authority, for slum clearance purposes.

Mr. SPROUL, from the Committee on Welfare, reported as amended, House Bill No. 28, (Senate Bill No. 5), entitled:

An Act to amend section two, of the act, approved the twenty-fourth day of June, one thousand nine hundred, and thirty-seven. (Pamphlet Laws two thousand fifty-one), entitled: "An act relating to Public Assistance, to certain classes of persons designated, and defined as dependent children. Aged persons, blind persons, and other persons requiring relief providing for the administration of this act by the Department of Public Assistance, and county boards of assistance, hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mother's Assistance Fund, and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mother's assistance pensions for the blind old age assisance and the State Emergency Relief board" by redefining "assistance" so as to provide for medical care in place of services.

Mr. OMINSKY, from the Committee of Public Utilities, reported as committed, House Bill No. 23, entitled:

An Act to amend paragraphs (d) and (e) of Section 202, paragraph (a) of Section 409, Section 412, paragraph (a) of Section 601, Sections 702, 704, 808, 1201 and 1311 of the Public Utility Law (Act of May 28, 1937, P. L. 1053), entitled: "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited ex-

tent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the excercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix tempory rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award to apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation the cost of administrating this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the Court of Common Pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the Commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by further defining and limiting exemptions, the transfer and acquisition of property, the crossing facilities, the issuance of securities, relations between affiliated interests, the imposition of costs of administering the act, and otherwise clarifying and supplementing the provisions of the said sections of the act.

Mr. SHEA, from the Committee on Education, reported as committed, House Bill No. 22, entitled:

An Act to confirm and validate past tax levies or assessments made by school districts of the first class and liens filed thereon.

BILL RE-REFERRED

Mr. JOHN A. SMITH, returned from the Committee on Highways with the recommendation that it be re-referred to the Committee on Appropriation, House Bill No. 31, entitled:

A Supplement to the act, approved the twenty-first day of May, one thousand nine hundred and thirty-seven (P. L. 774), entitled: "An act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County; providing for the creation of the Pennsylvania Turnpike Commission, and conferring powers and imposing duties on said commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred in the excercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the turnpike; making such bonds exempt from taxation; constituting such bonds legal investments in certain instances; prescribing conditions upon which such turnpike shall become free; providing for condemnation; granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission; and authorizing the issuance of turnpike revenue refunding bonds," by providing for the erection at each terminus of said turnpike of Warren Van Dyke memorial gateways; and making an appropriation therefor.

The SPEAKER. The bill is now re-referred to the Committee on Appropriations.

BILLS ON FIRST READING

Mr. OMINSKY asked and obtained unanimous consent to have the following bill read for the first time.

The House proceeded to the first reading and consideration of House Bill No. 23, entitled:

An Act to amend paragraphs (d) and (e) of Section 202, paragraph (a) of Section 409, Section 412, paragraph (a) of Section 601, Sections 702, 704, 808, 1201 and 1311 of the Public Utility Law (Act of May 28, 1937, P. L. 1053), entitled "An act relating to the regulation of public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the excercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award to apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the Court of Common Pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the Commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by further defining and limiting exemptions, the transfer and acquisition of property, the

crossing of facilities, the issuance of securities, relations between affiliated interests, the imposition of costs of administering the act, and otherwise clarifying and supplementing the provisions of the said sections of the act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Mr. SHEA asked and obtained unanimous consent to have the following bill read for the first time.

The House proceeded to the first reading and consideration of House Bill No. 22, entitled:

An Act to confirm and validate past tax or assessments made by school districts of the first class and liens filed thereon.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

STATEMENT BY MR. JIROLANIO

Mr. JIROLANIO asked and obtained unanimous consent to address the House.

Mr. Speaker and Members of the House, ever since this special session was called, at no time did I think it would have been proper for me to get up and take the time, and burden this group of distinguished Statesmen, but the events of the past forty-eight hours have so troubled my conscience that I do not feel I would be fair to myself had I remained in my seat and not given voice to my feelings.

For the past one hundred and fifty years, we the people of Pennsylvania, and we the people of the United States have taken great pride in the form of government under which we have been living; a form of government which is known to every one as that of delegated powers to three separate and distinct groups, each taking its particular part in the running of the government, which has been of such a nature that all of the countries in the wide world, with the exception of ourselves have been jealous of it. Here in Pennsylvania we have taken this pride highly and I think that the prerogatives enjoyed by each one of those three groups have been so high that not one of the three ever saw fit at any time to transgress upon the powers of the others, yet, lo and behold! Although the Constitution of the State of Pennsylvania gives to this honorable body certain rights, inalienable rights, which are given only to them, and that is the House shall have the sole power of impeachment, lo and behold! a certain black-robed gentleman saw fit yesterday, mind you, to take away from this legislative body the right of investigation. I ask of you whether it has ever been held where any acts have been passed, the presumption has been that they have been unconstitutional. It has always been the presumption in law that whenever the Legislature passes any acts that those acts are constitutional, and although that presumption has existed from time immemorial, that presumption was wiped away by a certain gentleman in black within the last forty-eight hours. He has gone a step further. This gentleman in black has seen fit to gag the House of Representatives, which is attempting at this time to perform its full duties under its legislative prerogative under the Constitution. All of us here, as we look at that sign above us, read: "And ye shall know the truth and the truth shall make you free," although we are interested in that saying, we are being deprived of that very prerogative, and by whom? By some one who is not a member of the Legislature, by some one who under no constitutional authority, has any right whatsoever to infringe upon our undertakings; and, going a step further, trying to prevent witnesses from appearing. Mind you, ladies and gentlemen, although we are a constituted body, a body which has certain prerogatives, we are being denied by a certain gentleman, the right to hear the truth as to whether or not certain claims have any merit in them or not. Although this legislature and the members thereof change every two years, and the people have expressed their desire in having us come here and express through us their own desires, a certain black-robed gentleman has seen fit to deprive all of the people of Pennsylvania of this constitutional guarantee.

I wonder whether the Legislature of Pennsylvania, particularly the House of Representatives, is going to stand by and have itself relegated to the back ground by black-robed gentlemen, which has been happening for the past one hundred and fifty years, slowly and slowly, inch by inch. None of the other Departments of the government of our State has seen fit to deprive us of that which is rightfully ours and now, along comes one Judge, one individual, who sees fit to stop the will and the expression of two hundred and seven members of the House of Representatives, and with one stroke of the pen, endeavors to stop the probe that we are trying to conduct, and the investigation we are trying to make of the men who will be called before us to find out whether there is any truth or falsity in the charges that have been made. Are we to be deprived of the opportunity of having them appear before us?

I say unto you, members of the Legislature, by our very act and by the fact that the committee is composed of seven distinguished persons, and by the very fact that two of those distinguished members are very good, highly reputed Republican lawyers and by the very fact that those two gentlemen would have the right of cross examination, and by the very fact that all the matters could be brought out openly before the public, that this Legislature is not interested in whitewash proceedings, but only that justice shall survive and truth shall be brought out. Are we going to stand idly by and see our powers usurped by the judiciary or are we going to stand upon our constitutional guarantees and demand that this Legislature shall be given the opportunity of an investigation, without interference by any individual or particular group?

The SPEAKER. The remarks of the gentleman will be spread upon the Legislative Journal.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 8, entitled:

An Act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by such department with the General State Authority for the use and occupancy by the Commonwealth of various projects, structures, buildings, and facilities of the Authority or for the services rendered by the Authority or its projects.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 16, entitled:

An Act making an appropriation to the Department of Health to supply the needed cost of pumping the water from slate quarries and anthracite and bituminous coal mines which have been flooded, directly or indirectly, by the high waters during March, one thousand nine hundred and thirty-six, or in which human bodies are lying.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 11, entitled:

A Supplement to the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (Appropriation Acts, page forty-five), entitled "An act making an appropriation to the Department of Public Assistance, for the purpose of carrying out the Public Assistance Law for the two years beginning June first, one thousand nine hundred thirty-seven, and for the payment of assistance and expenses accured or incurred prior to, and remaining unpaid on, May thirty-first, one thousand nine hundred thirty-seven."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 34, (Senate Bill No. 9), entitled:

An Act making an apprporiation to the Department of Public Instruction to pay rentals and expenses in connection with public school buildings constructed or improved by the General State Authority.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 38, entitled:

An Act making an appropriation for the expenses of the special committee appointed by the Speaker of the House of Representatives on the day of , one thousand nine hundred thirty-eight, pursuant to a resolution adopted by the House of Representatives on the day of , one thousand nine hundred thirty-eight, by the authority of the act approved the day of , one thousand nine hundred thirty-eight (Act No.), entitled "An act defining the procedure for, and regulating, the investigation by the House of Representatives, and its committees, of charges of, or involving, misdemeanor in office on the part of civil officers liable to impeachment authorizing the Speaker of the House to appoint a special committee for any such investigation; authorizing the presentation of evidence by Attorney General and other counsel, and the officers investigated; providing for the summoning of witnesses and for the punishment of persons refusing to appear, produce evidence, or testify, and authorizing the employment and compensation of counsel and other assistants."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 15, entitled:

n Act authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued requiring the commission to make a report of its findings and recommendations to the General Assembly or to the Governor and authorizing the commission to employ counsel and employees and making an appropriation.

The first, second, third, fourth, fifth, sixth and seventh sections were separately read and agreed to as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. There is hereby created a commission to consist of five competent members which shall be known as the Oil Industry Investigation Commission which shall exist and function as an agency of the General Assembly for the purpose of making a careful impartial and thorough investigation into the operation of the oil industry within the Commonwealth and to make a report of its findings and recommendations

Section 2. Three of the five members of the commission shall be appointed by the Governor who shall act as the agent of the General Assembly in making said appointments one of the members thereof shall be appointed by the President Pro Tempore of the Senate and shall be a member of the Senate at the time of his appointmnt one of the members shall be appointed by the Speaker of the House of Representatives and shall be a member of the House of Representatives at the time of his appointment one of the said five members shall be designated chairman by the Governor who shall act as the agent of the General Assembly in making such designation The members of said commission are hereby constituted agents and deputies of the General Assembly of the Commonwealth of Pennsylvania for the purpose herein stated

Section 3. The said commission acting for and on behalf of the General Assembly shall serve without compensation and shall make a careful thorough and impartial investigation into the operation of the whole oil industry and its by-products in the Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasolines to the people of this Commonwealth at reasonable prices not inconsistent with the fair costs of production and distribution the said commission shall have power to inquire into any abuses evils or unfair trade practices which it may find to exist within the Commonwealth for the purpose of making report thereof to the General Assembly as herein provided

Section 4. The said commission acting for and on behalf of the General Assembly shall have power to meet hold hearings and make its investigations whether or not the General Assembly is in special or regular session or is in adjournment The commission shall ascertain and report to the General Assembly as soon as possible its findings with respect to the operation of the oil industry within the Commonwealth and its recommendations if any as to any legislation which may be needful to correct any abuses evils or unfair or improper trade practices found to exist and connected with the operation of the oil industry in this Commonwealth which are found to be prejudical to the interests of its citizens Provided however That if the General Assembly be not in session at the time of the completion of the report and recommendations of the commission the commission shall then submit its report and recommendations to the Governor who shall act as the agent of the General Assembly in receiving the same and shall submit said report to the General Assembly when it convenes in session thereafter

Section 5. The commission shall have power to issue subpoenas and subpoenas duces tecum under the hand and seal of its chairman requesting and commanding any proper person corporation partnership or association to

appear be fore it and to answer such questions touching matters with respect to the oil industry in the Commonwealth inquired into by the commission for and on behalf of the General Assembly and to procure such books papers records and documents as the commission may deem necessary Such subpoenas or subpoenas duces tecum may be served upon any proper person corporation partnership or association and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth or by the General Assembly itself Each member of the commission shall have the power to administer oaths and affirmation to witnesses appearing before the commission

Section 6. If any person corporation partnership or association wilfully neglects or refuses to testify before the commission or to produce any books papers records or documents subpoenaed by the commission the commission or any member thereof shall file a petition with a court of common pleas having competent jurisdiction over said person corporation partnership or association setting forth such facts The said court of common pleas or a judge thereof shall thereupon issue a rule upon said person corporation partnership or association returnable no less than five nor more than seven days from service thereof commanding said person corporation partnership or association to appear before said court and show cause why the subpoena subpoena duces tecum or similar order of said commission shall not be complied with

If said person corporation partnership or association upon the return day of said rule to show cause is or are unable to show legal cause why the subpoena subpoena duces tecum or order of the commission should not be complied with the said court of common pleas shall forthwith enter an order of court directing said person corporation partnership or association to comply with the terms of said subpoena subpoena duces tecum or order of the commission If thereupon such person corporation partnership or association shall refuse or fail to comply with the said order of court the said court of common pleas shall forthwith adjudge said person corporation partnership or association to be in contempt of court and such person corporation partnership or association shall thereupon forthwith be subject to the penalties provided by the Commonwealth in such cases Provided further That if any subpoena subpoena duces tecum or order of the commission is deemed invalid by the court the commission is authorized to issue a proper subpoena duces tecum or order against such person corporation partnership or association

Section 7 The said commission may employ and fix the compensation of such counsel experts clerks and assistants as may be deemed necessary for the proper conduct of the work of the commission

The eighth section was read as follows:

Section 8 The sum of thirty-seven thousand dollars ($37,000) or so much thereof as may be necessary is hereby specifically appropriated to the commission for the payment of the expenses of the members and for the payment of the compensation and expenses of counsel experts clerks and assistants of the commission for postage telegraph and telephone charges for the use of automobiles for witness fees allowed by the commission for supplies and printing and for all other expenses deemed necessary and proper by the commission

On the question,

Will the House agree to the section?

Mr. LEWIS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 8, page 7, lines 13 and 14, by striking out the following: "thirty-seven thousand dollars ($37,000)" and inserting in lieu thereof: "twenty thousand dollars ($20,000)"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The ninth section and preamble were separately read and agreed to as follows:

Section 9. This act shall become effective immediately upon its final enactment

Whereas Petroleum oil constitutes one of the great natural resources of the Commonwealth of Pennsylvania and of the nation and

Whereas Lubricating oils gasolines and other by-products of petroleum are of necessity so generally used by the people of the Commonwealth and of the nation as to constitute them essentials of our modern civilization and

Whereas The Commonwealth of Pennsylvania has long been a leader in the production refining marketing and distribution of petroleum and its by-products and

Whereas The prices of oils and gasoline are at present subject to wide and unpredictable fluctuations apparently dependent neither upon the normal relation of demand to supply nor the reasonable expenses of production and distribution but seemingly upon intense and frequently uneconomical competition in the oil industry in the course of which prices are seemingly capriciously raised or lowered by the refiners of oils and gasolines in an at- to dominate their industry and

Whereas The operation of the whole oil industry within this Commonwealth daily affects the lives welfare and well-being of its citizens and is indispensible to the flow of commerce within the Commonwealth and

Whereas The public has a vital interest in the economical operation of the oil industry to the end that lubricating oils gasolines and other by-products are efficiently supplied to the people at fair prices consistent with the reasonable cost of production and distribution and

Whereas The General Assembly of the Commonwealth of Pennsylvania is invested with the full legislative power of the Commonwealth under and by virtue of Article II Section 1 of the Constitution of Pennsylvania and there under has ample authority to obtain knowledge of facts and information needful in the rightful and intelligent exercise of the legislative power and

Whereas The General Assembly is desirous of obtaining all proper information and knowledge of facts with respect to the whole operation of the oil industry and its component parts within the Commonwealth in order to predictate any possible future legislation and

Whereas It is the desire and purpose of the General Assembly to create a commission which shall procure such facts and information for and on behalf of the General Assembly and report thereon with recommendations if any now therefore

The title was read as follows:

An act authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate, efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth; conferring upon the commission full power to issue subpoenas, and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued; requiring the commission to make a report of its findings and recommendations to the Genenral Assembly or to the Governor; and authorizing the commission to employ counsel and employees and making an appropriation.

On the question.

Will the House agree to the title?

Mr. LEWIS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title, page 1, lines 12 and 13 of title, by striking out the word: "employees" and inserting in lieu thereof: "employes"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered to be transcribed for third reading.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 17, as follows:

An Act to amend article two of the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred thirty-six) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder" as amended by adding a new section two hundred and one and one-tenth thereto imposing the presumption of negligence upon employers providing for admission of certain evidence and providing for double damage under certain circumstances

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article two of the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred thirty-six) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder" as re-enacted and amended by the act approved the fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws one thousand five hundred fifty-two) is hereby further amended by adding thereto section two hundred and one and one-tenth to read as follows

Section 201.1 In any action brought to recover damages for personal injury to an employe in the course of his employment or for death resulting from such injury the following legal presumption the rules for admitting certain evidence and the amount of damages which can be recovered shall apply

(a) When injury results to an employe in the course of his employment it shall be presumed that the employer's negligence caused said injury which presumption may be rebutted by the employer and both the injured employe and the employer will be permitted to introduce testimony showing the cause of said injury The final determination in all cases shall be a question of fact for the jury

(b) When an employe sustains an injury in the course of his employment declarations remarks and utterances made by the injured employe within twelve hours after the injury was sustained shall be admissable as competent evidence

(c) If the jury finds that the employe's injury was caused or contributed to by the employer's violation or failure to observe any safety law or regulation in effect at the time of the injury the injured employe or his dependents shall be entitled to double damages

Section 2 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 3 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. YOURISHIN. Mr. Speaker, just a short explanation as to the purpose of these amendments:

Back in 1915 when the Workmen's Compensation Law was first adopted there was inserted in the bill, Article II, which covers damages by action in law, taking away certain defenses from employers in order that they may come under the Workmen's Compensation act.

In 1937 the compensation bill was amended, and since then approximately fifty percent of the employers have rejected the act. This is an amendment to the liability feature of the act which tends to further take away some of the defenses that they have, in that the presumption of negligence is placed upon the employer instead of the employee. Further, it also places a penalty upon the employer wherein, if he violates any section of any safety law or rule of any of the Departments of the State, if the jury so finds, then the employee will collect double damages. After all of the evidence that may be presented in the case is on the question of fact for the jury to find, and I ask the members of this House to vote for this bill.

In other words, where the compensation law applies, this does not affect any one, any employer, carrying compensation insurance, but any employer that has rejected the compensation law, their employees would have the right to sue under this section.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—128.

Alexander,	Finnerty,	McDermott,	Schor,
Allen,	Flanagan,	McElroy,	Shaw,
Arnold,	Flannery,	McFall,	Shea,
Atkins,	Haberlen,	McGee,	Shepard,
Aukerman,	Hamilton, F. P.,	McShane,	Shoemaker,
Baine,	Hamilton, R. S.,	Melchiorre,	Shugarts,
Baker, J. J.,	Harkins,	Moomaw,	Simon,
Balthaser,	Harmuth,	Mooney,	Skale,
Bierly,	Hays,	Moran,	Smith, James A.,
Blank,	Hering,	Murrin,	Spengler,
Bohn,	Hetrick,	Nagel,	Stank,
Boies,	Hindman,	O'Brien,	Stockham,
Boltz,	Hirsch,	O'Connor,	Thompson,
Brancato,	Holland,	O'Keefe,	Tronzo,
Broad,	Holmes,	Ominsky,	Tumelty,
Brown,	Holstrom,	O'Neill,	Valibus,
Caesar,	Hontz,	Ostroff,	VanSickle,
Caputo,	Horting,	Patterson, C. S.,	Vogt,
Chervenak,	Jirolanio,	Patterson, J. W.,	Wagner,
Coakley,	Keenan,	Pearson,	Walsh,
Cohen, R. E.,	Kilroy,	Pershing,	Watkins,
Coleman,	Kline,	Piole,	Weiss, D. H.,
Coolahan,	LaRue,	Powers,	Weiss, S. A.,
Corrigan,	Levy,	Preston,	Welliver,
Costanzo,	Lewis,	Readinger,	Welsh,
Decker,	Long,	Reese,	Westrick,
DeNote,	Lopresti,	Reising,	Whalen,
Dickinson,	Lovett,	Robinson,	Whitenight,
Donohoe,	Lyons,	Rothenberger,	Wright,
Dougherty,	Marino,	Rush,	Yanoshat,
Downey,	Matthews, J. F.,	Sarraf,	Yourishin,

Dubbs,	McArdle,	Scanlon,	Furman,
Falkenstein,	McCullough,		

NAYS—38.

Boose,	Huntley,	Peale,	Trout,
Boyer,	Imbrie,	Royer,	VanAllsburg,
Cadwalader,	Kelso,	Schrock,	Wall,
Davies,	Kroll,	Serrill,	Wampole,
Eckels,	Leisey,	Siegel,	Webster,
Elpern,	Mallen,	Snyder,	Weidemann,
Fiss,	Matthews, H. T.,	Sollenberger	Wilson,
Ganser,	McDevitt,	Sproul,	Winner,
Gillette,	McKinney,	Stackpole,	Wood,
Habbyshaw,	Mellott,	Stewart,	Woodside,
Hall,	Muir,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REASONS FOR VOTE

Mr. ECKLES filed the following reasons for his vote:

I voted "No" on this bill (House Bill No. 17), for the reason that I feel that it opens the door to fraud.

Aside from the fact that I seriously doubt the constitutionality of the same, it permits a person to build up a case with self-serving declarations made after a period of time when the same could possibly be considered a part of the res gestae and uttered spontaneously.

I have always favored full measure of justice for laboring people, but in my opinion this bill is unjust and unreasonable.

Mr. STEWART filed the following reason for his vote:

1. I consider (b) and (c) under Section 201.1 unconstitutional.

2. I consider it unwise legislation for both the employer and employe, for it will lead into expensive controversy.

Mr. WILSON filed the following reasons for his vote:

I hereby file my reasons for voting "No" on House Bill No. 17 on final passage today which would amend the Workmen's Compensation Law of our State by adding a new section (201.1) thereto imposing the presumption of negligence upon employers, providing for administration of certain evidences and providing for double damages under certain circumstances.

1. It gives an unusual advantage to persons not under the Compensation Act and has no place in such act because it is only meant to apply to employers who reject the act. As such it is unconstitutional, being class legislation.

2. It undertakes to change a long standing rule of law relating to evidence. It endeavors to extend or enlarge the term "Res gestae" by giving a certain number of hours after an accident is sustained in which the injured employee may make declarations, remarks and utterances and the same will be admitted as evidence regardless of the rule relating to "res gestae." It is understood as class legislation; applying only to actions against employers who may invoke the Workmen's Compensation Act.

3. In effect it undertakes to punish the employers who may reject the Workmen's Compensation act by creating double damages in such cases. No other class of damage cases is covered; therefore, it is unconstitutional, being class legislation.

4. Its purpose is plain; it is meant to intimidate and deter all employers from taking advantage of the provisions of the Workmen's Compensation Act which allow them to reject such act by serving 60 days notice upon employees and filing such notices and proofs of service of same with the Department.

5. Those who reject the Workmen's Compensation act should continue to have the same rights under the other acts of our Commonwealth as other litigants. It is clearly class legislation.

RESOLUTIONS

REPORT OF SLATE COMMITTEE

Mr. O'KEEFE offered a resolution and asked and obtained unanimous consent for its immediate adoption.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, August 2, 1938.

Resolved, That Clarence B. Clark, 67 Logan Street, Pittsburgh, Pennsylvania, be appointed Assistant Sergeant-at-Arms to replace Junius Lee, resigned, effective August 1.

RESOLUTION No. 3.

Mr. REUBEN E. COHEN. Mr. Speaker, I desire to call up at this time Resolution No. 3, Printer's No. 18, on page 3 of today's calendar.

The resolution was read by the Clerk as follows:

In the House of Representatives, July 29, 1938.

Whereas, relief for the unemployed of Pennsylvania both through direct and the works programs has been recogniezd as a vital problem by the present administration of the Commonwealth of Pennsylvania and

Whereas the General Assembly in order to properly meet this problem has made certain appropriations to the Department of Public Assistance that those in need may not suffer from want of sustenance and

Whereas the successful carrying out of any program particularly relating to the subject of relief must need have the cooperation of the Executive and Legislative bodies of both the Commonwealth and its political subdivisions and

Whereas the American way of living still clings to the inherent belief that a job and not direct relief should provide the necessary requisites of life and

Whereas we are today faced with the problem of insufficiency of funds to carry out the relief program set up by the General Assembly in the session of 1937 and it is necessary in this Special Session that additional funds be found and appropriated in order that no citizen of the Commonwealth be permitted to suffer and

Whereas this most crucial condition has in come degree been effected through the deliberate lack of cooperation by th City Council of the City of Philadelphia wherein there exists due to its metropolitan character and the size of its population a great need for both direct relief and work relief to even a greater degree than any other part of the Commonwealth and

Whereas the Council of the City of Philadelphia has heartlessly ignored a condition brought about by its neglect whereby the direct relief load in the City of Philadelphia had to be increased out of proportion to that of any other section of the Commonwealth while the work relief program in the number of employed is out of all proportion to any other section of the Commonwealth and

Whereas this imposes an unfair burden upon the Department of Public Assistance of the Commonwealth of Pennsylvania that might otherwise be avoided were the Council of the City of Philadelphia to appropriate funds available as the city's contribution to the Works Progress Administration program whereby 39,812 unemployed families in Philadelphia could be removed from direct relief and be given employment that would supply their

needs and at the same time be of a useful nature to the City of Philadelphia and

Whereas this condition has continued unabated for a considerable time despite the plea made by prominent citizens of all political faiths and leaders of both industry and labor in the City of Philadelphia and throughout the Commonwealth and

Whereas His Excellency George H. Earle the Governor of the Commonwealth has time and again requested that the City Council of the City of Philadelphia assume its responsibilities in caring for its citizens where possible and

Whereas the cost of maintaining those on the direct relief rolls who would have been placed on works relief projects had the proper cooperation been extended by the City Council of the City of Philadelphia totaled $1,343,000 for the month of June 1938 and from the beginning of the year to June inclusive the sum of $6,241,000 and

Whereas it is the bounden duty of elected officers to set aside any regard for political expediences when the lives and welfare of our citizens are concerned

Be It Therefore Resolved that the House of Representatives of Pennsylvania and the Senate of Pennsylvania in Spcial Session convened due now memorialize the Council of the City of Philadelphia to immediately appropriate available funds that the opportunity to work as supplied through Works Progress Administration projects may no longer be denied to the deserving people of Philadelphia and

Be It Further Resolved that a copy of this joint resolution properly certified to by the Secretary of the Senate and the Chief Clerk of the House of Representatives be transmitted to His Honor S. Davis Wilson Mayor of the City of Philadelphia and to George Connell President of the City Council of the City of Philadelphia.

On the question,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

CONGRATULATIONS

Messrs. RUSH, BROAD, THOMPSON, HAYS, FINNERTY, McSHANE, WHITENIGHT, WALSH and SHEPARD offered a resolution which was twice read, considered and unanimously adopted as follows:

In the House of Representatives, August 3, 1938.

We, in Assembly met, do hereby this day honor and respect the gentleman from Montour County, Honorable Lloyd W. Welliver, born in Exchange, Pennsylvania in 1868, "just seventy (70) years young."

A life-long Democrat with a State-wide acquaintance, he was elected to the House of Representatives in 1895, the youngest member of the House, served two terms—that of 1895 and 1897. He was a member of the House before many of the present younger members were born, and he rarely ever missed a session.

He was here altogether during eight sessions of the Legislature, having been in the House that was in session when the Capitol was burned. They had no "air-conditioned" House in those days. And he was very active in the sessions of the House during the Capitol graft scandals. And strange to say, we today "have the same heat and scandals," in this extraordinary session.

And it is very fitting and proper with the "high tide of Democracy" sweeping the country at this time, we do honor to this representative, a man who is genial, affable and of the strictest integrity; therefore, be it

Resolved, That we, the members of this House, take pleasure in paying this tribute to a faithful public servant.

Mr. WELLIVER. Mr. Speaker and members of the House, in answer to the resolution offered by the gentleman from Philadelphia, Mr. Finnery, let me say that this speech of mine will not be dressed up for this occasion.

I am sorry to say after coming back to this House after an absence of forty years, I have been accused of having burned down the Capitol. I want you folks to give me the benefit of the doubt in this case.

Coming back to this special session, and I don't know what will become of it, I want to say what happened Monday night. Coming down Locust street in front of a bulletin, I happened to overhear a certain individual criticizing Governor Earle for trying to whitewash the grand jury and the judges. There was a big crowd gathered, and in that crowd there was a young man running around criticizing the Governor. I heard this chap say that if anybody appeared to testify before the House they ought to be shot. I said to the young man in the presence of the audience, "I am going to arrest you for making dangerous threats." You never saw a horse run around a race track as fast as this young man ran down Locust street. I hollered to him to come back, and I said to the audience, I will always defend the innocent no matter what their color may be, no matter what their politics may be and no matter who they are,—I will defend them if I can.

There are a few politicians in my county who gave me the hardest fight of my career and who intended to trim me with a thousand or twelve hundred votes, but when the votes were counted they only pulled a few pin feathers. They only had twenty-seven of a majority to crow over.

I want to say to this audience that I have had a wonderful and colorful life for the past forty-five years, and in that time I asked the prettiest girl in Montour County to marry me and I have her on my hands now and I still think she is as pretty as ever.

I want to thank you for the interest you have taken in me during the past session, as well as other sessions.

I want to say to the Press something in regard to the great title they have given me in the last three years, such as the War Horse, the Fighting Judge, the Man of Many Battles, the Live Wire, the Orator from the Sun Kissed Hills of Montour County. I want to say to the members of the House that unless you fight for a thing you won't get anything.

I want to thank you one and all for your kindness in this House. I do not know whether I deserve it or not. I wish you all good luck, and I am coming back on a sticker campaign next year.

The SPEAKER. The remarks of the gentleman will be spread upon the Legislative Journal.

PERMISSION TO USE HALL OF HOUSE GRANTED

Mr. OMINSKY asked and obtained permission for the Special Legislative Committee to meet in the hall of the House for the purpose of holding public hearings.

BILLS INTRODUCED AND REFERRED

By Messrs. LEWIS and OSTROFF. HOUSE BILL No. 40.

An Act to ratify, confirm and make valid the actions, proceedings, expenses and expenditures of the commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth, appointed pursuant to the joint resolution, approved the twenty-ninth day of April, one thousand nine hundred and thirty-seven, (P. L. 540), entitled "A joint resolution authorizing the appointment of a commission to make a thorough and impartial investgation into the operation of the oil industry in this Commonwealth with special refer-

ence to the adequate, efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth; conferring upon the commission full power to issue subpoenas; requiring the commission to make a report of its findings to the Governor, together with its recommendations as to such regulatory legislation as may be needful to correct any abuses and evils connected with such industry which are prejudicial to the interests of the citizens of this Commonwealth; authorizing the commission to employ counsel and employes; and making an appropriation," and its amendment.

Referred to the Committee on Judiciary Special.

By Mr. OSTROFF. HOUSE BILL No. 41.

An Act validating a joint resolution approved the twenty-second day of May, one thousand nine hundred and thirty-seven, entitled "A joint resolution authorizing the appointment of a Commission to make a survey of the topography of the Commonwealth; to make recommendations concerning landing fields and aviation facilities; and making an appropriation."

Referred to the Committee on Aeronautics.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 3:30 p. m. Are there objections? The Chair hears none and declares a recess until 3:30 p. m.

AFTER RECESS

The House reconvened at 3:30 p. m.

The SPEAKER, (Roy E. Furman), in the Chair.

RESOLUTION INTRODUCED AND REFERRED

By Mr. POWERS. RESOLUTION No. 4.

In the House of Representatives, August 3, 1938.

Whereas, This House on July 16, 1936, passed a very laudatory resolution in which the sterling qualities of the Honorable Lloyd W. Welliver were eulogized. The resolution as adopted on that date reads as follows:

"Seated in Seat No. 7 of the House during this Session, is a member who occupied the same seat number in this House forty years ago.

After an absence of these many years, which were marked with success in other lines of endeavor, including the political field in his home community, he has returned to his early scene of triumph where he again earned the friendship and good will of the membership of this House.

'The War Horse,' 'The Seasoned Campaigner' and 'The Fighting Judge,' titles by which he is familiarly known throughout the State, evidence the affection with which he is regarded by the members of the political party of his early choice, by his friends regardless of political party, and by his community to which he has given such loyal service; therefore be it

Resolved, That the members of the House of Representatives recognizing the sterling qualities of the Orator from the sun-kissed hills of Montour County, the Honorable Lloyd W. Welliver, and the unique distinction resting on any person who has served in this House in two sessions, separated by a period of forty years, extend to him on this occasion their best wishes for many more years of success and useful service;

Resolved, That a copy of this resolution be transmitted to the Honorable Lloyd W. Welliver by the Chief Clerk of this House."

On July 16, 1936, the above resolution was unanimously adopted by this House, and is herewith re-adopted.

In the election of 1937, the Honorable Lloyd W. Welliver again ran as a Member of the House of Representatives, and was elected by an overwhelming majority. In the Spring Primary of 1938 he was again a candidate for re-election as a Member of the House. It was a bitterly fought campaign in which the "Fighting Judge" carried election division after election division with large majorities until the returns of the division of his opponent came in five hours after all the other returns had been filed, which division wiped out the majority of the "War Horse" and gave his opponent a majority of 27 votes.

It has been charged that his opponent not only spent huge sums of money to defeat the "Seasoned Campaigner," but also lined up the votes of the WPA., PWA, the General State Authority, the Fish Commission, and the Milk Control Board against our old friend and colleague.

The United States Campaign Expenditures Committee had a group of investigators in Montour County immediately before the Primary and on Primary Day, and their reports have been sent to Washington for the consideration of the Senate Committee. It has been reported that the irregularities in conjunction with the nomination of the "Fighting Judge's" opponent will result in the bringing of hundreds of indictments, therefore be it

Resolved, That the United States Senate Campaign Expenditures Committee continue their investigation of the expenditures and irregularities occurring in Montour County in the Primary Election of 1938; and be it further

Resolved, That the activities of the employes of the WPA, PWA, the General State Authority, the Fish Commission and the Milk Control Board be thoroughly investigated to determine to what extent they contributed to the defeat of "The Old Campaigner"; and be it further

Resolved, That this House herewith expresses its indignation with the manner and methods used to defeat the "Fighting Judge"; and be it further

Resolved, That the House of Representatives reaffirms its confidence in the honesty, integrity, and fair dealing of the Honorable Lloyd W. Welliver, and confidently expects the investigation will result in his being declared the nominee, and that he shall be enabled thereby to round out fifty years of his life in public service. The will of both the Democratic and the 500 Republican voters of Montour County must not be defeated; and be it further

Resolved, That a copy of this resolution be transmitted to the Honorable Lloyd W. Welliver by the Chief Clerk of this House.

The SPEAKER. The resolution is referred to the Committee on Rules.

REPORT FROM COMMITTEE

Mr. HAGERTY, from the Committee on State Government, reported as committed, House Bill No. 29, (Senate Bill No. 7), entitled:

An Act to amend section four of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred fifty-two) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politc with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States of any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" as amended by providing for additional projects and providing for the leasing of projects by the Authority to school districts.

QUESTION OF PERSONAL PRIVILEGE

Mr. HAGERTY. Mr. Speaker, I arise to a question of personal privilege.

The SPEAKER. The gentleman will state his personal privilege.

Mr. HAGERTY. Mr. Speaker and members of the House, I would just like to announce to the House that there is a delegation of ladies present from the 28th Ward, Democratic Women's Auxiliary of Philadelphia.

I had a resolution prepared to congratulate the ladies on their appearance here today, but as we are adjourning in a few minutes, I want to thank them from the floor for coming here today, and hope they enjoy their visit to Harrisburg.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the Legislature Journal.

ADJOURNMENT

Mr. CLIFF S. PATTERSON. Mr. Speaker, I move that this House do now adjourn until tomorrow at 9:00 a. m.

The motion was agreed to, and (at 3:43 p. m.) the House adjourned until Thursday, August 4, 1938, at 9:00 a. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1938

Vol. 22 HARRISBURG, PA., THURSDAY, AUGUST 4, 1938. No. 9.

SENATE

The Senate met at 9:00 o'clock A. M., (E.S.T.) Thursday, August 4, 1938.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy), in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, LL.D., offered the following prayer:

Our Father, we thank Thee for Thy vigil through the curtained hours of night; for renew-vigor and strength; for the light and promises of the day. We would remember in prayer one of our comrades in his recent bereavements. May sweet memory and precious hope conspire against sorrow, and the alchemy of faith turn sorrow into loving trust. Nor do we forget two venerable comrades in their prolonged illness; another, a victim of painful accident. Be very near to them all. Our Father, as accumulating duties press upon us, bestow upon us Thy all-sufficient grace. May a mutual respect and esteem, so manifest, inspire a generous rivalry of courtesy and good will.

In the deliberations and tasks of this day, bless us, lead us, enlighten us—we ask in Thy precious name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. RICE, the further reading was dispensed with, and the Journal was approved.

HOUSE MESSAGES

HOUSE CONCURS IN AMENDMENTS TO RESOLUTION MEMORIALIZING PHILADELPHIA CITY COUNCIL TO APPROPRIATE FUNDS FOR W.P.A. PROJECTS

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives, informing the Senate that the House has concurred in amendments made by the Senate to House Resolution No. 3, as follows:

In the House of Representatives, July 29, 1938.

Whereas relief for the unemployed of Pennsylvania both through direct and the works programs has been recognized as a vital problem by the present administration of the Commonwealth of Pennsylvania and

Whereas the General Assembly in order to properly meet this problem has made certain appropriations to the Department of Public Assistance that those in need may not suffer from want of sustenance and

Whereas the successful carrying out of any program particularly relating to the subject of relief must need have the cooperation of the Executive and Legislative bodies of both the Commonwealth and its political subdivisions and

Whereas the American way of living still clings to the inherent belief that a job and not direct relief should provide the necessary requisites of life and

Whereas we are today faced with the problem of insufficiency of funds to carry out the relief program set up by the General Assembly in the session of 1937 and it is necessary in this Special Session that additional funds be found and appropriated in order that no citizen of the Commonwealth be permitted to suffer and the direct relief load in the City of Philadelphia had to be increased out of proportion to that of any other section of the Commonwealth while the work relief program in the number of employed is out of all proportion to any other section of the Commonwealth and

Whereas this imposes an unfair burden upon the Department of Public Assistance of the Commonwealth of Pennsylvania that might otherwise be avoided were the Council of the City of Philadelphia to appropriate funds available as the city's contribution to the Works Progress Administration program whereby 39,812 unemployed families in Philadelphia could be removed from direct relief and be given employment that would supply their needs and at the same time be of a useful nature to the City of Philadlphia and

Whereas this condition has continued unabated for a considerable time despite the plea made by prominent citizens of all political faiths and leaders of both industry and labor in the City of Philadelphia and throughout the Commonwealth and

Whereas His Excellency George H Earle the Governor of the Commonwealth has time and again requested that the City Council of the City of Philadelphia assume its responsibilities in caring for its citizens where possible and

Whereas the cost of maintaining those on the direct relief rolls who would have been placed on works relief projects had the proper cooperation been extended by the City Council of the City of Philadelphia totaled $1,343,000 for the month of June 1938 and from the beginning of the year to June inclusive the sum of $6,241,000 and

Whereas it is the bounden duty of elected officers to set aside any regard for political expediencies when the lives and welfare of our citizens are concerned

Be It Therefore Resolved that the House of Representatives of Pennsylvania and the Senate of Pennsylvania in Spcial Session convened due now memorialize the Council of the City of Philadelphia to immediately appropriate available funds that the opportunity to work as supplied through Works Progress Administration projects may no longer be denied to the deserving people of Philadelphia and

Be It Further Resolved that a copy of this joint resolution properly certified to by the Secretary of the Senate and the Chief Clerk of the House of Representatives be transmitted to His Honor S Davis Wilson Mayor of the City of Philadelphia and to George Connell President of the City Council of the City of Philadelphia.

TIME OF NEXT MEETING

He also informed the Senate that the House had concurred in resolution from the Senate as follows:

In the Senate, August 3, 1938.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, August 8, at 8 o'clock, Eastern Standard Time; and when the House of Representatives adjourns this week it reconvene on Monday evening, August 8, at 8 o'clock, Eastern Standard Time.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. FREY. Mr. President, I move that the Senate do now proceed to the consideration of Nominations for Notaries Public sent to the Senate August 3, 1938, by His Excellency, the Governor of the Commonwealth.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, August 3, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Laura Koegler, Dormont.

LACKAWANNA COUNTY

Miss Martha Telep, Mayfield.

PHILADELPHIA COUNTY

Isidoro Di Gregorio, 1820 South 22d St., Phila.
John J. Nahrgang, 6917 Ogontz Avenue, Phila.
Aaron Paul, 4400 Germantown Avenue, Phila.

WASHINGTON COUNTY

Miss Marie Stuler, Canton Twp., P. O. Box 500, Washington.

YORK COUNTY

Harry E. Dietz, Wrightsville.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. Rice and Mr. McCreesh.

That Rule 38 which requires nominations made by the Governor to be referred to proper committee be dispensed with, and the Senate do now resolve itself into executive session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. Rice and Mr. McCreesh,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—34.

Barthold,	Frey,	Kunkel,	Reed,
Cavalcante,	Gelder,	Lanius,	Rice,
Chapman,	Gilson,	Law,	Rodgers.
Dando,	Haluska,	Mallery,	Rupp,
Deitrick,	Henney,	McCreesh,	Ruth.
Dent,	Heyburn,	McGinnis,	Shapiro,
DiSilvestro,	Huffman,	Pytko.	Sipe,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe.	Kilgallen,		

NAYS—0.

Two thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be notified accordingly.

Mr. RICE. Mr. President, I move that the Executive Session do now rise.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 10, entitled:

A Supplement to the act approved the sixteenth day of June, one thousand nine hundred and thirty-six (Pamphlet Laws sixteen) entitled "An act making an appropriation to the Department of Health to defray the cost of pumping the water from slate quarries and anthracite and bituminous coal mines which have been flooded directly or indirectly by the high waters during March one thousand nine hundred thirty-six" by making a further appropriation to supply the deficiency incurred and needed under the provisions of said act.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36.

Barthold,	Gelder,	Kunkel,	Rice,
Cavalcante,	Gilson,	Lanius,	Rodgers,
Chapman,	Haluska,	Law,	Rupp,
Dando,	Henney,	Mallery,	Ruth,
Deitrick,	Heyburn,	McCreesh,	Shapiro,
DiSilvestro,	Huffman,	McGinnis,	Sipe,
Ealy,	Jaspan,	Pytko,	Stiefel,
Eroe,	Kahle,	Rankin,	Thompson,
Frey,	Kilgallen,	Reed,	Wolfenden,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

BILL OVER IN ORDER

Mr. SHAPIRO, Mr. President, I ask unanimous consent that Senate Bill No. 20, on third reading, entitled:

An Act abating certain tax penalties and interest on city and school taxes in cities of the first class and school districts of the first class.

go over in its order.

The PRESIDENT. Is there objection?

The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 14, as follows:

An Act providing for the adjournment and re-adjournment of county treasurers' sales of seated and unseated lands that were to have been held in the years one thousand nine hundred thirty-seven or one thousand nine hundred thirty-eight for non-payment of taxes in counties except those of the first and second class and preserving the lien of all taxes on such lands

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The county treasurer of every county except those of the first and second class shall adjourn or re-adjourn until the first day of April one thousand nine hundred thirty-nine all tax sales of seated and unseated lands that were to have been held in the years one thousand nine hundred thirty-seven or one thousand nine hundred thirty-eight for nonpayment of taxes Where any such tax sale is so adjourned or readjourned after advertisement no additional advertisement or notice shall be necessary for such adjourned or readjourned sale No such adjournment or re-adjournment shall invalidate the lien of any tax due and unpaid or any penalty or interest due thereon but the lien of all such taxes shall be fully preserved until the date fixed for such sale in accordance with this act

Section 2 This act shall have no force or effect on any tax sale held prior to the approval thereof

Section 3 All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 15, on second reading, entitled:

An Act abating certain tax penalties and interest on county, city (except city of the first class) borough, town, township, school district (except school district of the first class), and poor district taxes; prohibiting the sale of real property for the nonpayment of any such taxes for a certain period; and preserving certain tax liens, and providing for the extension thereof.

go over in its order.

The PRESIDENT. Is there objection?

The Chair hears none.

Mr. REED, Mr. President, I ask unanimous consent that Senate Bill No. 32, on second reading, entitled:

An Act to amend sections two and five of, and to add section three and one-tenth to the act, approved the first day of July, one thousand nine hundred and nineteen (P. L. 717), entitled "An act fixing the number, compensation, mileage, and duties of the officers and employes of the General Assembly, and providing for their election or appointment, term of office, and manner of filling vacancies;" further regulating the term of office of such officers and employes and the compensation of certain officers and employes.

go over in its order.

The PRESIDENT. Is there objection? The Chairs hears none.

HOUSE MESSAGE

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 15, Senate Bill No. 33, entitled:

An Act authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate, efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth; conferring upon the commission full power to issue subpoenas, and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued; requiring the commission to make a report of its findings and recommendations to the General Assembly or to the Governor; and authorizing the commission to employ counsel and employes and making an appropriation.

Which was committed to the Committee on State Government.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess for five minutes.

Mr. RUTH. Mr. President, I second the motion.

The motion was agreed to.

ANNOUNCEMENT BY THE SECRETARY

There will be a meeting of the Committee on State Government immediately in Room 265.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORTS FROM COMMITTEES

Mr. THOMPSON. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMPSON, from the Committee on State Government reported as committed, Senate Bill No. 33, (House Bill No. 15), entitled:

An Act authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate, efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth, conferring upon the commission full power to issue subpoenas and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued, requiring the commission to make a report of its findings and recommendations to the General Assembly or to the Governor and authorizing the commission to employ counsel and employes and making an appropriation.

Mr. REED. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED, from the Committee on State Government reported as committed, Senate Bill No. 30, entitled:

An Act authorizing the compromise of delinquent taxes on lands and the penalties, interest and costs due thereon, before a tax sale of such lands; and providing the procedure in such case.

MOTION TO READ BILLS THE FIRST TIME

Mr. LAW. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. RODGERS. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the reading and consideration of Senate Bill No. 30, entitled:

An Act authorizing the compromise of delinquent taxes on lands and the penalties, interest and costs due thereon, before a tax sale of such lands; and providing the procedure in such case.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 33 (House Bill No. 15), entitled:

An Act authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate, efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth, conferring upon the commissiion full power to issue subpoenas and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued, requiring the commission to make a report of its findings and recommendations to the General Assembly or to the Governor and authorizing the commission to employ counsel and employes and making an appropriation.

And said bill having been read at length the first time, Ordered,To be laid aside for second reading.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

ADJOURNMENT

Mr. RICE. Mr. PRESIDENT, I move that the Senate do now adjourn until Monday, August 8, 1938, at 8:00 o'clock, P. M. (Eastern Standard Time).

Mr. LAW. Mr. PRESIDENT, I second the motion.

The motion was agreed to.

The Senate adjourned at 10:32 o'clock A. M. until Monday, August 8, 1938, at 8:00 o'clock P. M. (Eastern Standard time).

HOUSE OF REPRESENTATIVES

THURSDAY, August 4, 1938.

The House met at 9:00 a. m.

The SPEAKER, (Roy E. Furman), in the Chair.

PRAYER

The Chaplain, Rev. EPHRAIM Z. GALLAHER, offered the following prayer:

Our Father, which art in Heaven, Hallowed be Thy name. Thy kingdom come. Thy will be done in earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil, for Thine is the kingdom, and the power and the glory, forever. Amen

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. SCHROCK, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Messrs. STANK and WRIGHT. HOUSE BILL No. 43.

An Act to promote the general welfare and prevent economic waste of anthracite coal produced in this Commonwealth by controlling and regulating the production, marketing and sale of anthracite coal; providing for the licensing of mines, the revocation, suspension and transfer thereof, the regulation and control of producers of such coal and the fixing of production and marketing quotas therefor; regulating cooperative marketing corporations and dealers engaged in the marketing, distribution and retail sale of anthracite coal; conferring certain powers and imposing certain duties upon the Pennsylvania Anthracite Commission; authorizing the fixing of maximum and minimum prices of such coal at the mines and at retail in the Commonwealth; establishing a procedure for carrying out the provisions of this act; providing for appeals from the actions of the Pennsylvania Anthracite Commission; and fixing penalties for violations of the act and for bribery.

Referred to the Committee on Mines and Mining.

By Mr. DOWNEY. HOUSE BILL No. 44.

An Act relating to anthracite coal cooperative marketing corporations; defining and providing for the organization, consolidation, winding up and dissolution of such corporations; conferring certain rights, powers and immunities, and imposing certain duties on them and their officers and members; conferring powers and imposing duties on the Pennsylvania Anthracite Commission, the Department of State, and courts of common pleas; and exempting such corporations from the payment of certain taxes.

Referred to the Committee on Mines and Mining.

By Mr. BRADLEY. HOUSE BILL No. 45.

An Act to promote the welfare of the people of the Commonwealth; creating the Anthracite Public Authority as a body corporate and politic with power to mine, refine, transport, sell and market anthracite coal; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds and the rights of the holders thereof; granting the right of eminent domain; granting certain powers and imposing certain duties on the Governor, the Auditor General and the Pennsylvania Anthracite Commission; and making an appropriation.

Referred to the Committee on Mines and Mining.

By Mr. HIRSCH. HOUSE BILL No. 46.

An Act to amend section two hundred and one and clause (a) of section two hundred and ten as amended, and to add section three hundred and four and article twenty-eight A to the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State

Normal Schools, or Teachers' Colleges, abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers, fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes in certain departments, boards and commissions shall be determined," creating the Pennsylvania Anthracite Commission as an independent administrative commission; conferring certain powers and imposing certain duties on said commission, its members, officers and employes; and creating the office of counsel and assistant counsel to the said commission.

Referred to the Committee on Mines and Mining.

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 25. (HOUSE BILL No. 42.)

An Act removing the remaining additional persons now serving as Pennsylvania members of the Delaware River Joint Commission by virtue of appointment by the General Assembly under the act approved June twelfth one thousand nine hundred and thirty-one (Pamphlet Laws five hundred seventy-five) and providing for the appointment of their successors.

Referred to the Committee on State Boards.

COMMUNICATION

The SPEAKER laid before the House a communication which was read by the Clerk.

CARE OF MENTAL CASES

A resolution addressed to Hon. James W. Patterson urging passage of legislation providing for State care of mental cases; protesting against taking over of Byberry Hospital in Philadelphia.

Referred to the Committee on Welfare.

SENATE MESSAGE

AMENDED RESOLUTION RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced returned resolution from the House of Representatives as follows:

In the House of Representatives, July 29, 1938.

Whereas relief for the unemployed of Pennsylvania both through direct and the works programs has been recognized as a vital problem by the present administration of the Commonwealth of Pennsylvania and

Whereas the General Assembly in order to properly meet this problem has made certain appropriations to the Department of Public Assistance that those in need may not suffer from want of sustenance and

Whereas the successful carrying out of any program particularly relating to the subject of relief must need have the cooperation of the Executive and Legislative bodies of both the Commonwealth and its political subdivisions and

Whereas the American way of living still clings to the inherent belief that a job and not direct relief should provide the necessary requisites of life and

Whereas we are today faced with the problem of insufficiency of funds to carry out the relief program set up by the General Assembly in the session of 1937 and it is necessary in this Special Session that additional funds be found and appropriated in order that no citizen of the Commonwealth be permitted to suffer and

Whereas the direct relief load in the City of Philadelphia had to be increased out of proportion to that of any other section of the Commonwealth while the work relief program in the number of employed is out of all proportion to any other section of the Commonwealth and

Whereas this imposes an unfair burden upon the Department of Public Assistance of the Commonwealth of Pennsylvania that might otherwise be avoided were the Council of the City of Philadelphia to appropriate funds available as the city's contribution to the Works Progress Administration program whereby 39,812 unemployed families in Philadelphia could be removed from direct relief and be given employment that would supply their needs and at the same time be of a useful nature to the City of Philadelphia and

Whereas this condition has continued unabated for a considerable time despite the plea made by prominent citizens of all political faiths and leaders of both industry and labor in the City of Philadelphia and throughout the Commonwealth and

Whereas His Excellency, George H. Earle, the Governor of the Commonwealth has time and again requested that the City Council of the City of Philadelphia assume its responsibilities in caring for its citizens where possible and

Whereas the cost of maintaining those on the direct relief rolls who would have been placed on works relief projects had the proper cooperation been extended by the City Council of the City of Philadelphia totaled $1,343,000 for the month of June 1938 and from the beginning of the year to June inclusive the sum of $6,241,000 and

Whereas it is the bounden duty of elected officers to set aside any regard for political expediences when the lives and welfare of our citiens are concerned

Be It Therefore Resolved that the House of Representatives of Pennsylvania and the Senate of Pennsylvania in Special Session convened due now memorialize the Council of the City of Philadelphia to immediately appropriate available funds that the opportunity to work as supplied through Works Progress Administration projects may no longer be denied to the deserving people of Philadelphia and

Be Ii Further Resolved that a copy of this joint resolution properly certified to by the Secretary of the Senate and the Chief Clerk of the House of Represeentatives be transmitted to His Honor, S. Davis Wilson, Mayor of the City of Philadelphia and to George Connell, President of the City Council of the City of Philadelphia

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The amendment was read by the Clerk as follows:

Amend page 2 by striking out in lines 5 to 14 inclusive the following: "this most crucial condition has in some degree been effected through the deliberate lack of cooperation by the City Council of the City of Philadelphia wherein there exists due to to its metropolitan character and the size of its population a great need for both direct relief and work relief to even a greater degree than any other part of the Commonwealth and

Whereas the Council of the City of Philadelphia has heartlessly ignored a condition brought about by its neglect whereby"

On the question,

Will the House concur in the amendment made by the Senate?

Mr. LEWIS. Mr. Speaker, I move that the House concur in the amendment made by the Senate.

The motion was agreed to, and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, August 3, 1938.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, August 8, at 8 o'clock, Eastern Standard Time; and when the House of Representatives adjourns this week it reconvene on Monday evening, August 8, at 8 o'clock, Eastern Standard Time.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

POINT OF ORDER

Mr. WOODSIDE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. WOODSIDE. The resolution is out of order, Mr. Speaker, under the ruling of the Chair.

The SPEAKER. The point of order is well taken. The Chair was about to ask for unanimous consent of the House to consider this Senate resolution.

Will the House give its unanimous consent for the consideration of the resolution? Is there objection?

QUESTION OF PARLIAMENTARY INQUIRY

Mr. TURNER. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. TURNER. Mr. Speaker, I understand that you are going to ask the House for unanimous consent for the consideration of this resolution?

The SPEAKER. That is correct.

Mr. TURNER. The question arises in my mind, and I would like to ask the Speaker concerning it, whether you can suspend the rules by asking for unanimous consent.

The SPEAKER. There are two methods of suspending the rules, either by unanimous consent or by a vote on a motion to suspend the rules.

Mr. TURNER. Mr. Speaker, I rise to a further question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr TURNER. Mr. Speaker, would not the motion be to suspend the rules and not unanimous consent for the consideration of the resolution?

The SPEAKER. Unless unanimous consent is obtained it will be necessary to suspend the rules. The Chair states that either method is proper; unanimous consent of the House, or by a motion to suspend the rules.

Mr. TURNER. Mr. Speaker and members of the House, I do not want, of course, to be technical about what on the surface appears to be a very small question, and I am not arising for the purpose of opposing the desire of the House to meet on Monday night at 8:00 p. m. Eastern Standard Time, which seems to me to be a desirable thing to do. But we have had a number of motions last week about meeting and the Chair ruled that under the Rules we must meet on Monday night at 9:00 p. m. and it seems to me that the Chair should rescind its original ruling which I did not hear, and, therefore, if I state it wrongly I trust the Chair will set me right, that the unanimous consent for the adoption of this resolution to suspend the rules, it seems to me, is a very dangerous precedent. In other words, it seems to me, Mr. Speaker, if I may talk across to the rostrum in this way, merely that we may have the procedure straight, we might get ourselves into some uncomfortable position in the future, that any suspension of the rules should come as the result a motion, where the members of the House may clearly understand the purpose of the motion.

The SPEAKER. Replying to the question of parliamentary inquiry of the gentleman from Delaware, Mr. Turner. The resolution now before the House violates Rule 13 of this House.

There are two methods that may be followed to place this resolution before the House. One is to get unanimous consent of the House and the other by a majority vote of the members elect suspending this rule.

The Chair again asks for unanimous consent for the consideration of this resolution. Is there objection? The Chair hears none and consent is granted.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

LEAVES OF ABSENCE

Mr. Reising asked and obtained leave of absence for Mr. MURRIN, for today's session.

Mr. Holland asked and obtained leave of absence for Mr. SAMUEL A. WEISS, on account of illness in the family.

Mr. Scanlon asked and obtained leave of absence for Mr. GANSER on account of illness.

Mr. Reuben E. Cohen asked and obtained leave of absence for Mr. SCHOR for the remainder of the week due to illness in the family.

Mr. Hess asked and obtained leave of absence for Mr. READINGER, for today's session.

Mr. Hess asked and obtained leave of absence for Mr. LA RUE, for today's session.

The Speaker asked and obtained leave of absence for Mr. MIHM, for today's session on account of illness.

REPORT FROM COMMITTEE

Mr. PRESTON, from the Committee on State Government, reported as committed, House Bill No. 37, (Senate Bill No. 18), entitled:

An Act to further amend section three of the act, approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred fifty-two) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to

the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" by changing the personnel of the governing body.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 24, entitled:

An Act to further amend section one thousand four hundred and sixteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by extending the age limit within which cetain children engaged in farm work or domestic service may be exempted from complying with the provisions of said act relating to compulsory school attendence.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 26, entitled:

An Act abating certain tax penalties and interest on county, city (except city of the first class), borough, town, township, school district (except school district of the first class), and poor district taxes; prohibiting the sale of real property for the non-payment of any such taxes for a certain period; and preserving certain tax liens, and providing for the extension thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 10, entitled:

An Act authorizing the Secretary of Highways to change the width, grades and lines of Vine Street in Philadelphia, from the Delaware River Bridge approach to Parkway; the expense thereof and damages occasioned thereby to be paid by the Commonwealth. Authorizing the City of Philadelphia, persons, associations and corporations to enter into agreements with the Commonwealth to bear a portion of such expenses and damages and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 30, (Senate Bill No. 8), entitled:

An Act to amend article six of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by authorizing school districts singly or jointly with other districts to convey or lease to the General State Authority to acquire additional property for such purposes to contract with and lease property from said Authority and to levy additional taxes to pay rentals and authorizing the Commonwealth to join with school districts in such contracts and leases and in such cases defining the assistance to be rendered by the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 36, (Senate Bill No. 17), entitled:

An Act authorizing housing authorities to contract with and to lease, or convey to the Commonwealth, or any of its agencies including the General State Authority, any area acquired or about to be acquired for slum clearance purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 35, (Senate Bill No. 16), entitled:

An Act authorizing the Commonwealth or any of its agencies including the General State Authority to contract with and to lease or acquire from any Housing Authority any area acquired or about to be acquired by such Housing Authority for slum clearance purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 28, (Senate Bill No. 5), entitled:

An Act to amend section two, of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven, (Pamphlet Laws two thousand fifty-one) entitled: "An act relating to Public Assistance, to certain classes of persons designated, and defined as dependent children. Aged persons, blind persons, and other persons requiring relief providing for the administration of this act by the Department of Public Assistance, and county boards of assistance, hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mother's Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mother's assistance pensions for the blind old age assistance and the State Emergency Relief board" by redefining "assistance" so as to provide for medical care in place of services.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 29, (Senate Bill No. 7), entitled:

An Act to amend section four of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred fifty-two) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreement with the Government of the United States or any Federal agency and authorizing the Department of

Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" as amended by providing for additional projects and providing for the leasing of projects by the Authoriy to school districts.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 4, entitled:

An Act regulating grand jury investigations of charges of or involving misdemeanor in office on the part of certain public officers

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever any court of quarter sessions within this Commonwealth shall have ordered a grand jury investigation of charges of or involving misdemeanor in office on the part of any member of the General Assembly the Governor the Lieutenant Governor the head of any executive or adminisarative department of the State government a member of any executive or administrative board or commission of the State government the Chief Justice or any Justice of the Supreme Court the President Judge or any Judge of the Superior Court or any judge of a court of record the evidence in support of such charges shall be presented to the grand jury at sessions open to the public

On the question,

Will the House agree to the question?

BILL POSTPONED

Mr. OMINSKY. Mr. Speaker, I move that this bill be placed on the postponed calendar.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 8, as follows:

An Act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed by such department with the General State Authority for the use and occupancy by the Commonwealth of various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects

Whereas By Act Number Eighty-nine A adopted by the General Assembly of the Commonwealth of Pennsylvania at the session of one thousand nine hundred and thirty-seven and approved by the Governor July second one thousand nine hundred and thirty-seven the sum of two million seven hundred fifty thousand dollars ($2,750,000) was appropriated to the Department of Property and Supplies of the Commonwealth for the payment during the period ending May thirty-first one thousand nine hundred and thirty-nine by the Commonwealth of annual rates and rentals and other charges for the use and occupancy of or the right to use or occupy the projects structures buildings and facilities leased by the General State Authority to the Commonwealth and

Whereas Leases and contracts to lease have actually been entered into which will require payment of approximately one million five hundred thousand dollars ($1,500,000) out of the said appropriation to The General State Authority as rent for projects which have been and are being constructed and improved by the Authority for the Commonwealth of Pennsylvania and

Whereas The Executive Department of the Government of the Commonwealth is about to apply to The General State Authority for the construction of projects additional to those which were undertaken by the Authority on behalf of the Commonwealth and the Pennsylvania State College during the years one thousand nine hundred and thirty-seven and one thousand nine hundred an thirty-eight in the financing of which additional projects the Authority will be aided by United States Government Grants amounting to forty-five (45) per centum of the cost of construction and

Whereas Such additional projects though commenced prior to January first one thousand nine hundred and thirty-nine will not be completed and leased to the Commonwealth until after May thirty-first one thousand nine hundred and thirty-nine Therefore

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of or as much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for the payment during the period ending May thirty-first one thousand nine hundred and forty one by the Commonwealth of annual rates rentals and other charges for the use and occupancy of or the right to use or occupy the projects structures buildings and facilities leased by The General State Authority to the Commonwealth or for services rendered by the Authority or its projects construction of which projects structures buildings and facilities may have been commenced after the date of this act and prior to January first one thousand nine hundred and thirty-nine payment of such annual rates rentals and other charges shall be made in equal monthly or quarterly installments or otherwise as required by the respective leases

Section 2 The appropriation made by this act shall be budgeted and expended in accordance with the requirements and provisions of the leases referred to in section one and shall be allocated by the Governor to provide payment of the rentals reserved in such leases The Auditor General and the State Treasurer shall honor the requisitions of the Secretary of Property and Supplies in accordance with such allocations

Section 3 The appropriation made by this act or as much thereof as may be necessary shall be earmarked and retained as a fund in the General Fund to meet the payments which may become due during the period from June first one thousand nine hundred and thirty-nine to May thirty-first one thousand nine hundred and forty-one under the terms of such contracts as by virtue of the provisions of the General State Authority Act of one thousand nine hundred and thirty-five as amended may be entered into by the Commonwealth acting by and through the Department of Property and Supplies as lessee and The General State Authority as lessor to lease such additional projects to be undertaken by the Authority

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 16, as follows:

An Act making an appropriation to the Department of Health to supply the needed cost of pumping the water from slate quarries and anthracite and bituminous coal mines which have been flooded directly or indirectly by the high waters during March one thou-

sand nine hundred and thirty-six or in which human bodies are lying

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 The sum of three hundred thousand dollars ($300,000) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Health to supply the needed cost of pumping the water from slate quarries and anthracite and bituminous coal mines which have been flooded directly or indirectly by the high waters during March one thousand nine hundred and thirty-six or in which human bodies are lying including the purchase and installation of pumps motors and other equipment the purchase of electric power and all necessary incidental expenses

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 11, as follows:

A Supplement to the act approved the twenty-fourth day of June one thousand nine hundred thirty-seven (Appropriation Acts page forty-five) entitled "An act making an appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for two years beginning June first one thousand nine hundred thirty-seven and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred thirty-seven"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of twenty-five million dollars ($25,000,000) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Public Assistance for the same purposes and under the same provisions as set forth in the act to which this is a supplement

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 34, as follows:

An Act making an appropriation to the Department of Public Instruction to pay rentals and expenses in connection with public school buildings constructed or improved by the General State Authority

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one million dollars ($1,000,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Public Instruction for the purpose of paying the Commonwealth's share of rentals for public school buildings and improvements thereto constructed or improved by the General State Authority and any expenses of the department in the administration of any laws authorizing the Commonwealth to join with school districts in leasing school buildings from the General State Authority

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 22, as follows:

An Act to confirm and validate past tax levies or assessments made by school districts of the first class and liens filed thereon

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All taxes for public school purposes heretofore levied or assessed by the Board of Public Education in any school district of the first class in this Commonwealth which for any reason or in any manner or to any extent exceeded the millage or amount which might have been levied or assessed validly or otherwise exceeded the power of the board that levied or assessed them are hereby ratified validated and confirmed with like effect as if the General Assembly itself had annually levied or assessed said taxes and had determined the amounts thereof for each fiscal year in said school districts from the years one thousand nine hundred twelve to one thousand nine hundred thirty-eight inclusive

Section 2 All such taxes shall constitute valid liens on the real estate against which said taxes were levied or assessed as in the case of taxes lawfully imposed or assessed on real estate by other public authorities or municipalities in this Commonwealth

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 15, as follows:

An Act authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued requiring the commission to make a report of its findings and recommendations to the General Assembly or to the Governor and authorizing the commission to employ counsel and employes and making an appropriation

Whereas Petroleum oil constitutes one of the great natural resources of the Commonwealth of Pennsylvania and of the nation and

Whereas Lubricating oils gasolines and other by-products of petroleum are of necessity so generally used by the people of the Commonwealth and of the nation as to constitute them essentials of our modern civilization and

Whereas The Commonwealth of Pennsylvania has long been a leader in the production refining marketing and distribution of petroleum and its by-products and

Whereas The prices of oils and gasoline are at present subject to wide and unpredictable fluctuations apparently dependent neither upon the normal relation of demand to supply nor the reasonable expenses of production and distribution but seemingly upon intense and frequently uneconomical competition in the oil industry in the course of which prices are seemingly capriciously raised or lowered by the refiners of oil and gasolines in an attempt to dominate their industry and

Whereas The operation of the whole oil industry within this Commonwealth daily affects the lives welfare and well-being of its citizens and is indispensible to the flow of commerce within the Commonwealth and

Whereas The public has a vital interest in the econom-

ical operation of the oil industry to the end that lubricating oils gasolines and other by-products are efficiently supplied to the people at fair prices consistent with the reasonable cost of production and distribution and

Whereas The General Assembly of the Commonwealth of Pennsylvania is invested with the full legislative power of the Commonwealth under and by virtue of Article II Section 1 of the Constitution of Pennsylvania and thereunder has ample authority to obtain knowledge of facts and information needful in the rightful and intelligent exercise of the legislative power and

Whereas The General Assembly is desirous of obtaining all proper information and knowledge of facts with respect to the whole operation of the oil industry and its component parts within the Commonwealth in order to predicate any possible future legislation and

Whereas It is the desire and purpose of the General Assembly to create a commission which shall procure such facts and information for and on behalf of the General Assembly and report thereon with recommendations if any now therefore

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 There is hereby created a commission to consist of five competent members which shall be known as the Oil Industry Investigation Commission which shall exist and function as an agency of the General Assembly for the purpose of making a careful impartial and thorough investigation into the operation of the oil industry within the Commonwealth and to make a report of its findings and recommendations

Section 2 Three of the five members of the commission shall be appointed by the Governor who shall act as the agent of the General Assembly in making said appointments one of the members thereof shall be appointed by the President Pro Tempore of the Senate and shall be a member of the Senate at the time of his appointment one of the members shall be appointed by the Speaker of the House of Representatives and shall be a member of the House of Representatives at the time of his appointment one of the said five members shall be designated chairman by the Governor who shall act as the agent of the General Assembly in making such designation The members of said commission are hereby constituted agents and deputies of the General Assembly of the Commonwealth of Pennsylvania for the purposes herein stated

Section 3 The said commission acting for and on behalf of the General Assembly shall serve without compensation and shall make a careful thorough and impartial investigation into the operation of the whole oil industry and its by-products in the Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasolines to the people of this Commonwealth at reasonable prices not inconsistent with the fair costs of production and distribution the said commission shall have power to inquire into any abuses evils or unfair trade practices which it may find to exist within the Commonwealth for the purpose of making report thereof to the General Assembly as herein provided

Section 4 The said commission acting for and on behalf of the General Assembly shall have power to meet hold hearings and make its investigations whether or not the General Assembly is in special or regular session or is in adjournment The commission shall ascertain and report to the General Assembly as soon as possible its findings with respect to the operation of the oil industry within the Commonwealth and its recommendations if any as to any legislation which may be needful to correct any abuses evils or unfair or improper trade practices found to exist and connected with the operation of the oil industry in this Commonwealth which are found to be prejudicial to the interests of its citizens Provided however That if the General Assembly be not in session at the time of the completion of the report and recommendations of the commission the commission shall then submit its report and recommendations to the Governor who shall act as the agent of the General Assembly in receiving the same and shall submit said report to the General Assembly when it convenes in session thereafter

Section 5 The commission shall have the power to issue subpoenas and subpoenas duces tecum under the hand and seal of its chairman requesting and commanding any proper person corporation partnership or association to appear before it and to answer such questions touching matters with respect to the oil industry in the Commonwealth inquired into by the commission for and on behalf of the General Assembly and to procure such books papers records and documents as the commission may deem necessary Such subpoenas or subpoenas duces tecum may be served upon any proper person corporation partnership or association and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth or by the General Assembly itself Each member of the commission shall have the power to administer oaths and affirmation to witnesses appearing before the commission

Section 6 If any person corporation partnership or association wilfully neglects or refuses to testify before the commission or to produce any books papers records or documents subpoenaed by the commission the commission or any member thereof shall file a petition with a court of common pleas having competent jurisdiction over said person corporation partnership or association setting forth such facts The said court of common pleas or a judge thereof shall thereupon issue a rule upon said person corporation partnership or association returnable no less than five nor more than seven days from service thereof commanding said person corporation partnership or association to appear before said court and show cause why the subpoena subpoena duces tecum or similar order of said commission shall not be complied with

If said person corporation partnership or association upon the return day of said rule to show cause is or are unable to show legal cause why the subpoena subpoena duces tecum or order of the commission should not be complied with the said court of common pleas shall forthwith enter an order of court directing said person corporation partnership or association to comply with the terms of the said subpoena subpoena duces tecum or order of the commission If thereupon such person corporation partnership or association shall refuse or fail to comply with the said order of court the said court of common pleas shall forthwith adjudge said person corporation partnership or association to be in contempt of court and such person corporation partnership or association shall thereupon forthwith be subject to the penalties provided by the Commonwealth in such cases Provided further That if any subpoena subpoena duces tecum or order of the commission is deemed invalid by the court the commission is authorized to issue a proper subpoena subpoena duces tecum or order against such person corporation partnership or association

Section 7 The said commission may employ and fix the compensation of such counsel experts clerks and assistants as may be deemed necessary for the proper conduct of the work of the commission

Section 8 The sum of twenty thousand dollars ($20,000) or so much thereof as may be necessary is hereby specifically appropriated to the commission for the payment of the expenses of the members and for the payment of the compensation and expenses of counsel experts clerks and assistants of the commission for postage telegraph and telephone charges for the use of automobiles for witness fees allowed by the commission for supplies and printing and for all other expenses deemed necessary and proper by the commission

Section 9 This act shall become effective immediately upon its final enactment

And said bill havinng been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—113.

Alexander,	Elpern,	Lopresti,	Robinson,
Allen,	Falkenstein,	Lovett,	Rothenberger,

Allmond,	Finnerty,	Marino,	Rush,
Arnold,	Flanagan,	Matthews, H. T.,	Schrock,
Baker, J. T.,	Gerard,	McCullough,	Shepard,
Balthaser,	Gorski,	McDermott,	Shoemaker,
Bierly,	Haberlen,	McElroy,	Shugarts,
Boltz,	Hagerty,	McFall,	Smith, John A.
Boose,	Hamilton, F. P.	McGee,	Spengler,
Bradley,	Harkins,	McShane,	Stank,
Brancato,	Hays,	Melchiorre,	Thompson,
Broad,	Hering,	Mellott,	Tronzo,
Brown,	Hess,	Moomaw,	Tumelty,
Burrows,	Hindman,	Mooney,	Turner,
Chervenak,	Hirsch,	Moran,	Vallbus,
Coakley,	Holland,	O'Connor,	Van Allsburg,
Cohen, H. B.,	Holmes,	O'Keefe,	VanSickle,
Cohen, R. E.,	Holstrom,	Ominsky,	Vogt,
Coleman,	Hontz,	O'Neill,	Wagner,
Coolahan,	Horting,	Ostroff,	Walsh,
Corrigan,	Jirolanio,	Patterson, C. S.,	Watkins,
Decker,	Keenan,	Patterson, J. W.,	Weiss, D. H.
DeNote,	Kelso,	Piole,	Welliver,
Dickinson,	Kilroy,	Powers,	Westrick,
Dougherty,	Kline,	Preston,	Yanoshat,
Downey,	Lewis,	Reese,	Yourishin,
Dubbs,	Long,	Reising,	Furman,

NAYS—20.

Atkins,	Hall,	McDevitt,	Serrill,
Cadwalader,	Huntley,	McKinney,	Stewart,
Eckels,	Imbrie,	Muir,	Wilson,
Fiss,	Leisey,	Perry,	Winner,
Habbyshaw,	Lyons,	Royer,	Wood,
			Woodside,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence

BILLS INTRODUCED AND REFERRED

By Mr. YOURISHIN. HOUSE BILL No. 47.

An Act making a deficiency appropriation to the Anthracite Coal Industry Commission, created by the act, approved the eighth day of February, one thousand nine hundred and thirty-seven (P. L. 21), entitled "An act creating the Anthracite Coal Industry Commission, defining its powers and duties; and making an appropriation."

Referred to the Committee on Appropriations.

By Mr. JOHN A. SMITH. HOUSE BILL No. 48.

An Act to further amend section one of the act, approved the seventh day of April, one thousand eight hundred and seventy (P. L. 57), entitled "An act to enlarge the jurisdiction of the Court of Common Pleas for the County of Dauphin, in cases wherein the Commonwealth may be plaintiff, and to provide for the issuing of writs of foreign attachment in such cases," by conferring jurisdiction in action, causes and matters to which the Commonwealth is a party on additional courts of common pleas; and providing for the payment of certain costs and expenses by the Commonwealth.

Referred to the Committee on Judiciary General.

ADJOURNMENT

Mrs. HORTING. Mr. Speaker, I move that this House do now adjourn until Monday, August 8, 1938, at 8:00 p. m.

The motion was agreed to, and (at 10:01 a. m.) the House adjourned until Monday, August 8, 1938, at 8:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1938

Vol. 22 HARRISBURG, PA., MONDAY, AUGUST 8, 1938. No. 10.

SENATE

MONDAY, August 8, 1938.

The Senate met at 8:00 o'clock, P. M. (E. S. T.).

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, LL.D., offered the following prayer:

Almighty One, our strength and song, because Thou art our defense the rock of our salvation we shall not be moved. We thank Thee our heavenly Father for the presence with us this evening of one who has been laid aside with illness and has come back to us in vigor and in strength. We would remember at this time our venerable Dean of this body. We thank Thee for the good tidings that come concerning him that he is rising above the weight of years and the hand of affliction.

Our Father Thy guiding hand hath brought us to this hour and place. Lift up we pray Thee the light of Thy countenance and we shall be glad of Thy Presence.

We pray at this time for our beloved nation, for our Commonwealth for our ministers and leaders of State for this Assembly, for these Senators and those who labor here, grant Our Father, that we may strive to give unto Thee our best and that we may be worthy of Thy best.

On forward path, with upward look, we go on our way. Help us all here and now to dedicate ourselves to the cause, as Thou, Oh God! givest us to know the right. We dedicate ourselves to the helpless and the forgotten ever remembering that the fear of man bringeth a snare but whosoever putteth his trust in the Lord shall be safe. Amen.

JOURNAL APPROVED

The PRESIDENT—A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. LAW, the further reading was dispensed with, and the Journal was approved.

LEAVES OF ABSENCE

Mr. Buckman asked and obtained leave of absence for the Senator from Montgomery County Mr. BEAN, for the the present week.

He also asked and obtained leave of absence for the Senator from Lackawanna County, Mr. HOWELL, for the present week.

Mr. Law asked and obtained leave of absence for the Senator from Adams, Mr. RICE.

Mr. Pytko asked and obtained leave of absence for the Senator from Philadelphia, Mr. JASPAN, on account of illness.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency the Governor of the Commonwealth, which was read as follows:

NOMINATION RECALLED

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, August 8, 1938.

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination made to your Honorable Body under date of July 28, 1938, for the appointment of Mr. Phillip Shay, Williamsport, Lycoming County, as a member of the Lycoming County Board of Assistance.

GEORGE H. EARLE.

Mr. LAW. Mr. President, I move that at the request of His Excellency, the Governor the foregoing nomination for appointment as a member of the Lycoming County Board of Assistance be returned to the Governor.

Mr. HALUSKA. Mr. President, I second the motion.

The motion was agreed to.

The PRESIDENT. The Chair has just been informed that the nomination of Mr. Phillip Shay of Williamsport was referred to the Committee on Executive Nominations and is now in that Committee. Therefore, the action of the Senate granting the request of the Governor is declared out of order and the request of the Governor is referred to the Committee on Executive Nominations.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

QUESTION OF PERSONAL PRIVILEGE

Mr. OWLETT. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his question of personal privilege.

Mr. OWLETT. Mr. President, last week in connection with the discussion on the request made for a hearing on the four bills with reference to the legislative investigation the question arose as to the authority of Mr. John H.

Light of the Grange who, on behalf of the Grange, requested a hearing. I understand that each Senator has on his desk a letter from Mr. Boak, Master of the Pennsylvania State Grange, which, with the Senate's permission I desire to read at this time, that it may become a part of the record of this session. The letter is as follows:

PENNSYLVANIA STATE GRANGE
PATRONS OF HUSBANDRY

New Castle, Pa., August 2, 1938.

Honorable G. Mason Owlett
State Senator of Pennsylvania
Harrisburg, Pennsylvania

Dear Senator Owlett:

Noting that Senator Thompson of Centre County while addressing the Senate on July 29 questioned the authority of our Legislative Representative, John H. Light, to represent the Pennsylvania State Grange in legislative matters, it is evident Senator Thompson is not informed on Grange matters and, therefore, in justice to the Grange and for the information of the members of the State Senate, I wish to state:—

First, that since 1873 the Pennsylvania State Grange has been represented at Harrisburg in legislative matters, and Mr. Light is now, and has been, the duly authorized Legislative Representative of the Pennsylvania State Grange for the last twelve years. He has full authority to speak for the State Grange at all times.

Second, the Pennsylvania State Grange is a truly representative body and the work of Mr. Light is approved by Subordinate and Pomona Grange delegates. These delegates compose the legislative body of the Order and their acts in annual session become the policies of the State Grange and a policy once adopted by the State Grange remains the policy of the Order until modified by subsequent action of the State Grange in annual meeting.

Third, the Pennsylvania State Grange has always been interested in good government and our request for a public hearing last Friday was based upon the action of the State Grange at the annual convention last November:

"When the fundamental law of the government is attacked, we may expect to find the Organization in the front rank of defense, as has been seen frequently."

Fourth, the Grange is the oldest and largest farm organization in the nation, with a membership of 67,000 in Pennsylvania. At the National Capitol, as well as at State Legislatures generally, the Grange is recognized as the leader in agriculture.

I trust this letter will clarify the situation as clouded by Senator Thompson and that we may continue to be accorded the usual privileges given to organizations and individuals, to present the adopted policies of the Pennsylvania State Grange. Thanking you, I beg to remain

Very truly yours,

J. A. BOAK, Master
Pennsylvania State Grange

The PRESIDENT. The statement will be made a matter of record.

QUESTION OF PERSONAL PRIVILEGE

Mr. THOMPSON. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. We will now hear from the Senator on Agriculture, Mr. Thompson, who will state his question of personal privilege.

Mr. THOMPSON. Mr. President, I think the Master of the State Grange, Mr. Boak, has gone entirely afield in this controversy and is making a sort of tempest in a tea pot. Reiterating the words that I made on the floor of the Senate the week before last, in response to Mr. Light's letter, what I said was that the Senate of Pennsylvania should not delay its action on any measures of legislation on account of any communication bearing the name of John Light on account of the fact that he had at different times in the past four years presumed upon the patience of this Senate and had misrepresented his position more than once before one House or the other of this legislative body. I still insist that it is a fact, and if called upon, I feel confident that it can be established by reference at different times during the past few years to the Journal of one House or the other.

The Master of the Grange, as I say, has raised a sort of tempest in a tea pot over this situation. He has written to every member of the Senate, I believe, concerning the position of Mr. Light. Nobody doubts the fact that Mr. Light is still the legislative representative of the Grange and as long as Mr. Light does not try to deceive either of the legislative bodies he will receive the consideration that any legislative representative is entitled to. I was surprised nad astounded last week to find that the Master of the State Grange, professing the interest that he has in public matters, did not know who the Senator from his own Senatorial district was. Senator Eroe brought me a letter addressed to him from the Master of the State Grange. We all know that Senator Eroe served a number of years in the lower house very creditably before coming into the Senate. The Master of the State Grange, although coming from his own County, did not know the name of the Senator that represented him, this man who professes such a tremendous influence and such a tremendous interest in public matters.

I would just like these remarks to appear on the record in conjunction with the offering of the letter by the Senator from Tioga.

REPORT FROM COMMITTEE

Mr. RUTH. Mr. President, pursuant to the joint resolution adopted and approved on the 9th day of March, 1937, and known as Act Number 11 (P. L. 35) and amended on July 2, 1937 (P. L. 2703) I have the honor to present the report of the Joint Legislative Commission to investigate the criminal justice practice and procedure, and probation and parole of persons guilty of crime.

Along with this report we have deposited with the Attorney General's office the files approximating 13,000 pages of sworn testimony to substantiate the statements made in this report. The report has been distributed to every member of the House and Senate, every newspaper in Pennsylvania, every judge and district attorney, and to the public libraries. I ask that the report be filed.

The PRESIDENT. The report of the Ruth Commission will be received and filed.

Mr. REED. Mr. President, owing to the fact that I was not present at the hearings held by the Ruth Commission, and consequently did not have the opportunity to see the witnesses or hear their testimony, I have deemed it advisable not to sign the final report that has just been filed, But, in my failure to do so, I do not want to be understood as in any way reflecting upon the action of the committee or on its final report.

QUESTION OF PERSONAL PRIVILEGE

MR. BUCKMAN Mr. President, I rise to a question of personal privilege.

THE PRESIDENT. The Senator from Bucks, Mr. Buckman, will state his question of personal privilege.

MR. BUCKMAN. Through illness and the advice of my physician, I was obliged to be absent during the first two weeks of this session. I regret this very much and I greatly appreciate the action of my colleagues in granting me a leave of absence. During my 28 years of service in this Senate, I have never been absent before but for two weeks. One week I was in the hospital and the other week I got married.

Had I been present, I would have, however, Mr. President, voted with my Republican colleagues on the bills that passed this Legislature. I feel that there were enough unconstitutional measures passed at the Session of 1937 without passing any more at this special session.

BILL INTRODUCED

Messrs. RUPP and RODGERS read in place and presented to the Chair Senate Bill No. 34, entitled:

A Joint Resolution proposing an amendment to article nine of the Constitution of the Commonwealth of Pennsylvania, by adding thereto section twenty.

Which was committed to the Committee on Constitutional Changes.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 14, entitled:

An Act providing for the adjournment and re-adjournment of county treasurers' sales of seated and unseated lands that were to have been held in the years one thousand nine hundred thirty-seven or one thousand nine hundred thirty-eight, for nonpayment of taxes in counties except those of the first and second class, and preserving the lien of all taxes on such lands.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Barthold,	Frey,	Lanius,	Reed
Bean,	Gelder,	Law,	Rodgers,
Buckman,	Gilson,	Mallery,	Rupp,
Cavalcante,	Haluska,	McCreesh,	Ruth,
Dando,	Henney,	McGinnis,	Shapiro,
Deitrick,	Huffman,	Mundy,	Sipe,
Dent,	Jacobs,	Owlett,	Sones,
DiSilvestro,	Kahle,	Pierson,	Stiefel,
Ealy,	Kilgallen,	Pytko,	Thompson,
Eroe,	Kunkel,	Rankin,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 20, entitled:

An Act abating certain tax penalties and interest on city and school taxes in cities of the first class and school districts of the first class

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

BILLS POSTPONED

Mr. SHAPIRO, Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. RODGERS, Mr. President, I second the motion.

The motion was agreed to.

Mr. SHAPIRO, Mr. President, I move that further consideration of Senate Bill No. 15 on second reading, entitled:

An Act abating certain tax penalties and interest on county, city (except city of the first class), borough, town, township, school district (except school district of the first class), and poor district taxes; prohibiting the sale of real property for the nonpayment of any such taxes for a certain period; and preserving certain tax liens, and providing for the extension thereof.

be postponed for the present.

Mr. KILGALLEN, Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. DENT, Mr. President, I ask unanimous consent that Senate Bill No. 30, on second reading, entitled:

An Act authorizing the compromise of delinquent taxes on lands and the penalties interest and costs due thereon before a tax sale of such lands and providing the procedure in such case.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

REQUEST TO PUT BILL OVER IN ORDER

Mr. REED. Mr. President, I ask unanimous consent that Senate Bill No. 32 on second reading, entitled:

An Act to amend sections two and five of and to add section three and one-tenth to the act approved the first day of July one thousand nine hundred and nineteen (P. L. 717), entitled "An act fixing the number compensation mileage and duties of the officers and employes of the General Assembly and providing for their election or appointment term of office and manner of filling vacancies" further regulating the term of office of such officers and employes and the compensation of certain officers and employes

go over in its order.

The PRESIDENT. Is there objection?

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his point of order.

Mr. SHAPIRO. Mr. President, Senate Bill No. 32, Printer's No. 17, is not on the desks of the Senators and therefore no action can be taken on it.

Mr. REED. Mr. President, I withdraw my request that the bill go over in its order.

BILL RECOMMITTED

Mr. HALUSKA. Mr. President, I move that Senate Bill

No. 32, on second reading, be recommitted to the Committee on Judiciary General.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 33 (House Bill No. 15), as follows:

An Act authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued requiring the commission to make a report of its findings and recommendations to the General Assembly or to the Governor and authorizing the commission to employ counsel and employes and making an appropriation

Whereas Petroleum oil constitutes one of the great natural resources of the Commonwealth of Pennsylvania and of the nation and

Whereas Lubricating oils gasolines and other by-products of petroleum are of necessity so generally used by the people of the Commonwealth and of the nation as to constitute them essentials of our modern civilization and

Whereas The Commonwealth of Pennsylvania has long been a leader in the production refining marketing and distribution of petroleum and its by-products and

Whereas The prices of oils and gasoline are at present subject to wide and unpredictable fluctuations apparently dependent neither upon the normal relation of demand to supply nor the reasonable expenses of production and distribution but seemingly upon intense and frequently uneconomical competition in the oil industry in the course of which prices are seemingly capriciously raised or lowered by the refiners of oils and gasolines in an attempt dominate their industry and

Whereas The operation of the whole oil industry within this Commonwealth daily affects the lives welfare and well-being of its citizens and is indispensible to the flow of commerce within the Commonwealth and

Whereas the public has a vital interest in the economical operation of the oil industry to the end that lubricating oils gasolines and other by-products are efficiently supplied to the people at fair prices consistent with the reasonable cost of production and distribution and

Whereas The General Assembly of the Commonwealth of Pennsylvania is invested with the full legislative power of the Commonwealth under and by virtue of Article II Section 1 of the Constitution of Pennsylvania and thereunder has ample authority to obtain knowledge of facts and information needful in the rightful and intelligent exercise of the legislative power and

Whereas The General Assembly is desirous of obtaining all proper information and knowledge of facts with respect to the whole operation of the oil industry and its component parts within the Commonwealth in order to predicate any possible future legislation and

Whereas It is the desire and purpose of the General Assembly to create a commission which shall procure such facts and information for and on behalf of the General Assembly and report thereon with recommendations if any now therefore

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 There is hereby created a commission to consist of five competent members which shall be known as the Oil Industry Investigation Commission which shall exist and function as an agency of the General Assembly for the purpose of making a careful impartial and thorough investigation into the operation of the oil industry within the Commonwealth and to make a report of its findings and recommendations

Section 2 Three of the five members of the commission shall be appointed by the Governor who shall act as the agent of the General Assembly in making said appointments one of the members thereof shall be appointed by the President Pro Tempore of the Senate and shall be a member of the Senate at the time of his appointment one of the members shall be appointed by the Speaker of the House of Representatives and shall be a member of the House of Representatives at the time of his appointment one of the said five members shall be designated chairman by the Governor who shall act as the agent of the General Assembly in making such designation The members of said commission are hereby constituted agents and deputies of the General Assembly of the Commonwealth of Pennsylvania for the purposes herein stated

Section 3 The said commission acting for and on behalf of the General Assembly shall serve without compensation and shall make a careful thorough and impartial investigation into the operation of the whole oil industry and its by-products in the Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasolines to the people of this Commonwealth at reasonable prices not inconsistent with the fair costs of production and distribution the said commission shall have power to inquire into any abuses evils or unfair trade practices which it may find to exist within the Commonwealth for the purpose of making report thereof to the General Assembly as herein provided

Section 4 The said commission acting for and on behalf of the General Assembly shall have power to meet hold hearings and make its investigations whether or not the General Assembly is in special or regular session or is in adjournment The commission shall ascertain and report to the General Assembly as soon as possible its findings with respect to the operation of the oil industry within the Commonwealth and its recommendations if any as to any legislation which may be needful to correct any abuses evils or unfair or improper trade practices found to exist and connected with the operation of the oil industry in this Commonwealth which are found to be prejudicial to the interests of its citizens Provided however That if the General Assembly be not in session at the time of the completion of the report and recommendations of the commission the commission shall then submit its report and recommendations to the Governor who shall act as the agent of the General Assembly in receiving the same and shall submit said report to the General Assembly when it convenes in session thereafter

Section 5 The commission shall have power to issue subpoenas and subpoenas duces tecum under the hand and seal of its chairman requesting and commanding any proper person corporation partnership or association to appear before it and to answer such questions touching matters with respect to the oil industry in the Commonwealth inquired into by the commission for and on behalf of the General Assembly and to procure such books papers records and documents as the commission may deem necessary Such subpoenas or subpoenas duces tecum may be served upon any proper person corporation partnership or association and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth or by the General Assembly itself Each member of the commission shall have the power to administer oaths and affirmation to witnesses appearing before the commission

Section 6 If any person corporation partnership or association wilfully neglects or refuses to testify before the commission or to produce any books papers records or documents subpoenaed by the commission the commission or any member thereof shall file a petition with a court of common pleas having competent jurisdiction over said person corporation partnership or association setting forth such facts The said court of common pleas or a judge thereof shall thereupon issue a rule upon said person corporation partnership or association returnable no less than

five nor more than seven days from service thereof commanding said person corporation partnership or association to appear before said court and show cause why the subpoena subponea duces tecum or similar order of said commission shall not be complied with

If said person corporation partnership or association upon the return day of said rule to show cause is or are unable to show legal cause why the subpoena subpoena duces tecum or order of the commission should not be complied with the said court of common pleas shall forthwith enter an order of court directing said person corporation partnership or association to comply with the terms of the said subpoena subpoena duces tecum or order of the commission If thereupon such person corporation partnership or association shall refuse or fail to comply with the said order of court the said court of common pleas shall forthwith adjudge said person corporation partnership or association to be in contempt of court and such person corporation partnership or association shall thereupon forthwith be subject to the penalties provided by the Commonwealth in such cases Provided further That if any subpoena subpoena duces tecum or order of the commission is deemed invalid by the court the commission is authorized to issue a proper subpoena subpoena duces tecum or order against such person corporation partnership or association

Section 7 The said commission may employ and fix the compensation of such counsel experts clerks and assistants as may be deemed necessary for the proper conduct of the work of the commission

Section 8 The sum of twenty thousand dollars ($20,000) or so much thereof as may be necessary is hereby specifically appropriated to the commission for the payment of the expenses of the members and for the payment of the compensation and expenses of counsel experts clerks and assistants of the commission for postage telegraph and telephone charges for the use of automobiles for witness fees allowed by the commission for supplies and printing and for all other expenses deemed necessary and proper by the commission

Section 9 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

RECESS

Mr. DENT. Mr. President, I move that the Senate do now take a recess for fifteen minutes.

Mr. LANIUS. Mr. President, I second the motion.

The motion was agreed to.

ANNOUNCEMENTS BY THE SECRETARY

The Committee on City Government will meet during the recess in the office of the Secretary, Room 249.

The Committee on Labor and Industry will meet during the recess in Room 265.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives, as follows:

House Bill No. 22 (Senate Bill No. 35), entitled:

An Act to confirm and validate past tax levies or assessments made by school districts of the first class and liens filed thereon.

Which was committed to the Committee on City Government.

House Bill No. 8 (Senate Bill No. 36), entitled:

An Act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by such department with the General State Authority for the use and occupancy by the Commonwealth of various projects, structures, buildings, and facilities of the Authority or for the services rendered by the Authority or its projects.

Which was committed to the Committee on Appropriations.

House Bill No. 11 (Senate Bill No. 37), entitled:

A Supplement to the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (Appropriation Acts, page forty-five), entitled "An act making an appropriation to the Department of Public Assistance, for the purpose of carrying out the Public Assistance Law for the two years beginning June first, one thousand nine hundred thirty-seven, and for the payment of assistance and expenses accrued or incurred prior to, and remaining unpaid on, May thirty-first, one thousand nine hundred thirty-seven."

Which was committed to the Committee on Appropriations.

RECESS

Mr. HUFFMAN. Mr. President, I move that the Senate do now take a recess for five minutes.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

ANNOUNCEMENT BY THE SECRETARY

The Committee on Appropriations will meet immediately upon recess in Room 265.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORTS FROM COMMITTEES

Mr. SONES. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SONES from the Committee on Appropriations reported as committed, Senate Bill No. 37, (House Bill No. 11), entitled:

A Supplement to the act approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (Appropriation Acts page forty-five) entitled "An act making an appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two years beginning June first, one thousand nine hundred thirty-seven and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first, one thousand nine hundred thirty-seven."

He also, from the Committee on Appropriations reported as amended, Senate Bill No. 36, (House Bill No. 8) entitled:

An Act making an appropriation to the Department of Property and Supplies for the payment of rates, rentals and other charges that may become due on leases and other

contracts executed by such department with the General State Authority for the use and occupancy by the Commonwealth of various projects, structures, buildings and facilities of the Authority or for the services rendered by the Authority or its projects.

with the understanding that it be returned to the Committee on Appropriations after second reading.

Mr. GILSON. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GILSON from the Committee on City Government, reported as committed, Senate Bill No. 27, entitled:

An Act to amend section two of the act approved the eleventh day of April, one thousand nine hundred twenty-nine (P. L. 487) entitled "An act authorizing the Department of Welfare to determine the legal residence of indigent, insane, feeble-minded and epileptic persons, returned to this Commonwealth by the authorities of another State, or transferred from one poor district to another by the department and requiring the proper district to pay the costs of the care and treatment of such persons in accordance with the laws relating to indigent insane persons" by relieving poor districts of certain costs and placing such costs on the Commonwealth.

He also from the Committee on City Government, reported as committed, Senate Bill No. 28, entitled:

An Act relating to institutions of counties, cities, and institution districts for the care, maintenance and treatment of mental patients; providing for the transfer of such institutions to the Commonwealth providing for the management and operation, or closing thereof, and the maintenance of mental patients therein; conferring and imposing upon the Governor, the Department of Welfare, and counties, cities and institution districts certain powers and duties; prohibiting cities, counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients; and repealing inconsistent laws.

He also from the Committee on City Government, reported as committed, Senate Bill No. 29, entitled:

An Act to amend the act, approved the eleventh day of July one thousand nine hundred twenty-three(P. L. 998), entitled "An act for the prevention and treatment of mental diseases, mental, defect, epilepsy, and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients; providing for the payment by individuals, counties, or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties" as amended by further defining and limiting the institutions in which persons mentally ill may receive care and treatment; relieving counties and poor districts of the payment of the cost of the admission, care, and discharge of mental patients, with certain exceptions; imposing such costs on the Commonwealth; and repealing inconsistent laws.

Mr. GILSON. Mr. President, these bills are reported with the understanding that they be returned to the Committee on City Government after second reading.

ANNOUNCEMENT

Mr. DENT. Mr. President, The Committee on Labor and Industry has requested me to announce that there will be a Public Hearing held in the Senate Chamber, tomorrow, August 9, 1938, at 2:00 o'clock P. M. Eastern Standard Time, on Senate Bill No. 31, (House Bill No. 17).

MOTION TO READ BILLS THE FIRST TIME

Mr. LAW. Mr. President, I move that all bills reported from committees at today's session be read the first time.

Mr. FREY. Mr. President I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 27, entitled:

An Act to amend section two of the act approved the eleventh day of April, one thousand nine hundred twenty-nine (P. L. 487), entitled "An act authorizing the Department of Welfare to determine the legal residence of indigent, insane, feeble-minded and epileptic persons, returned to this Commonwealth by the authorities of another State, or transferred from one poor district to another by the department and requiring the proper district to pay the costs of the care and treatment of such persons in accordance with the laws relating to indigent insane persons" by relieving poor districts of certain costs and placing such costs on the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 28, entitled:

An Act relating to institutions of counties, cities, and institution districts for the care, maintenance and treatment of mental patients; providing for the transfer of such institutions to the Commonwealth; providing for the management and operation, or closing thereof, and the maintenance of mental patients therein; conferring and imposing upon the Governor, the Department of Welfare, and counties, cities and institution districts certain powers and duties; prohibiting cities, counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients; and repealing inconsistent laws.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 29, entitled:

An Act to amend the act, approved the eleventh day of July, one thousand nine hundred twenty-three (Pamphlet Laws, nine hundred ninety-eight), entitled "An act for the prevention and treatment of mental diseases, mental defect, epilepsy, and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients; providing for the payment by individuals, counties, or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties," as amended, by further defining and limiting the institutions in which persons mentally ill may receive care and treatment; relieving counties and poor districts of the payment of the cost of the admission, care, and discharge of mental patients, with certain exceptions; imposing such costs on the Commonwealth; and repealing inconsistent laws.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and con-

sideration of Senate Bill No. 36, (House Bill No. 8), entitled:

An Act making an appropriation to the Department of Property and Supplies for the payment of rates, rentals and other charges that may become due on leases and other contracts executed by such department with the General State Authority for the use and occupancy by the Commonwealth of various projects, structures, buildings and facilities of the Authority or for the services rendered by the Authority or its projects.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 37, (House Bill No. 11), entitled:

A Supplement to the act approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (Appropriation Acts page forty-five) entitled "An act making an appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two years beginning June first, one thousand nine hundred thirty-seven and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first, one thousand nine hundred thirty-seven."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

The PRESIDENT. The Chair understands that the Public Hearing on Senate Bill No. 31, (House Bill No. 17) will be held in the Senate Chamber and the resolution authorizing that procedure will be presented tomorrow.

ADJOURNMENT

Mr. HUFFMAN. Mr. Prsident, I move that the Senate do now adjourn until Tuesday, August 9, 1938 at 1:00 o'clock P. M. (E. S. T.).

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 10:08 o'clock P. M. until Tuesday, August 9, 1938 at 1:00 o'clock P. M. (E. S. T.).

HOUSE OF REPRESENTATIVES

MONDAY, August 8, 1938.

The House met at 8:00 p. m.

The SPEAKER, (Roy E. Furman), in the Chair.

DEATH OF MEMBER ANNOUNCED

The SPEAKER. The Chair announces with profound sorrow the death this morning of the Honorable Francis T. Baker, a Member of this House from the County of Union since 1927.

The Chair requests as a mark of respect that the Members remain standing with heads bowed until the gavel falls after the prayer by the Chaplain.

PRAYER

The Chaplin, Rev. EPHRAIM Z. GALLAHER, offered the following prayer:

All wise and ever gracious Father, as we resume our duties on this new week day, we call upon Thee to bless our great Commonwealth, our Governor, the Speaker of this House and every member.

We call to mind, Heavenly Father, that one fellow member, has "gone the way of all the earth". We pray in behalf of all members who cherish his memory, and in behalf of his sorrowing family. We know "it is appointed unto man once to die", yet death is accompanied with sorrow and regrets to friends and loved ones. Thou art the one who alone can comfort and it is to Thee we turn for solace. May the memory of the departed, the good he did, keep our minds filled with joy, and the spirit of his life ever move us to high ideals and good service.

In Christ name, we pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Thursday, August 4, 1938.

The Clerk proceeded to read the Journal of Thursday, August 4, 1938, when, on motion of Mr. FLANAGAN the further reading was dispensed with and the Journal approved.

LEAVES OF ABSENCE

Mr. Nagel asked and obtained leave of absence for Mr. KELSO.

Mr. McShane asked and obtained leave of absence for Mr. FITCH, for the remainder of the week on account of illness.

Mr. Shaw asked and obtained leave of absence for Mr. O'KEEFE, for the remainder of the week on account of illness in the family.

Mr. Gillette asked and obtained leave of absence for Mr. MERRILL, for the remainder of the week on account of illness.

Mr. Jirolanio asked and obtained leave of absence for Mr. VAN SICKLE, on account of illness.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 37, (Senate Bill No. 18), entitled:

An Act to further amend section three of the act, approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (P. L. 452), entitled "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve, and operate projects, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act," by changing the personnel of the governing body.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this

bill be recommitted to the Committee on State Government for the purpose of further study.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 24, entitled as follows:

An Act to further amend Section one thousand four hundred and sixteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled: "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by extending the age limit within which certain children engaged in farm work or domestic service may be exempted from complying with the provisions of said act relating to compulsory school attendance

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Section one thousand four hundred and sixteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amened by section five of the act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2560) is hereby further amended to read as follows

Section 1416 The provisions of this act requiring regular attendance shall not apply to any child between the ages of sixteen and eighteen years who is regularly engaged in any useful and lawful employment or service during the time the public schools are in session and who holds an employment certificate issued according to law or who has been examined by an approved mental clinic or by a person certified as a public school psychologist or psychological examiner and has been found to be unable to profit from further school attendance and who has been reported to the board of school directors and excused in accordance with regulations prescribed by the State Council of Education nor shall the said provisions apply to any child between the ages of fifteen and eighteen years engaged in farm work or domestic service in a private home on a permit issued in accordance with regulations which the Superintendent of Public Instruction is hereby authorized to prescribe Provided That such a permit may be issued to any child who is under the age of fifteen (15) years who is at least fourteen (14) years of age and has satisfactorily completed the equivalent of the sixth grade of the public schools if the reason for issuing such a permit to a child under the fifteen (15) years of age has first been recommended by the county or district superintendent of schools having supervision of the schools of the district where such child resides and such reason has been approved by the Superintendent of Public Intruction

Section 2 This act shall become effective immediately upon final enactment.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. NAGEL. Mr. Speaker, I move that this bill be recommitted to the Committee on Education for further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeable to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 10, as follows:

An Act authorizing the Secretary of Highways to change the width grades and lines of Vine Street in Philadelphia from the Delaware River Bridge approach to Parkway the expenses thereof and damages occasioned thereby to be paid by the Commonwealth Authorizing the City of Philadelphia persons associations and corporations to enter into agreements with the Commonwealth to bear a portion of such expenses and damages and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Secretary of Highways is hereby given the power to changes the width grades or lines of that portion of a State highway in Philadelphia known as Vine Street beginning at the Delaware River Bridge approach and then extending westerly to an intersection with the Benjamin Franklin Parkway at the expense of the Commonwealth and the Commonwealth shall be responsible for the payment of any damages which may be occasioned thereby Such damages to be ascertained and paid out of the Motor License Fund in the same manner as provided for land or property taken injured or destroyed by the changes of width lines and locations of Sate Highways in boroughs and incorporated towns where the county does not agree to such changes

Section 2 The Secretary of Highways may enter into agreements with the City of Philadelphia or the Delaware River Joint Commission or with persons associations or corporations public or private for the sharing with the Commonwealth of the cost of widening such street and any damages which may occasioned thereby

Section 3 All moneys received by the Commonwealth under any contract or agreement for sharing the cost of widening such street and damages occasioned thereby shall be deposited in the Motor License Fund and as much of the money in the Motor License Fund as may be necessary to carry out the provisions of this act is hereby specially appropriated to the Department of Highways for the purposes of this act

Section 4 All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 30, (Senate Bill No. 8), entitled:

An Act to amend article six of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may

be inconsistent therewith" by authorizing school districts singly or jointly with other districts to convey or lease property to the General State Authority to acquire additional property for such purposes to contract with and lease property from said Authority and to levy additional taxes to pay rentals and authorizing the Commonwealth to join with school districts in such contracts and leases and in such cases defining the assistance to be rendered by the Commonwealth.

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article six of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended by adding thereto the following new sections

Section 636 Any school district shall have power and authority to grant assign and convey to the General State Authority with or without consideration any lands easements or rights in lands together with any improvements buildings or structures therein or thereon now owned by such school district or hereafter acquired by it needed or convenient to carry out the purposes of these amendments or to lease to the Authority for a term not exceeding ninety-nine (99) years at a nominal or such other rental as may be determined any or all such lands easements or rights in lands together with any improvements structures or buildings therein or thereon

Section 637 Any school district shall have power and authority in the manner hereinbefore provided to acquire title in the name of the school district to any additional lands or interests in lands which may be required to carry out the purposes of these amendments

Section 638 Any school district shall have power and authority to enter into contracts with the General State Authority to lease as lessee from the Authority any school building or any improvement thereto constructed by the Authority for a term not exceeding thirty (30) years at such rental or rentals as may be determined by the Authority and upon the completion of such school buildings or improvements the school district shall have power and authority to lease the same as lessee for a term not exceeding thirty (30) years at such rental or rentals as may be determined by the Authority

Section 639 The Department of Public Instruction shall have power and authority with the approval of the Governor to join with any school district in entering into any of the contracts and leases with the General State Authority authorized by the preceding section of this act Under all such contracts the Commonwealth shall pay to the Authority the following proportional parts of the rental or rentals agreed upon In the case of school districts which have a true valuation per teacher of assessable property of twenty-five thousand dollars ($25,000) or less seventy per centum (70%) of such rental or rentals in the case of districts which have a true valuation per teacher of assessable property of more than twenty-five thousand dollars ($25,000) and not more than fifty thousand dollars ($50,000) sixty per centum (60%) of such rental or rentals in the case of districts which have a true valuation per teacher of assessable property of more than fifty thousand dollars ($50,000) and not more than seventy-five thousand dollars ($75,000) fifty per centum (50%) of such rental or rentals in the case of districts which have a true valuation per teacher of assessable property of more than seventy-five thousand dollars $75,000) and not more than one hundred thousand dollars ($100,000) forty per centum (40%) of such rental or rentals in the case of districts which have a true valuation per teacher of assessable property of more than one hundred thousand dollars ($100,000) and not more than one hundred and fifty thousand dollars ($150,000) thirty per centum (30%) of such rental or rentals in the case of districts which have a true valuation per teacher of assessable property of more than one hundred and fifty thousand dollars ($150,000) and not more than two hundred thousand dollars ($200,000) twenty per centum (20%) of such rental or rentals and in the case of districts which have a true valuation per teacher of assessable property of more than two hundred thousand dollars ($200,000) ten per centum (10%) of such rental or rentals Provided That in the case of financially distressed school districts the Commonwealth shall pay all or such additional part of the rental or rentals as the State Council of Education shall from time to time determine

Section 640 The board of school directors of any school district availing itself of the provisions of these amendments are hereby authorized to levy annually a tax not exceeding five mills on the dollar of the total assessment of all property assessed and certified for taxation in the district to pay the share of the district of all rentals for school buildings agreed to be paid to the General State Authority Such tax shall not be invalidated or affected by reason of the fact that it may increase the total annual school tax levy of any school district beyond the millage fixed or limited by law.

Section 641 Any two or more school districts may jointly enter into contracts and leases with the General State Authority for the construction or improvement of a school building for the joint use of such school districts and may either jointly or individually convey or lease as hereinbefore provided to the Authority any lands and improvements now owned or hereafter acquired by any one or more of such school districts The sharing of the cost of such land and improvements and of the rental or rentals payable to the Authority shall be agreed upon by boards of directors of such districts so joining in such manner and in such proportions as they may agree upon All schools established under the provisions of this section shall be maintained governed and controlled as other joint public schools under the laws of this Commonwealth

On the question,

Will the House agree to the section?

Mr. SHUGARTS. Mr. Speaker, I desire to offer the following amendments.

Mr. O'CONNOR. Mr. Speaker, I desire to offer amendments.

The SPEAKER. The amendments offered by the gentleman from Clearfield Mr. Shugarts will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1 (Sec. 636), page 2, line 14, by inserting after the word "authority" the following: "with the approval of the Department of Public Instruction"

Amend Sec. 1 (Sec. 637), page 3, line 2, by inserting after the word "authority" the following: "with the approval of the Department of Public Instruction and"

Amend Sec. 1 (Sec. 638), page 3, line 7, by inserting after the word "authority" the following: "with the approval of the Department of Public Instruction"

Amend Sec. 1 (Sec. 638), page 3, line 9, by inserting after the word "thereto" the following: "and the furnishings and equipment thereof"

Amend Sec. 1 (Sec. 638), page 3, line 13, by inserting after the word "improvements" the following: "and the furnishings and equipment thereof"

Amend Section 1 (Section 639), page 4, line 28, by striking out the following: "State Council of Education" and inserting in lieu thereof: "Department of Public Instruction.

Amend Section 1 (Section 640), page 5, lines 1 to 11, by striking out the following: "The board of school directors of any" in line 1, and all of lines 2 to 11, both inclusive, and inserting in lieu thereof: "In all cases where an audit under the direction of the State Superintendent of Public Instruction reveals that the board of directors of any school district has failed to pay, or to provide for the payment of, any rental or rentals due the General State Authority for any period, in accordance with the terms of any

lease entered into under the terms of these amendments, the State Superintendent of Public Instruction shall notify such board of school directors of its obligation, and may withold, out of any State appropriation due such school district, an amount equal to the amount of the rental or rentals owing by such school district to the General State Authority, until such time as he is officially advised that all obligations of such school district, with reference to any such rental or rentals, past due, have been met and paid in full, or arrangements to pay same have been made in a satisfactory manner, and approved by him."

Amend Section 1 (Section 641), page 5, line 12, by striking out the following: "Any" and inserting in lieu thereof: "With the approval of the Department of Public Instruction and of the county board of school directors, any."

Amend Section 1 (Section 641), page 6, line 15, by inserting after the word "building" the following: "and the furnishings and equipment thereof".

Amend Section 1 (Section 641), page 5, line 21, by inserting after the word "Authority" the following: "and the maintenance, government and control of the school."

Amend Section 1 (Section 641), page 5, line 21, by inserting after the word "by" the following: "the".

Amend Section 1 (Section 641), page 5, line 25, by striking out the following: "joint".

On the question?

Will the House agree to the amendments?

They were agreed to.

Mr. O'CONNOR. Mr. Speaker, the amendments which I have offered have been covered and I, therefore, withdraw my amendments.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Mr. SHUGARTS. Mr. Speaker, I desire to offer the following new section.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend bill, page 5, by inserting after line 26, the following: "Section 2. The provisions of this act shall become effective immediately upon its final enactment."

On the question,

Will the House agree to the amendment?

It was agreed to.

The title was read as follows:

An Act to amend article six of the act approved the eighteenth day of May, one thousand nine hundred and eleven, (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith;" by authorizing school districts, singly or jointly with other districts, to convey or lease property to the General State Authority, to acquire additional property for such purposes, to contract with and lease property from said Authority, and to levy additional taxes to pay rentals; and authorizing the Commonwealth to join with school districts in such contracts and leases, and in such cases, defining the assistance to be rendered by the Commonwealth.

On the question,

Will the House agree to the title

Mr. SHUGARTS. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend title, page 1, line 14 of title, by inserting after the word "purposes" the following: "and".

Amend title, page 1, line 16 of title, by striking out the following: "and to levy additional taxes to pay rentals and".

Amend title, page 2, last line of title, by inserting after the word "Commonwealth" the following: "and authorizing the withholding of State appropriations in certain cases."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 36, (Senate Bill No. 17), entitled:

An Act authorizing housing authorities to contract with and to lease or convey to the Commonwealth or any of its agencies including the General State Authority any area acquired or about to be acquired for slum clearance purposes

The first section was read and agreed to as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following words as used in this act shall have the following meanings

"Housing Authority" Any housing authority created by the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws nine hundred fifty-five) known as the "Housing Authorities Law"

"Project" Any work or undertaking to demolish clear or remove buildings from any slum area

"Slum" Any area in which there is a predominance of structures which by reason of dilapidation or over-crowding faulty arrangement or design lack of ventilation light or sanitary facilities or any combination of these factors are detrimental to safety health and morals

The second section was read as follows:

Section 2 Any housing authority shall have the power and authority either before it undertakes a project whereby it shall demolish clear or remove buildings from a slum area or after it has undertaken and completed such slum clearance project to enter into contracts with the Commonwealth of Pennsylvania or any agency thereof including the General State Authority to lease to the Commonwealth or such agency for a term not to exceed ninety-nine years or to grant assign or convey either the fee or such right title interest or easement as shall be deemed necessary in and to such slum area or any part thereof when or as cleared together with any improvements buildings or structures therein or thereon owned or about to be acquired by such housing authority needed by or convenient to the Commonwealth or any agency thereof including the General State Authority for any public purpose or purposes including the creation of public parks and the erection on the lands contracted for of buildings improvements and structures deemed necessary for the use of the Commonwealth or needed or convenient for the corporate purposes of such agency

On the question,

Will the House agree to the section?

Mr. CAPUTO. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Senate Bill No. 17, Printer's No. 7, page 2, Section 2, line 8, by inserting after the word "agency" the words "or instrumentalities of Government".

Amend Senate Bill No. 17, Printers No. 7, page 2, Section 2, line 17 by inserting after the word "agency" the words "or instrumentality of Government".

Amend Senate Bill No. 17, Printer's No. 7, page 2, Section 2, line 23 by inserting after the word "agency" the words "or instrumentality of Government".

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third section was read as follows:

Section 3 No such contract to lease grant assign or convey any slum area to the Commonwealth or any of its agencies including the General State Authority entered into before the clearance of such slum shall be valid unless it shall reserve the right unto and impose a duty upon the housing authority to demolish clear or remove all such buildings from the slum area as shall be necessary to change the character of said area and remove the slums therefrom as promptly as circumstances permit

On the question,

Will the House agree to the section?

Mr. CAPUTO. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Senate Bill No. 17, Printer's No. 7, page 2, Section 3, line 26 by inserting after the word "agencies" the words "or instrumentality of Government".

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fourth section was read as follows:

Section 4 Any housing authority shall have the power and authority after it has undertaken and completed a project whereby it shall have demolished cleared or removed buildings from a slum area to lease to the Commonwealth or any of its agencies including the General State Authority for a term not to exceed ninety-nine years or to grant assign or convey either the fee or such right title interest or easement as shall be deemed necessary in and to such slum area or any part thereof together with any improvements buildings or structures therein or thereon owned by such housing authority needed by or convenient to the Commonwealth or any agency thereof including the General State Authority for any public purpose or purposes including the creation of public parks and the erection on the lands so leased granted assigned or conveyed of buildings improvements and structures deemed necessary for the use of the Commonwealth or needed or convenient for the corporate purposes of such agency

On the question,

Will the House agree to the section?

Mr. CAPUTO. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Senate Bill No. 17, Printer's No. 7, page 3, Section 4, line 9 by inserting after the word "agencies" the words "or instrumentalities of Government".

Amend Senate Bill No. 17, Printer's No. 7, page 3, Section 4, line 16 by inserting after the word "agency" the words "or instrumentality of Government".

Amend Senate Bill No. 17, Printer's No. 7, page 3, Section 4 line 22 by inserting after the word "agency" the words "or instrumentality of Government".

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fifth section was read and agree to as follows:

Section 5 The powers rights and duties herein conferred or imposed upon housing authorities are in furtherance of and in addition to those provided for in the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 955) known as the "Housing Authorities Law"

The title was read as follows:

An Act authorizing housing authorities to contract with, and to lease or convey to the Commonwealth or any of its agencies, including the General State Authority, any area acquired or about to be acquired for slum clearance purposes.

On the question,

Will the House agree to the title?

Mr. CAPUTO. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Senate Bill No. 17, Printer's No. 7, by amending line 3 of the Title by inserting after the word "agencies" the words "or instrumentalities of Government".

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribe for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 35, (Senate Bill No. 16), entitled:

An Act authorizing the Commonwealth or any of its agencies including the General State Authority to contract with and to lease or acquire from any housing authority any area acquired or about to be acquired by such housing authority for slum clearance purposes

The first section was read and agreed to as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following words as used in this act shall have the following meanings

"Housing Authority" Any housing authority created by

the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws nine hundred fifty-five) known as the "Housing Authorities Law"

"Project" Any work or undertaking to demolish clear or remove buildings from any slum area

"Slum" Any area in which there is a predominance of structures which by reason of dilapidation overcrowding faulty arrangement or design lack of ventilation light or sanitary facilities or any combination of these factors are detrimental to safety health and morals

The second section was read as follows:

Section 2 The Commonwealth of Pennsylvania by the Department of Property and Supplies with the approval of the Governor and any agency thereof including the General State Authority shall have the power and authority to enter into contracts with any Housing Authority either before said Housing Authority undertakes a project whereby it shall demolish clear or remove buildings from a slum clearance project to lease from such Housing Authority as lessee for a term not to exceed ninety-nine years or to acquire from it as purchaser either the fee or such right title interest or easement as it may deem necessary in and to the slum area or any part thereof when or as cleared together with any improvements buildings or structures therein or thereon owned or about to be acquired by such Housing Authority needed by or convenient to the Commonwealth or any agency thereof including the General State Authority for any public purpose or purposes including the creation of public parks and the erection on the lands contracted for of buildings improvements and structures deemed necessary for the use of the Commonwealth or needed or convenient for the corporate purposes of such agency

On the question,

Will the House agree to the section?

Mr. CAPUTO. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 2, line 5, by inserting after the word "agency" the word "or instrumentality of Government".

Amend Section 2, line 15, by inserting after the word "area" the words "or area included in said project".

Amend Section 2, line 19, by inserting after the word "agency" the words "or instrumentality of Government".

Amend Section 2, line 25, by inserting after the word "agency" the words "or instrumentality of Government".

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third section was read as follows:

Section 3 No such contract whereby the Commonwealth or any agency thereof shall undertake to purchase or acquire any slum area entered into before the completion of the clearance of such slum shall be valid unless it shall impose a duty upon the Housing Authority to demolish clear or remove all such buildings from the slum area as shall be necessary to change the character of said area and remove the slums therefrom as promptly as circumstances shall permit

On the question,

Will the House agree to the section?

Mr. CAPUTO. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 3, line 27, by inserting after the word "agency" the words "or instrumentality of Government".

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fourth section was read as follows:

Section 4 The Commonwealth of Pennsylvania by the Department of Property and Supplies with the approval of the Governor and any agency thereof including the General State Authority shall have the power and authority after a Housing Authority has undertaken and completed a project whereby it shall have demolished cleared or removed buildings from a slum area to lease from such Housing Authority as lessee for a term not to exceed ninety-nine years or acquire from it as purchaser either the fee or such right title interest or easement as it may deem necessary in and to the slum area or any part thereof together with any improvements buildings or structures therein or thereon owned by such Housing Authority needed by or convenient to the Commonwealth or any agency thereof including the General State Authority for any public purpose or purposes including the creation of public parks and the erection on the lands so acquired of buildings improvements and structures deemed necessary for the use of the Commonwealth or needed or convenient for the corporate purposes of such agency

Will the House agree to the section?

On the question,

Mr. CAPUTO. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 4, line 8, by inserting after the word "agency" the words "or instrumentality of Government".

Amend Section 4, line 20, by inserting after the word "agency" the words "or instrumentality of Government".

Amend Section 4, line 25, by inserting after the word "agency" the words "or instrumentality of Government".

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fifth section was read and agreed to as follows:

Section 5 The powers rights and duties herein conferred or imposed upon the General State Authority are in furtherance of and in addition to those provided for in the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred fifty-two) known as the "General State Authority Act of one thousand nine hundred and thirty-five" and its amendments

The title was read as follows:

An Act authorizing the Commonwealth or any of its agencies, including the General State Authority, to contract with, and to lease or acquire from any housing authority, any area acquired or about to be acquired by such housing authority for slum clearance purposes.

On the quqestion.

Will the House agree to the title?

Mr. CAPUTO. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend line 1 of the title by inserting after the word "agencies," the words "or instrumentalities of Government."

On the quqestion.

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 28, (Senate Bill No. 5), as follows:

An Act to amend section two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-sevon (Pamphlet Laws two thousand fifty-one) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" by re-defining "assistance" so as to provide for medical care in place of services

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1. Section two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws two thousand fifty-one) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" is hereby amended to read as follows

Section 2. Definitions As used in this act unless otherwise indicated

"Assistance" means assistance in money goods shelter [services] medical care or burial provided from or with State or Federal funds for indigent persons who reside in Pennsylvania and need assistance to enable them to maintain for themselves and their dependents a decent and healthful standard of living and for indigent homeless or transient persons The word assistance shall be construed to include pensions for those blind persons who are entitled to pensions as provided in this act

"Local Board" means any county board of assistance established under the provisions of this act and shall include any county relief board or Board of Trustees of the Mothers' Assistance Fund or Board of Trustees of Pension Fund for the Blind until abolished in accordance with law

The masculine pronoun includes the feminine.

Section 2 This act shall become effective the fifteenth day of September one thousand nine hundred and thirty-eight

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 29, (Senate Bill No. 7), entitled:

An Act to amend section four of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred fifty-two) entitled: "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" as amended by providing for additional projects and providing for the leasing of projects by the Authority to school districts

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1. Section four of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred fifty-two) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" as amended by section one of the act approved the eighteenth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws six hundred seventy-six) is hereby further amended to read as follows

Section 4. Purposes and Powers General The Authority is created for the purpose of constructing improving maintaining and operating sewers sewer systems and sewage treatment works for State institutions of every kind and character (heretofore or hereafter constructed) public buildings for the use of the Commonwealth State arsenals armories and military reserves State airports and landing fields State institutions of every kind and character

(heretofore or hereafter constructed) additions and improvements to land grant colleges school buildings for the use of the public schools State highways and bridges tunnels and traffic circles on State highways swimming pools and lakes on State land and dams and improvements to river embankments (any and all the foregoing being herein called "projects") and the Authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes including but without limiting the generality of the foregoing the following rights and powers

(a) To have perpetual existence as a corporation

(b) To sue and be sued implead and be impleaded complain and defend in all courts

(c) To adopt use and alter at will a corporate seal

(d) To acquire purchase hold lease as lessee and use any property real personal or mixed tangible or intangible or any interest therein necessary or desirable for carrying out the purposes of the Authority and (without limitation of the foregoing) to lease from the department or from any school district any property real personal or mixed or any interest therein now owned or hereafter acquired by the Commonwealth of Pennsylvania with the approval of the Governor or now owned or hereafter acquired by such school district for a term not exceeding ninety-nine years at a nominal rental or at such annual rental as may be determined and with the approval of the Governor to lease as lessor to the Commonwealth of Pennsylvania and any city county school district or other political subdivision or any agency department or public body of the Commonwealth or land grant college any project at any time constructed by the Authority and any property real personal or mixed tangible or intangible or any interest therein at any time acquired by the Authority

(e) To acquire by purchase lease or otherwise and to construct improve maintain repair and operate projects

(f) To make by-laws for the management and regulation of its affairs

(g) To appoint officers agents employes and servants to prescribe their duties and to fix their compensation

(h) To fix alter charge and collect rates rentals and other charges for the use of the facilities of or for the services rendered by the Authority or projects thereof at reasonable rates to be determined by it for the purpose of providing for the payment of the expenses of the Authority the construction improvement repair maintenance and operation of its facilities and properties the payment of the principal of and interest on its obligations and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations

(i) To borrow money make and issue negotiable notes bonds and other evidences of indebtedness or obligations (herein called "bonds") of the Authority and to secure the payment of such bonds or any part thereof by pledge or deed of trust of all or any of its revenues rentals and receipts and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds whether issued or to be issued as the Authority shall deem advisable and in general to provide for the security for said bonds and the rights of the holders thereof

(j) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business

(k) Without limitation of the foregoing to borrow money and accept grants from and to enter into contracts leases or other transactions with any Federal agency

(l) To have the power of eminent domain

(m) To pledge hypothecate or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority

(n) To do all acts and things necessary or convenient to carry out the powers granted to it by this act or any other acts

Provided however That the authority shall have no power at any time or in any manner to pledge the credit or taxing power of the Commonwealth or any of its cities counties or other political subdivisions nor shall any of its obligations or debts be deemed to be obligations of the Commonwealth or any of its cities counties or political subdivisions nor shall the Commonwealth or any city county or political subdivision thereof be liable for the payment of principal of or interest on such obligations.

On the question,

Will the House agree to the section?

Messrs. SHUGARTS and MOOMAW. Mr. Speaker, we desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 1, page 3, line 9, by inserting after the word "buildings" the following: "and the furnishings and equipment thereof"

Amend Section 1, page 5, by inserting between lines 24 and 25, the following: "Provided, however, when projects are to be constructed, improved, maintained, repaired or operated for the use of any department of the Commonwealth, as hereinbefore listed in this section, no plans or specifications therefor shall be presented for quotations or bids until such plans and specifications shall have been submitted to and approved by the department of the Commonwealth which shall use such project, the Department of Property and Supplies, the Department of Labor and Industry and any other department of the Commonwealth having any jurisdiction over the projects, so that the project will conform to such standards established by these departments."

Amend Section 1, page 5, line 25, by striking out with light-faced brackets, the following "however" and inserting in lieu thereof: "further"

Amend Section 1, page 5, line 28, by inserting after the word "counties" the following: "school districts"

Amend Section 1, page 6, line 2, by inserting after the word "counties" the following: "school districts".

Amend Section 1, page 6, line 3, by inserting after the word "county" the following: "school district"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

Messrs. SHUGARTS and MOOMAW. Mr. Speaker, we desire to offer the following new sections.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend bill, page 6, by adding at the end thereof, after line 5, the folowing:

"Section 2. Said act is hereby amended by adding thereto Section 9.2 to read as follows:

Section 9.2. Contracts to Lease and Leases by Department of Public Instruction and School Districts from Authority. The Department of Public Instruction and any school district shall have power and authority, with the approval of the Governor, to enter into contracts with the Authority, to lease as lessee from the Authority any school building and the furnishings and equipment thereof, constructed or improved by the Authority, for a term, with respect to each, not exceeding thirty (30) years, at such rental or rentals as may be determined by the Authority, and upon the completion of said school building and the furnishings and equipment thereof, the department and school district shall have power and authority, with the approval of the Governor, to lease as lessee any school building and the furnishings and equipment thereof completed by the Authority for a term, with respect to each, not exceeding thirty (30) years, at such rental or rentals as may be determined by the Authority."

On the question,

Will the House agree to the amendments?

It was agreed to.

Mr. SHUGARTS. Mr. Speaker, I desire to offer the following new section.

The SPEAKER. The amendment will be read by the Clerk.

Amend bill, page 6, after Section 9.2 by adding the following new paragraph:

"Section 3. The provisions of this act shall become effective immediately upon its final enactment."

On the question,

Will the House agree to the amendment?

It was agreed to.

The title was read as follows:

An Act to amend section four of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred fifty-two) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" as amended by providing for additional projects and providing for the leasing of projects by the Authority to school districts

On the question,

Will the House agree to the title?

Messrs. SHUGARTS and MOOMAW. Mr. Speaker, we desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend title, page 1, line 1, by inserting after the word "To" the following: "further"

Amend title, page 1, line 1, by inserting after the word "of" the following: "and to add Section 9.2 to"

Amend title, page 2, line 2, by striking out the following: "as amended"

Amend title, page 2, line 3, by striking out the following: "and providing for" and inserting in lieu thereof: "the acquisition of property from school districts and"

Amend title, page 2, line 4, by inserting after the word "districts" the following: "imposing duties upon the Department of Property and Supplies, the Department of Labor and Industry, and all departments having an interest in certain projects; and authorizing the Department of Public Instruction and school districts to contract with and lease from the Authority"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 8, entitled:

An Act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by such department with the General State Authority for the use and occupancy by the Commonwealth of various projects, structures, buildings, and facilities of the Authority or for the services rendered by the Authority or its projects.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—180.

Achterman,	Elpern,	McCullough,	Shepard,
Alexander,	Falkenstein,	McDermott,	Shoemaker,
Allen,	Finnerty,	McDevitt,	Shugarts,
Allmond,	Fiss,	McElroy,	Siegel,
Arnold,	Flanagan,	McFall,	Simon,
Atkins,	Ganser,	McGee,	Sloan,
Aukerman,	Gerard,	McShane,	Snyder,
Baine,	Gillette,	Melchiorre,	Sollenberger,
Baker, J. J.,	Gorski,	Mellott,	Spengler,
Balthaser,	Haberlen,	Mihm,	Stackpole,
Bierly,	Hagerty,	Mooney,	Stank,
Blank,	Hall,	Moran,	Stewart,
Bohn,	Hamilton, F. P.,	Moul,	Stockham,
Boles,	Hamilton, R. S.,	Muir,	Terry,
Boltz,	Harkins,	Munley,	Thomas,
Boose,	Harmuth,	Murrin,	Thompson,
Boyer,	Hays,	Nagel,	Tronzo,
Bradley,	Hering,	O'Brien,	Trout,
Brancato,	Hess,	O'Connor,	Tumelty,
Brigerman,	Hetrick,	Ominsky,	Valibus,
Broad,	Hindman,	O'Neill,	VanAllsburg,
Brown,	Hirsch,	Patterson, C. S.,	Vogt,
Brownfield,	Holland,	Patterson, J. W.,	Wagner,
Burrows,	Holmes,	Peale,	Wall,
Cadwalader,	Holstrom,	Perry,	Walsh,
Caesar,	Hontz,	Piole,	Wampole,
Caputo,	Horting,	Powers,	Watkins,
Chervenak,	Huntley,	Preston,	Webster,
Coakley,	Imbrie,	Readinger,	Weiss, D. H.,
Cohen, H. B.,	Jirolanio,	Reising,	Weiss, S. A.,
Cohen, R. E.,	Kane,	Robinson,	Welliver,
Coleman,	Keenan,	Rothenberger,	Welsh,
Coolahan,	Kilroy,	Royer,	Westrick,
Corrigan,	Kline,	Rush,	Whalen,
Costanzo,	LaRue,	Sarraf,	Whitenight,
Davies,	Leisey,	Scanlon,	Wilson,
DeNote,	Levy,	Schor,	Wood,
Dickinson,	Lewis,	Schrock,	Wright,
Dougherty,	Long,	Schrope,	Yanoshat,
Downey,	Longaker,	Schumacher,	Yourishin,
Dubbs,	Lyons,	Serrill,	Zappala,
Dyson,	Marino,	Shaw,	Furman,
Eckels,	Matthews, H. T.,	Shea,	

NAYS—8.

Habbyshaw,	Sproul,	Weidemann,	Woodside,
Mallen,	Turner,	Winner,	Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 16, Printer's No. 16, was passed over at the request of Mr. LOVETT.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 11, entitled:

A Supplement to the act approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (Appropriation Acts, page forty-five), entitled "An act making an appropriation to the Department of Public Assistance, for the purpose of carrying out the Public Assistance Law for the two years beginning June first, one thousand nine hundred thirty-seven, and for the payment of assistance and expenses accrued or incurred prior to, and remaining unpaid on, May thirty-first, one thousand nine hundred thirty-seven."

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—192.

Achterman,	Flinchbaugh,	McGee,	Siegel,
Alexander,	Ganser,	McKinney,	Simon,
Allen,	Gerard,	McShane,	Sloan,
Allmond,	Gilette,	Melchiorre,	Smith, James A.,
Arnold,	Gorski,	Mellott,	Snyder,
Atkins,	Habbyshaw,	Mihm,	Sollenberger,
Aukerman,	Haberlen,	Moomaw,	Spengler,
Baine,	Hagerty,	Mooney,	Sproul,
Baker, J. J.,	Hall,	Moran,	Stackpole,
Balthaser,	Hamilton, F. P.,	Moul,	Stank,
Bierly,	Hamilton, R. S.,	Muir,	Stewart,
Blank,	Harkins,	Munley,	Stockham,
Bohn,	Harmuth,	Murrin,	Strode,
Boles,	Hays,	Nagel,	Terry,
Boltz,	Hering,	O'Brien,	Thomas,
Boose,	Hess,	O'Connor,	Thompson,
Boyer,	Hetrick,	Ominsky,	Tronzo,
Bradley,	Hindman,	O'Neill,	Trout,
Brancato,	Hirsch,	Ostroff,	Tumelty,
Brigerman,	Holland,	Patterson, C. S.,	Turner,
Broad,	Holmes,	Patterson, J. W.,	Valibus,
Brown,	Holstrom,	Peale,	Van Allsburg,
Brownfield,	Hontz,	Pearson,	VanSickle,
Burrows,	Horting,	Perry,	Vogt,
Cadwalader,	Huntley,	Pershing,	Wagner,
Caesar,	Imbrie,	Piole,	Wall,
Caputo,	Jirolanio,	Powers,	Walsh,
Chervenak,	Kane,	Preston,	Wampole,
Coakley,	Keenan,	Readinger,	Watkins,
Cohen, H. B.,	Kilroy,	Reese,	Webster,
Cohen, R. E.,	Kline,	Reising,	Weidemann,
Coleman,	Kroll,	Robinson,	Weiss, D. H.,
Coolahan,	LaRue,	Rothenberger,	Weiss, S. A.,
Corrigan,	Leisey,	Royer,	Welliver,
Costanzo,	Levy,	Ruffennach,	Welsh,
Davies,	Lewis,	Rush,	Westrick,
DeNote,	Long,	Sarraf,	Whalen,
Dickinson,	Longaker,	Scanlon,	Whitenight,
Dougherty,	Lopresti,	Schor,	Wilson,
Downey,	Lovett,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McCullough,	Shaw,	Yanoshat,
Falkenstein,	McDermott,	Shea,	Yeakel,
Finnerty,	McDevitt,	Shepard,	Yourishin,
Fiss,	McElroy,	Shoemaker,	Zappala,
Flanagan,	McFall,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 34, Senate Bill No. 9, Printer's No. 9, was passed over at the request of Mr. HERBERT B. COHEN.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 22, entitled:

An Act to conform and validate past tax levies or assessments made by school districts of the first class and liens filed thereon.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198.

Achterman,	Flannery,	McElroy,	Siegel,
Alexander,	Flinchbaugh,	McFall,	Simon,
Allen,	Ganser,	McGee,	Skale,
Allmond,	Gerard,	McKinney,	Sloan,
Arnold,	Gilette,	McShane,	Smith, James A.,
Atkins,	Gorski,	Melchiorre,	Smith, John A.,
Aukerman,	Habbyshaw,	Mellott,	Snyder,
Baine,	Haberlen,	Mihm,	Sollenberger,
Baker, J. J.,	Hagerty,	Moomaw,	Spengler,
Balthaser,	Hall,	Mooney,	Sproul,
Bierly,	Hamilton, F. P.,	Moran,	Stackpole,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boles,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	Ominsky,	Tronzo,
Brigerman,	Hirsch,	O'Neill,	Trout,
Broad,	Holland,	Ostroff,	Tumelty,
Brown,	Holmes,	Patterson, C. S.,	Turner,
Burrows,	Holstrom,	Patterson, J. W.,	Valibus,
Cadwalader,	Hontz,	Peale,	Van Allsburg,
Caesar,	Horting,	Pearson,	VanSickle,
Caputo,	Huntley,	Perry,	Vogt,
Chervenak,	Imbrie,	Pershing,	Wagner,
Coakley,	Jirolanio,	Piole,	Wall,
Cohen, H. B.,	Kane,	Powers,	Walsh,
Cohen, R. E.,	Keenan,	Preston,	Wampole,
Coleman,	Kilroy,	Readinger,	Watkins,
Coolahan,	Kline,	Reese,	Webster,
Corrigan,	Kroll,	Reising,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Whitenight,
Downey,	Lovett,	Schor,	Wilson,
Dubbs,	Lyons,	Schrock,	Wilson,
Dyson,	Mallen,	Schrope,	Wood,
Eckels,	Marino,	Schumacher,	Woodside,
Elpern,	Matthews, H. T.,	Serrill,	Wright,
Falkenstein,	Matthews, J. F.,	Shaw,	Yanoshat,
Finnerty,	McArdle,	Shea,	Yeakel,
Fiss,	McCullough,	Shepard,	Yourishin,
Flanagan,	McDermott,	Shoemaker,	Zappala,
	McDevitt,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

STATEMENT BY MR. JOHN A. SMITH

Mr. JOHN A. SMITH asked and obtained unanimous consent to address the House.

Mr. Speaker and Members of the House: On the insistence of a constituent, I feel compelled to read to this House for identification another "Dear Oswald" letter.

"Dear Oswald:

"In the last letter I wrote to you I was tellin you about some of the troubles with milk inspectors and our outdoor utilities and then we was having trouble with the fellows who used to be Republicans and crawled on the Democratic band wagon so they wouldn't have to walk. Well we still have the milk inspectors to worry about and we still have the Band-wagon Republicans but the WPA is takin care of our Chick Sale troubles as fast as they can get to them. All over the country you can see these monuments of grey standing in memory of Mark Twain's "Old Back House."

"I see by the papers that you are having an investigation of the Democrats. The Republicans started one several months ago to get their names in the paper and now the Democrats has started one and they are gettin the same names in the paper that was there before. I think you Republicans has played a dirty trick on the Democrats some how because the investigation is advertisin Shelley and Margiotti all the time and not gettin no investigatin done.

"Margiotti got a lot of advertisin out of this stuff last Spring and now these fellows is stirrin up a lot more by showin how he joined up with your Republican caucus at Morgans house and showed you how to put the show across. First thing you know Charlie will be runnin on a sticker campaign for Governor again with all the free advertisin he is gettin, and Shelley will get a free ticket for the Senate or District Attorney or maybe Auditor General. You never can tell what that free advertisin will do and the way this investigatin committee is workin Margiotti and Shelly is gettin all of it.

"Well this investigatin committee idea is all right. No woman ever got a reputation for bein a bad house keeper by havin a Spring house cleanin and gettin the rugs and things out on the clothes line for a good airin. It wasn't no confession of carelessness for her to clean out the dirt once or twice a year. It is goin to be a whole lot better for the Democrats to do their own housecleaning than to let the Republicans do it for them providin the Democrats can get some of the free advertisin the other fellows has been gettin. It aint goin to hurt the Democrats if they find some dirt neither. Every body expects to find dirt when they start house cleanin. Even if all the Democrats is clean they kept enough Republicans in office to learn the Democrats all the tricks and since the old place didn't have a house cleanin in 40 years them Republicans that hung on to their old jobs could learn the Democrats a plenty.

"We mind how Witkin started out investigatin the Highway Department when Sam Lewis wanted to get the goods on Pinchot. Well about the time he got the windows open and started to dust off the piano the whole job was called off and the neighbors didn't even have a chance to see how much dirt was swept under the bed. Over our way we want to see this house cleanin go on and we don't want to have the committee stop when they get the Democratic dirt swept out. We want to see the floors scraped and the closets cleaned so that we know if we done right four years ago when we yelled "throw the rascals out."

"Speaking about four years ago we give Charlie Margiotti a lot of dirt to spill on you fellows—that is we gathered up all the dirt that was stickin out the windows. We gathered up a battered and disgusted Republican to go along with Charlie to nod his head when Charlie would spill a nice armful of dirt and say "that is the truth." Well that act went across big every place it was showed and when Charlie had done his act and our witness had done his noddin Charlie would take a big bow and say "Now ladies and gentlemen, just elect us Democrats and we will throw the rascals out and put the Republicans in jail as quick as you can say Jack Robinson." Now Charlie didn't put them Republicans in jail and we would like that house cleanin committee to dig up that old dirt and put them Republicans in jail at the same time that they put our Democrats in. There ain't nothing like treatin everybody alike.

'Now Oswald I think our Democrats could learn a lesson from your mistakes. You know when us Democrats started to get after John McClure and almost got him in jail you fellows all got around him and tried to hide him. You didn't join in with the Democrats and try to clean house and you didn't start no investigatin committee or try to impeach him on nothin. You even got mad at a Senator when he made a speech about him and called him names that you couldn't live down today if our Democrats would stop advertisin Shelley and Margiotti and get to diggin for dirt.

"It ain't goin to hurt us to get investigated by the grand jury or the investigatin committee. Even if the things that Margiotti say is true they ain't no worse than the things he said about you Republicans and if we get a half dozen Democrats that will make our party that much stronger because you fellows still have yours circulatin the smear you.

"I don't see why the Democrats is waiting for this investigation committee to get started before they open this campaign. Nobody over here thinks George Earle stole anything and the folks over in Perry County say that Charlie Jones wouldn't steal nothing so I don't see why they don't get their heads together and get them a chauffer like "Caesars wife" and start out campaignin. People is going to forget all about the good us Democrats done if someone don't pipe down on Shelley and Margiotti. It is abut time that us Democrats get some free advertisin.

"We don't stop producin milk as soon as our herd gets a dose of Bangs Disease. If the State Inspector comes and condemns a cow or two they go to the bucher and the suspicious ones go into quarantine until they get another blood test. The healthy ones keep right on making money for us until we find out how the suspicious ones react.

"Now if George and Charlie Jones need votes as bad as we need money they will do exactly the same thing. They will put the suspicious ones in quarantine until the committee and the grand jury run them blood tests and then go out over this state to tell the people the good we done in three and a half years. If a half dozzen Democrats and a half dozzen Republicans get caught because of the dirt that comes out of this house cleaning our party won't suffer because we will get credit for cleaning our own house and you will still have John McClure.

Hopefully yours,

HIRAM."

The SPEAKER. The remarks of the gentleman will be spread upon the Legislative Journal.

RESOLUTION

SYMPATHY EXTENDED

Mr. FISS offered a resolution which was twice read, considered and unanimously adopted by a rising vote:

In the House of Representatives, August 8, 1938.

The Honorable Francis T. Baker, one of the ranking Republican Members of the House of Representatives, and a generally well liked veteran of six regular, and seven special sessions, passed away suddenly at the Geisinger Hospital early this morning, where he had been a patient for some days, after being stricken with illness during attendance on the present legislative session.

Mr. Baker was born and reared in Union County, which he represented as Legislator. Popular with all of his constituents, he was particularly the friend of the farmers with whom he had come in contact during a long career as salesman of farm implements and machinery; therefore be it

Resolved, That this House express its deep-felt sorrow over the loss of an able and conscientious colleague, and make suitable note thereof on the minutes of this session; and be it further

Resolved, That a committee of seven Members of this House, to be appointed by the Speaker, be designated to represent the House of Representatives at the funeral of the Honorable Francis T. Baker; and be it further

Resolved, That a copy of these resolutions, properly certified, be forwarded to the widow of the deceased.

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 10. (HOUSE BILL No. 49).

A supplement to the act approved the sixteenth day of June, one thousand nine hundred and thirty-six, (P. L. 16), entitled "An act making an appropriation to the Department of Health to defray the cost of pumping the water from slate quarries and anthracite and bituminous coal mines which have been flooded, directly or indirectly, by the high waters during March, one thousand nine hundred thirty-six," by making a further appropriation to supply the deficiency incurred and needed under the provisions of said act.

Referred to the Committee on Appropriations.

BILLS INTRODUCED AND REFERRED

By Mr. DICKINSON. HOUSE BILL No. 50.

An Act making an appropriation to the Department of Property and Supplies, for preliminary expenses in proposed acquisitions of real property from housing authorities.

Referred to the Committee on Appropriations.

By Messrs. CLIFF S. PATTERSON, SIMON and ALLEN. HOUSE BILL No. 51.

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania, by adding thereto section twenty.

Referred to the Committee on Constitutional Amendments.

By Mrs. HORTING. HOUSE BILL No. 52.

An Act to amend section one hundred and seventeen, as amended, and section two hundred and six, of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing an additional method for creating independent school districts, and the appointment of school directors therein.

Referred to the Committee on Education.

By Mr. O'CONNOR. HOUSE BILL No. 53.

An Act imposing a State tax payable by those herein defined as distributors on fuel oil used or sold and delivered within the Commonwealth; providing for the collection and lien of the tax and the distribution and use of the proceeds thereof; requiring such distributors to secure permits to give security to file reports and to retain certain records; imposing duties on retail dealers, common carriers and such distributors; providing for rewards, imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties and making an appropriation.

Referred to the Committee on Ways and Means.

REQUEST TO INTERROGATE

Mr. KILROY. Mr. Speaker, is it out of order to interrogate the gentleman from Cumberland.

The SPEAKER: It is not out of order, if the gentleman will permit himself to be interrogated.

Mr. JOHN A. SMITH: It is out of order. I refuse to permit myself to be interrogated.

COMMITTEE MEETINGS

The Committee on Welfare will meet in the House Conference Room immediately following the adjournment of this session.

The Republican members will caucus immediately after adjournment in the House Caucus Room.

ADJOURNMENT

Mr. STEWART. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1:00 p. m.

The motion was agreed to, and (at 9:20 p. m.) the House adjourned until Tuesday, August 9, 1938, at 1:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1938

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SENATE

TUESDAY, August 9, 1938.

The Senate met at 1:00 o'clock P. M., (E. S. T.).

The President (Lieutenant Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, LL. D., offered the following prayer:

O Thou that dwellest in the heavens, we lift up our eyes unto Thee in praise and prayer and thanksgiving—for Thou art pleased with the petitions of Thy people.

We bless Thee for the heritage of our fathers. How mightily Thou hast wrought in them! In a land of unfailing plenty, through them and under Thee, we are a free people except for the manacles which we have forged for ourselves.

By the calendars of time we are even now a young nation—and we believe the greatest is yet to come, if we serve and honor Thee. Forbid, Oh God! that evil ways shall bring upon us our sunset at our noon-tide! but lead us in the path of Thine own high purpose.

We ask and pray Thee for that wisdom that is from above, that we may ponder the path of our feet—for the the path of the just is as a perfect and shining light, that shineth more and more unto the perfect day. Amen.

JOURNAL APPROVED

The President—A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. HUFFMAN, the further reading was dispensed with, and the Journal was approved.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

TIME OF NEXT MEETING

Mr. HUFFMAN offered the following resolution, which was twice read, considered and agreed to:

In the Senate, August 9, 1938.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, August 15, at 8 o'clock, Eastern Standard Time; and that when the House of Representatives adjourns this week it reconvene on Monday evening, August 15, at 8 o'clock, Eastern Standard Time.

RESOLUTION GRANTING USE OF SENATE CHAMBER FOR PUBLIC HEARING ON HOUSE BILL No. 17.

Mr. DENT offered the following resolution, which was twice read, considered and agreed to:

In the Senate, August 9, 1938.

Resolved, That the use of the Senate Chamber be given to the Committee on Labor and Industry, on Tuesday afternoon, at two o'clock, Eastern Standard Time, for the purpose of a public hearing on Senate Bill No. 31 (House Bill No. 17), amending Workmen's Compensation Act of 1915. P. L. 736.

RESOLUTION REQUESTING CERTAIN INFORMATION OF THE RUTH JOINT LEGISLATIVE COMMISSION

Mr. KUNKEL offered the following resolution which was twice read as follows:

In the Senate, August 9, 1938.

Whereas, The Ruth Commission, reporting on the administration of criminal justice, reveals disregard or ignorance of the law, chicanery, trickery and defiance of the constitutional rights of individuals on the part of some Philadelphia courts covered by its investigation; and

Whereas, This Commission also reports "that the only sure protection . . . is the character and integrity of our justice officers;" and

Whereas, This report thus reflects upon Philadelphia courts and judges in general, since it fails to reveal names, cite instances or state facts in support of its findings; therefore be it

Resolved, That the Ruth Commission be requested to report forthwith in detail the facts, naming courts, cases and judges involved in arbitrary, illegal and underhand acts in violation of the law and the constitutional rights of citizens.

Mr. KUNKEL. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and that the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection?

Mr. BUCKMAN. Mr. President, I object.

The PRESIDENT. The Chair hears objection and the resolution is referred to the Committee on Judiciary General.

EMPLOYE OF THE SENATE

Mr. JACOBS, offered the following resolution, which was twice read, considered and agreed to:

In the Senate, August 9, 1938.

Resolved that Wadsworth S. Stutts of Mifflin, Juniata County, be elected a page of the Senate, vice Earl Foster Crawford, resigned.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and con-

sideration of Senate Bill No. 33 (House Bill No. 15), entitled:

An Act authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate, efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth, conferring upon the commission full power to issue subpoenas and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued, requiring the commission to make a report of its findings and recommendations to the General Assembly or to the Governor and authorizing the commission to employ counsel and employes and making an appropriation.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. CHAPMAN. Mr. President, I wish to speak in opposition to this bill. I am not opposed to this bill if it can be shown me that the sponsor of this measure will undertake amendments that may justify its enactment.

First, it is a useless bill. The sponsors of the bill would make us believe that this act will cure the so-called iniquities of the petroleum industry and that gas will be sold very much cheaper than it is now being sold. The price today of gasoline is about six and one-half cents, or rather the cost of production wholesale. The state tax is three cents, the federal tax is one cent, making something like ten and one-half cents. This is not including its distribution, freight, or the local dealers.

Mr. President, this bill is a nuisance bill. One of the large independent oil companies in my district kept their office force the entire time for about two months at the previous hearing. We have received two questionnaires and a great many questions are being asked that we have no record of because we have never kept records. It is a great nuisance to us; one of these questionnaires is fifteen pages and the other is sixteen pages long.

This bill is an expensive bill. We appropriated eighteen or twenty thousand dollars for this Commission's expenses. I am not concerned about the large companies or industries, but I am concerned about the small producers and oil people who constitute about sixty per cent of the producers of oil. The sixty per cent that I represent I am very much concerned about, and I think that this Oil Commission bill will impede legislation and I hope that the Senate will vote against this measure.

Mr. LAW. Mr. President, in regard to this bill I would like to call the attention of the gentlemen of the Senate to the fact that the purpose of this bill is to carry out a purpose which we had at the last session, but the Courts determined that the bill, because it happens to be in its particular form a joint resolution rather than a bill, was not sufficient.

After the investigation was begun some very interesting facts were learned about the oil business. So long as the Committee only touched the little fellows nothing was said, but by the time they started to get to a position where they were stepping on the toes of the Pews and the other big oil leaders of Pennsylvania, those special privileges that we have heard so much about, these big fellows stepped in and got action from the Court to stop the Commission from sitting. As soon as the Court had determined that the Act was unconstitutional, immediately prices were reduced to the oil producers. They received less money and the old practices which had been stopped in the matter of unfair competition between refiners and small independent gasoline dealers were resumed.

Throughout the entire State there is a chaotic condition in the oil and gasoline industry which can only be stopped by the completion of the investigation which was begun and which we are by this bill proposing to continue. I ask that all the members join in voting for this bill which will bring respectability and order to the oil industry of Pennsylvania.

Mr. THOMPSON. Mr. President, this bill, House Bill No. 15, was introduced to correct, as the Senator from Mercer told you, the objection of the Supreme Court to having the Commission created by a resolution instead of an act. If the gentlemen of the House will recall, last Spring a year ago when the Oil Commission was created, it was created as it has always been done heretofore in the history of the Commonwealth, and has never been challenged,—by a joint resolution.

The Cities Service Oil Company took exception to the Act and the Supreme Court declared the Commission out of order on account of the fact that it was created by a resolution and not an act. Probably two-thirds of the work of this Commission has been done. The material, the information and all that sort of thing is lying in the Commission's old offices in Pittsburgh, uncompiled and unedited. This is a tremendous loss of valuable information that has been accumulated on the oil industry in Pennsylvania, which of course will not amount to anything unless it is compiled. The Commission held hearings constantly for months and all this testimony is there. Were the Commission revived by this bill, all of that could be edited and compiled and analyzed and a report made to the Governor and to the Legislature, as the bill provides.

The appropriation which is called for in the bill is only the unexpended balance of the original appropriation and against that the Commission has a number of bills which are as yet unpaid. A large portion of the appropriation as called for in this bill is represented by the Commission's bills which are as yet unpaid, and the balance will be sufficient to carry on the work of the Commission and complete it.

Mr. OWLETT. Mr. President, I would like to interrogate the Senator from Centre, Mr. Thompson.

The PRESIDENT. Will the Senator from Centre, Mr. Thompson, permit himself to be interrogated?

Mr. THOMPSON. Mr. President, I will.

Mr. OWLETT. Mr. President, I would like to ask the Senator if he was a member of the commission which was halted in its work.

Mr. THOMPSON. Mr. President, I was a member, yes.

Mr. OWLETT. Mr. President, will the Senator be willing to inform the Senate as to the employees, and expenditures that have been made to date by this Commission that was unconstitutionally formed?

Mr. THOMPSON. Mr. President, I can't give you that exact data. There are some of the employees of the Commission, principally the executive employees, who have not drawn their salaries for compensation up to date. The executive secretary, I believe, drew no compensation after the litigation began and many accounts of the commission are unpaid. The Commission has the expenses

of the litigation, and its counsel, the expense of printing the papers, and that sort of thing. I would imagine although I want it to be clearly understood that I don't attempt to give accurate information, but I believe that about seven or eight thousand dollars worth of bills of the Commission remain unpaid.

Mr. OWLETT Mr. President, will the Senator inform the Senate as to the number of employees of this Commission?

Mr. THOMPSON. Mr. President, I would imagine that the number of employees would be about ten, including counsel for the Commission.

Mr. OWLETT. Mr. President, will the Senator give us the names of the counsel and the other employees that were employed by the Commission?

Mr. THOMPSON. Mr. President, the counsel for the Commission were Mr. William Litke of Bellefonte and Mr. John H. Fertig of Harrisburg.

Mr. OWLETT. Mr. President, will the Senator advise us the salary that they were to be paid?

Mr. THOMPSON. Mr. President, Mr. Litke and Mr. Fertig both received two hundred and fifty dollars a month.

Mr. OWLETT. Mr. President, will the Senator give us the names and the salaries of the rest of the employes of this Commission?

Mr. THOMPSON. Mr. President, Dr. Ross, the executive secretary of the Commission,—who has helped in work of this nature which was done by the French Government a number of years ago when they made their survey and made their regulatory legislation in connection with the wine industry in France,—I believe I am correct when I say he was paid at the rate of four thousand dollars a year. The rest of the help of the Commission was stenographic, secretarial, telephone operators etc.

Mr. OWLETT. Mr. President, I would like to ask the Senator one more question, whether or not this is a detailed statement of the expenses thus far and whether the unpaid bills could not be furnished by this Commission to the Senate before we act on this measure.

Mr. THOMPSON. Mr. President, I would say that they could if the Senator from Tioga had acted with diligence when he saw this bill up for first reading last week, and made that inquiry last week or made that request last night when the bill was up on second reading. I think the Senator is being unfair to the Commission and the Senate when he comes in here when the bill is on final passage and asks for a detailed statement, when he could have made that request a week ago.

REQUEST TO PUT BILL OVER IN ORDER

Mr. OWLETT. Mr. President, we on this side of the Senate have come to expect such a charge from the Senator from Centre, and the questioning of motives whenever any of us arise in matters in which he is involved, so that to be accused of unfairness is nothing more than expected when any such question is raised. However, I believe that before this Senate acts on the bill we ought to have the facts on the amount of money expended and the amount of unpaid bills and all the other data. We were asked to appropriate fifty thousand dollars, and thirty thousand dollars has already been illegally expended, and I ask that the bill go over in order.

Mr. THOMPSON. Mr. President, if the Senator from Tioga will wait five minutes I will have the information.

Mr. OWLETT. Mr. President, all I ask is that it go over in order until we have the information.

Mr. THOMPSON. Mr. President, I rise in opposition to the motion that the bill go over in its order generally. If the Senator means that this go over until the end of the calendar today I am perfectly satisfied.

Mr. OWLETT. Mr. President, I ask that it go over in its order until the Senate has its information as to what has been expended and as to the unpaid bills, the detailed information. If the information can be gotten in half an hour that is all the time needed.

Mr. THOMPSON. Mr. President, in view of the fact that the Senator from Tioga has seen this bill on the calendar for a week I object to the bill going over.

And the question recurring,

Will the Senate agree to the bill on third reading?

MOTION TO POSTPONE

Mr. OWLETT. Mr. President, I now move that the question together with further consideration of the bill be postponed for the present.

Mr. CHAPMAN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. Shapiro and were as follows, viz:

YEAS—14.

Bean,	Ealy,	Mallery,	Scarlett,
Buckman,	Gelder,	Owlett,	Wolfenden.
Chapman,	Heyburn,	Pierson,	Woodward.
Deitrick,	Lanius,		

NAYS—26.

Barthold,	Gilson.	Kunkel,	Rupp,
Cavalcante,	Haluska,	Law.	Ruth.
Dando,	Henney.	McCreesh,	Shapiro,
Dent,	Huffman,	Pytko,	Sipe,
DiSilvestro,	Jacobs,	Reed,	Stiefel,
Eroe,	Kahle,	Rodgers,	Thompson,
Frey,	Kilgallen,		

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution.

Mr. OWLETT. Mr. President, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—26.

Barthold,	Gilson.	Kunkel,	Rupp,
Cavalcante,	Haluska,	Law.	Ruth,
Dando,	Henney,	McCreesh,	Shapiro,
Dent,	Huffman,	Pytko,	Sipe,
DiSilvestro,	Jacobs,	Reed,	Stiefel,
Eroe,	Kahle,	Rodgers,	Thompson,
Frey,	Kilgallen,		

NAYS—14.

Bean,	Ealy,	Mallery,	Scarlett,
Buckman,	Gelder,	Owlett,	Wolfenden,
Chapman,	Heyburn,	Pierson,	Woodward,
Deitrick,	Lanius,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House

of Representatives with information that the Senate has passed the same without amendments.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 27, as follows:

An Act to amend section two of the act approved the eleventh day of April one thousand nine hundred twenty-nine (Pamphlet Laws four hundred eighty-seven) entitled "An act authorizing the Department of Welfare to determine the legal residence of indigent insane feeble-minded and epileptic persons returned to this Commonwealth by the authorities of another State or transferred from one poor district to another by the department and requiring the proper district to pay the costs of the care and treatment of such persons in accordance with the laws relating to indigent insane persons" by relieving poor districts of certain costs and placing such costs on the Commonwealth

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the eleventh day of April one thousand nine hundred twenty-nine (Pamphlet Laws four hundred eighty-seven) entitled "An act authorizing the Department of Welfare to determine the legal residence of indigent insane feeble-minded and epileptic persons returned to this Commonwealth by the authorities of another State or transferred from one poor district to another by the department and requiring the proper district to pay the costs of the care and treatment of such persons in accordance with the laws relating to indigent insane persons" is hereby amended to read as follows

Section 2 The [poor district wherein the legal residence of such person is so fixed by the Department of Welfare] Commonwealth shall be liable for the costs of the care and treatment of such person [in the same amount and shall guarantee the payment thereof and shall pay the same in the same manner as provided by law in like cases when the legal residence is admitted by the poor district such liability on the part of the poor district shall continue as in other cases unless and until the legal residence of such poor person is otherwise judicially determined]

Section 2 This act shall become effective the first day of June one thousand nine hundred thirty-nine

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. SHAPIRO. Mr. President. I move that Senate Bill No. 27, the bill just read, be recommitted to the Committee on City Government, for the purpose of further study.

Mr. GILSON. Mr. President. I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 26, as follows:

An Act relating to [illegible] institution districts [illegible] ment of mental patients [illegible] such institutions to the Commonwealth providing for the management and operation [illegible] closing thereof and the maintenance of mental patients therein conferring and imposing upon the Governor and the Department of Welfare and counties cities and institution districts certain powers and duties prohibiting cities counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients and repealing inconsistent laws

Whereas experience has proven that the care and maintenance of indigent mentally ill persons should be centralized in the State Government in order to insure their proper and uniform care maintenance custody safety and welfare and

Whereas complete care for such persons in institutions operated exclusively by the State Government will effect great economies for municipal subdivisions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subject to the provisions of this act the property real and personal constituting any institution including the grounds annexed thereto erected or acquired and dedicated by any county city or institution district for the care maintenance and treatment of mental patients is hereby transferred to and vested in the Commonwealth of Pennsylvania Any property so transferred or vested shall if suitable be used as a State mental hospital or if unsuitable shall be used as provided in this act

Section 2 It shall be unlawful hereafter for any county city or institution district to operate or maintain in whole or in part any existing institution for the care of mental patients or thereafter to begin to operate or manage any institution in whole or in part for this purpose Provided however That the county city or institution district having charge of any such existing institution shall continue to operate and manage the same under existing laws until the Department of Welfare of the Commonwealth with the approval of the Governor formally takes over the management and operation of such institution or formally closes such institution in the manner hereinafter prescribed in this act

Section 3 The Department of Welfare shall promptly make an investigation and survey of the institutions hereby transferred to the Commonwealth for the purpose of determining (1) which of the institutions are necessary having regard to the number of persons requiring care and treatment because of mental illness and the geographic location and capacity of other such mental hospitals and (2) which of the institutions having regard to existing facilities may be operated by the Commonwealth in such a manner as to insure the proper maintenance custody safety and welfare of mental patients Upon the completion of its investigation and survey the Department of Welfare shall submit to the Governor a report setting forth its findings and recommendations with respect to the institutions deemed necessary and suitable for the care maintenance and treatment of mental patients and the institutions deemed unnecessary or unsuitable for this purpose Upon receiving the report of the Department of Welfare the Governor shall from time to time but not later than the thirty-first day of May one thousand nine hundred thirty-nine having regard to the standards of necessity and suitability hereinbefore set out in this section determine which of the institutions shall be managed and operated by the Commonwealth as State mental hospitals and which institutions if any shall be closed Provided however That the Governor shall direct the Department of Welfare to take over the management and operation of the Philadelphia Hospital for Mental Diseases at Byberry as soon as practicable after the effective date of this act and before the completion of the investigation and survey hereinbefore required in this section Before the management and operation of any institution is taken over by the Department of Welfare the Governor shall issue his proclamation setting forth the date on which the Department of Welfare will take over the management and operation of the institution In the event it shall be determined that a particular institution is to be closed the Governor shall issue a proclamation setting forth the date on which such institution will be closed The original of any such proclamation shall be filed in the office of the

Secretary of the Commonwealth and a copy thereof shall be furnished the county city or institution district authorities having charge of such institution

Section 4 Each institution subject to this act which the Governor shall direct the Department of Welfare to operate and manage shall be operated and managed by such department as a State mental hospital in accordance with the laws of the Commonwealth relating to such hospitals The Department of Welfare in managing and operating any such institution shall have all the powers and perform all the duties vested in and imposed upon boards of trustees of State mental hospitals by the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) and its amendments designated as The Administrative Code of one thousand nine hundred twenty-nine All mental patients in any such institution at the time the management and operation thereof is assumed by the Department of Welfare shall have the same status as if originally committed or admitted to a State mental hospital Commitments may be made to any such institution mental patients may be detained maintained and cared for therein and transfers may be made therefrom and thereto in the same manner and in accordance with laws applying to other State mental hospitals The Department of Welfare shall have power to designate the counties of the Commonwealth from which commitments may be made to any such institution

Section 5 When the Commonwealth through the Department of Welfare assumes the control and management of any institution subject to this act the terms of all officers and employes and the local management of such institution shall cease and terminate The officers and employes of any such institution shall thereupon become employes of the Commonwealth subject to removal by the Secretary of Welfare

Section 6 In the event it shall be determined that any institution subject to this act shall be closed the Department of Welfare shall take charge of such institution and the terms of all officers and employes and the local management of such institution shall cease and terminate The officers and employes of such institution shall thereupon become the employes of the Commonwealth subject to removal by the Secretary of Welfare when their services are no longer required No new patients shall be admitted to any such institution after the date specified for its closing The Department of Welfare shall as soon as practicable transfer the patients in such institution to any other State mental hospital including any institution transferred to and being operated by the Commonwealth under this act as a State mental institution As far as practicable the department shall transfer such patients to such State mental hospital nearest to the locality in which the institution to be closed is located After the patients in such institution are transferred therefrom the Department of Welfare shall with the approval of the Governor turn the institution and its grounds over to the Department of Property and Supplies for use for any other State purpose as may be deemed necessary and advisable by the Governor

Section 7 After the effective date of this act and until the management and operation of a particular institution is formally assumed by the Department of Welfare or until a particular institution is closed under the provisions of this act but not later than the thirty-first day of May one thousand nine hundred thirty-nine the county city or institution district engaged in the operation and management of that institution shall continue to bear the expense of administering and operating the institution and the Commonwealth shall contribute towards the expense of indigent patients therein to the same extent and in the same manner as pertained under existing laws on the effective date of this act

Section 8 (a) All obligations incurred by reason of the erection acquisition or maintenance of a mental institution by the county city or institution district which are outstanding on the date that the Commonwealth shall take over the operation and management of such institution or shall order such institution closed shall remain the obligations of such county city or institution district and shall be paid in the same manner as though said operation and management still remained in said county city or institution district For the payment of such obligations the proper authorities of such county city or institution district shall continue to have the power to levy and collect taxes as if control and management of the institution were still vested in such county city or institution district

(b) All amounts due any county city or institution district for the care of any mental patient in any institution transferred to the Commonwealth by this act that have accrued and remain unpaid on the date that the Commonwealth shall take over the operation and management of such institution or the date such institution is closed may be collected by the county city or institution district in the same manner and to the same extent as if the control and management of the institution were still vested in such county city or institution district

Section 9 The following acts and parts of acts are hereby repealed

The act approved the twenty-fifth day of May one thousand eight hundred ninety-seven (Pamphlet Laws eighty-three) entitled "An act to provide for the maintenance care and treatment of the indigent insane in county and local institutions" as amended

The act approved the thirteenth day of May one thousand nine hundred nine (Pamphlet Laws five hundred thirty-five) entitled "An act to amend an act entitled "An act to provide for the maintenance care and treatment of the indigent insane in county and local institutions' approved May twenty-five one thousand eight hundred ninety seven increasing the weekly sum therein authorized to be paid from one dollar and fifty cents to two dollars"

All other acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 10 Section nine of this act shall become effective on the first day of June one thousand nine hundred thirty-nine and in all other respects this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. SHAPIRO. Mr. President. I move that Senate Bill No. 28, the bill just read, be recommitted to the Committee on City Government, for the purpose of further study.

Mr. RODGERS. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 29, as follows:

An Act To amend the act approved the eleventh day of July one thousand nine hundred twenty-three (Pamphlet Laws nine hundred ninety-eight) entitled "An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties" as amended by further defining and limiting the instututions in which persons mentally ill may receive care and treatment relieving counties and poor districts of the payment of the cost of the admission care and discharge of mental patients with certain exceptions imposing such

costs on the Commonwealth and repealing inconsistent laws

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections 201 301 302 303 304 305 306 307 309 311 312 407 501 503 506 and 509 of the act approved the eleventh day of July one thousand nine hundred twenty-three (Pamphlet Laws nine hundred ninety-eight) entitled "An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties" are hereby amended or further amended as the case may be to read as follows

Section 201 Mental patients in the Commonwealth shall be cared for

(a) In the following existing State hospitals Allentown State Homeopathic Hospital Danville State Hospital Farview State Hospital Harrisburg State Hospital Norristown State Hospital Warren State Hospital Torrance State Hospital and Wernersville State Hospital the Laurelton State Village Pennhurst State School and Polk State School and in addition thereto in any other institution taken over by the Commonwealth by law for operation and management as a State hospital for mental diseases

(b) In the semi-State institution known as Dixmont Hospital

(c) In such semi-State [county municipal incorporated district] or private institution or places as shall have procured from the department licenses as provided for in this act Provided That the authorities of general hospitals may set apart or establish beds wards or departments for the temporary care of mental patients under such conditions as may be approved by the department but no mental patient shall be admitted for care to any [almshouse poorhouse prison or other] place except a general hospital unless such [almshouse poorhouse prison or other] place shall have a license for such purpose from the department

(2) It shall be unlawful for the persons in charge of any institution or place within the jurisdiction of the department whether incorporated or nonincorporated except State institutions to care for any mental patient without having obtained from the department on or before the first day of January one thousand nine hundred and twenty-four and annually thereafter a license authorizing such institution or place to care for mental patients Provided however That any incorporated institution in existence when this act takes effect shall have the right by petition to appeal to the court of common pleas of the county in which the institution is situated from the order of the department refusing to grant licenses to such corporation and thereupon said courts shall determine whether the order of the department is reasonable and shall either dismiss the petition or make such order governing the act of the department in the premises as it shall deem wise

Section 301 Any person thought to be mentally ill may make application in writing to the superintendent of any hospital for mental diseases for admission as a patient to such hospital Such application shall be signed by the applicant in the presence of at least one witness

if the said superintendent shall be satisfied after examining the applicant that he is in need of hospital treatment and will be benefited thereby and that the mental condition of the applicant is such as to render him competent to make such application said superintendent may receive and care for the applicant in the hospital [Provided that a bond in the amount of five hundred dollars ($500.00) payable to the Commonwealth conditioned that the cost of care and maintenance of such patient be paid or in lieu thereof that an endorsement by the poor authorities of a county or poor district be furnished to the superintendent of such hospital]

Such patient shall not be detained for more than ten days after he shall have given notice in writing to the superintendent of his desire to leave said hospital but if in the opinion of the superintendent it is inadvisable to discharge such patient the said superintendent shall notify the friends or relatives of the patient or other persons liable for his support

Section 302 Whenever it shall appear that any person is mentally ill or in such condition as to be benefited by or need such care as is required by persons mentally ill the superintendent of any hospital for mental diseases may receive and detain such person on the written application of any relative or friend or the legal guardian of such person or any other responsible citizen and on the certificate of two qualified physicians that said person is mentally ill and is in need of treatment and care in a hospital for mental diseases [Provided That a bond in the amount of five hundred dollars ($500.00) payable to the Commonwealth conditioned that the cost of care and maintenance of such patient be paid or in lieu thereof that an endorsement by the poor authorities of a county or poor district be furnished to the superintendent of such hospital]

The application aforesaid shall be in the form prescribed by the department and shall state the name sex and residence of the patient the opinion that said patient is mentally ill and that care in such hospital is necessary for his benefit and the facts on which the said opinions are based and such other facts or information as may be required by the department If the facts called for or any of them are unknown to the applicant or applicants it shall be so stated in the application

In the certificate aforesaid the physicians shall each state his residence that he has resided in this State for at least three years that he has been licensed to practice medicine in this State that he has been in the actual practice of medicine for at least three years or has had at least one year's experience as physician in a hospital for mental patients that he is not related by blood or marriage to the patient or to the applicant or any of the applicants that he is not connected in any way as medical attendant or otherwise with the hospital to which application has been made for the admission of the patient that he has examined the patient with care and diligence within one week and that in his opinion the patient is mentally ill and in need of hospital care He shall further state in said certificate the information relative to the patient given him by others and the facts as to the physical and mental condition and the behavior of the patient which he has himself observed on which he bases his opinion

The aforesaid application and certificate shall be sworn to or affirmed before a judge or magistrate and said judge or magistrate shall certify to the genuineness of the signatures and to the standing and good repute of the signers of the certificate The certificate shall not authorize the admission of the patient unless the patient shall be admitted within two weeks of the date thereof

Section 303 Any person who is mentally ill may be placed and detained in a hospital for mental diseases by order of the court of common pleas or other court of record of the county in which the said person resides or is or of any law judge of said courts upon a sworn or affirmed application by any responsible person addressed to said courts or judge which application shall be accompanied by a sworn or a affirmed certificate of two qualified physicians Said application and certificate shall conform in all respects to the forms prescribed by the department and be executed not more than two weeks before the same are presented to the court or judge Such procedure may be held at any place in the discretion of the court or judge who may or may not in his discretion require the presence before him of the said mental patient

A certified copy of the order of the court or judge which shall impose liability for the payment of the cost of care and maintenance of such patient on his estate or on the persons liable under existing laws for his support or on the [proper county or poor district] Commonwealth and copies of the application and of the certificate shall accompany the patient and be given to the superintendent in charge of the hospital in which the patient is ordered to be placed The said application certificate and order shall be kept on file in a special docket in the court

Such an order shall not authorize the admission of the patient unless he shall be admitted to the hospital within two weeks from the date thereof The superintendent of said hospital shall receive the said patient and may

detain him therein until said patient shall have recovered or shall be removed according to law

Section 304 An application may be made to a court of common pleas or judge thereof for an order for the admission of any person thought to be mentally ill to a hospital for mental diseases whereupon the court or judge thereof may in its or his discretion immediately appoint a commission to inquire into and report upon the facts in the case Such commission shall be composed of three persons two of whom shall be qualified physicians and the other a lawyer They shall in their inquisition hear such evidence as may be offered or as they may require relating to the mental condition of the person whose admission to a hospital for mental disease is sought as well as the statements of such person or his counsel and shall make a report in writing to the court or judge thereof setting forth whether or not they find that the person in question is in fact mentally ill and a proper subject for admission to a hospital for mental disease and setting forth the facts on which their conclusion is based

If such commission finds that the person in question is mentally ill and is a proper subject for admission to a hospital for mental diseases and the court or judge thereof shall approve the report of the said commission said court or judge shall thereupon order the person to be admitted to and detained in the hospital named in the application which order shall impose liability for the payment of the cost of care an maintenance of such patient on his estate or on the persons liable under existing laws for his support or on the [proper county or poor district] Commonwealth A certified copy of the order of the court or judge and copies of the application shall accompany the patient and be given to the superintendent in charge of the hospital in which the the patient is ordered to be placed The said application and order shall be kept on file in a special docket in the court The court or judge may or may not in its or his discretion require the presence in court of the person thought to be mentally ill and the procedure may be held in any place in the discretion of the court or judge

If the person thought to be mentally ill shall refuse to submit himself to an examination by the aforesaid commission the court or judge thereof may issue a warrant for the bringing of said person before said commission for examination

Section 305 The superintendent of any hospital for mental diseases may receive in the hospital of which he has charge and detain for temporary care as a patient for a period not to exceed ten days any person who is or is thought to be suffering from mental illness on the written application to said superintendent by the legal guardian or relative or friend of such person which application shall be accompanied by a certificate of at least one licensed physician that immediate temporary care in a hospital for mental diseases is necessary for such person by reason of mental illness

Said application and certificate shall be given to the superintendent or other officer of the hospital at the time of the admission of the patient

If after the admission of such patient the superintendent shall be of the opinion that the patient does not require such temporary care the superintendent shall discharge said patient or shall notify the said guardian relative or friend on whose application the patient was admitted to forthwith remove the patient from the hospital whereupon it shall be the duty of said guardian relative or friend to remove him and said guardian relative or friend shall be liable to the hospital for the expenses incurred including those for care maintenance and removal

If the said superintendent shall be of the opinion that the patient requires further care and if the patient shall not have been removed from said hospital the said guardian relative or friend shall before the expiration of said period of ten days cause the patient to be duly committed according to law unless said patient shall have signed a request to remain as a voluntary patient [Provided in either event That within the ten-day period a bond in the amount of five hundred dollars ($500.00) payable to the Commonwealth conditioned that the cost of care and maintenance of such patient be paid or in lieu thereof that an endorsement by the poor authorities of a county or poor district be furnished to the superintendent of such hospital]

When such patient is so further committed the costs of such commitment shall be considered to include the expenses incident to his admission for temporary care

Section 306 The superintendent of any hospital for mental disease may receive and detain as a patient for a period not exceeding ten days any person whose case is certified to be one of violent or dangerous mental illness or of other emergency by two qualified physicians in a certificate similar to the certificate required in section three hundred and two of this act except as to being sworn or affirmed to Upon the request of one of the aforesaid physicians or any relative or friend or of the guardian or committee of said patient a sheriff or constable or police officer shall cause the delivery of said patient to the superintendent of said hospital

The person requesting such admission shall within ten days after the date of admission apply to a judge of the court of common pleas or other court of record of the county in which the patient is or resides or was apprehended for the commitment of said patient as mentally ill in accordance with the provisions of section three hundred and three of this act The certificate aforesaid may be used as the certificate of mental illness required in said section If within the said ten days no commitment be made or if the patient does not sign a request to remain in the hospital as a voluntary patient or if the patient be not removed the applicant aforesaid shall be liable to the hospital for the expenses incurred which may be recovered by the Commonwealth by suit in assumpsit

Section 307 The guardian committee or any relative or friend of a person thought to be mentally ill may make application to the court of common pleas or other court of record of the county wherein such person resides or is or to any judge thereof for an order for the commitment of such person to a hospital for mental diseases for observation diagnosis and treatment Such application shall be accompanied by the sworn certificate of two qualified physicians setting forth upon a form prescribed by the department that such person is in such a condition as to require observation in a hospital for mental diseases and giving the information called for by said form Thereupon or in his own discretion without such application the court or judge if satisfied that the condition of such person is such as to make his commitment desirable for his best interests shall commit him for such period and under such limitations as the court or judge may direct to the institution indicated in the application or to such other like institution as the court or judge may designate Provided That such court or judge at the time of commitment by order shall impose liability for the payment of the cost of care and maintenance of such patient on his estate or on the persons liable under existing laws for his support or on the [proper county or poor district] Commonwealth

The superintendent or other person in charge of the institution to which the said person is committed shall before the expiration of the period of commitment of the patient make written report of said patient's mental condition to the court or judge making the commitment Thereupon the court or judge if satisfied that the patient is not mentally ill shall order his discharge and that the cost of his transportation commitment care and treatment be paid by the person so committed by the applicant for his commitment or by the [poor authorities of the county or poor district in which such person is resident] Commonwealth as the court or judge shall deem just and proper otherwise the court or judge shall make such order for the further disposition of the patient as may to him seem proper

Section 309 The superintendent of any State or licensed school for mental defectives may receive and detain any mentally defective person resident of this State under twenty years of age and incapable of being properly educated and trained in the public schools whose condition or mental defect and whose need of and fitness for care in a school for mental defectives shall have been certified to by a qualified physician and whose admission shall be applied for by a parent guardian or relative of such person or by any other responsible person having custody of such mentally defective person or being liable for his support

The said application shall be made on a form prescribed by the department and shall state the name sex age and residence of said mentally defective person and such other facts as may be required by the department If the facts or any of them are unknown to the applicant it shall be so stated in the application

[If the said application is for the admission of a person to a school owned and controlled by the Commonwealth it shall be endorsed by the authorities of the county in which the said person resides if there be such authorities in said county otherwise by the directors or overseers of the poor districts in which said person resides]

But before any person shall be admitted to any school for mental defectives under the provisions of this section the consent of the managers or superintendent thereof to such admission shall have been obtained

[The poor authorities of any county or the overseers of the poor district therein in endorsing an application for the admission of a person to said school shall state whether or not such person has an estate of sufficient value or a parent or parents of sufficient financial ability to defray the expenses in whole or in part of supporting such person in said school and if there be such means of support in part only then the amount per month which the parents or parent or legal guardian of such person may be able to pay and the person or persons who make the application for such admission shall therein make statement under oath as to such means of support] Before said managers or superintendent shall accept an application for the admission of any person the Department of Revenue shall fix the amount if any which shall be paid for such support according to the ability of such parents or parent of the person or according to the value of such person's estate if any and shall require payment for such support so far as there may be ability to pay as a condition to the admission or retention of said person Said amount may at any time be changed by said Department of Revenue upon receiving further information concerning such means of support When neither the said person nor his parent or parents defray the expense of his support in said school [the poor authorities or directors or overseers of the poor endorsing the application shall pay to the Department of Revenue as collection agency of the school such an amount for clothing as may be required for the comfort and advantage of said person at an annual rate to be established by the Department of Revenue Provided That when clothing is furnished to a patient by relatives or others a county or poor district shall nevertheless be obliged to pay the established annual rate for clothing for such person to the department All other] such support at the school shall be provided for by annual appropriations at such per capita rates as shall be appropriated by the General Assembly on the application of the trustees or managers after submission of the same to and approval by the Department of Welfare Provided however That in any judicial district in which there is a municipal court vested with the exclusive jurisdiction over proceedings concerning children suffering from epilepsy nervous and mental defect admission of mentally defective or epileptic children to any State or municipal institution from said judicial district shall be exclusively vested in said court

Section 311 (a) Any person mentally defective may be placed and detained in a proper State or licensed school for mental defectives by order of the court of common pleas or other court of record or the juvenile court of the county in which such person is or resides upon the sworn or affirmed petition of any parent guardian or other responsible person addressed to the said court praying that the said person may be placed therein The said petition must be accompanied by a sworn or affirmed certificate of a qualified physician that it is his opinion that the said person is mentally defective and a proper subject for commitment to a school for mental defectives In the said certificate the physician shall further state the facts of his own observation and any other information upon which his said opinion is based It shall be in other respects in form similar to that prescribed by the department for the admission of persons mentally ill to a hospital for mental diseases

The said petition shall be in the form prescribed by the department and shall state the name sex age and residence of the person alleged to be mentally defective the opinion of the petitioner that the said person is mentally defective and such other facts as may be required by the department if the facts or any of them are unknown to the petitioner it shall be so stated in the petition Thereupon the said court or a judge thereof may in his discretion appoint a day for a hearing of the said petition and if he shall appoint a day for a hearing he shall cause notice thereof to be given to the proper parties in interest and in his discretion he may or may not require the presence of the alleged mentally defective person at said hearing If it shall be made to appear to the said court or judge that the said person is mentally defective and a proper subject for commitment to a school for mental defectives and that the best interests of the said person or the safety and welfare of the public require such commitment the court shall make an order committing such mentally defective person to the school named in the petition and direct his removal thereto by a proper officer or person but before any person shall be admitted under the provisions of this section to any school for mental defectives the consent of the managers trustee or superintendent thereof to such admission shall have been obtained

At the said hearing the said court or judge shall inquire as to the estate of such mentally defective person and if the same be sufficient for the purpose shall make an order directing the payment therefrom of the cost of clothing and other support of such mentally defective person in said school otherwise that such payment be made by the husband or parent of such mentally defective person if it appear that the circumstances of such husband or parent are such as to make such an order proper and advisable Where the estate of said mentally defective person is insufficient and the circumstances of said husband or parent are not such as to warrent such an order for the payment of clothing and other support or either of them the expense of clothing of said mentally defective person [shall be paid for by the said county or poor district in which such mentally defective person resides] and all other support shall be provided for by the Commonwealth at such per capita rates as shall be appropriated by the Legislature on the application of the trustees or managers of the said school after submission of the same to and approval by the department

When any mentally defective person shall have been committed to any school under the provisions of this subsection by a juvenile court the managers or superintendent of said school shall have authority to detain such person after he shall have reached the age of twenty-one years and thereafter in the discretion of said managers or superintendent such person may be discharged or allowed a leave of absence upon order of the court of common pleas or other court of record or a judge thereof of the county in which the said commitment was made

(b) When any person detained in any prison penitentiary reformatory or other penal or correctional institution whether awaiting trial or undergoing sentence except upon conviction for murder in the first degree shall in the opinion of the superintendent jail physician warden or other chief executive officer of the institution or other responsible person be mentally defective or when any person charged with a criminal offense and released on bail pending trial therefore shall in the judgment of any responsible person be a mental defective the said superintendent jail physician warden other chief responsible officer of the institution or other responsible person shall in the case of a person detained in an institution and said responsible person in other cases may make application upon a form prescribed by the departpartment to a law judge of the court having jurisdiction of the charge against said person believed to be mentally defective or under whose order he is detained for the examination and if necessary the commitment of said person to a proper institution for mental defectives

After the completion of the Cumberland Valley State Institution for Mental Defectives all applications for the commitment of male mental defectives over sixteen years

of age who have been arraigned and convicted or who are in custody on a criminal charge shall request the commitment of such persons to said Cumberland Valley State Institution for Mental Defectives

The judge to whom application shall be made as hereinbefore provided shall forthwith order an inquiry by two qualified physicians or by a commission as provided by section three hundred and four of this act who shall immediately examine the persn alleged to be mentally defective and make written report of their or its findings to the said judge If in their opinion the said person is mentally defective the physicians shall so state in a certificate conforming to the requirements of section three hundred and two of this act or the commission in a report conforming to the requirements of section three hundred and four of this act They or it shall also report whether in their or its opinion such person is of criminal tendency The said judge may in his discretion summon other witnesses and secure further evidence and if he shall then be satisfied that the person alleged to be mentally defective is in fact mentally defective he shall order his commitment to an institution for mental defectives or if detained in a prison penitentiary reformatory or other penal or correctional institution his transfer to an institution for mental defectives Provided That after the completion of the Cumberland Valley State Institution for Mental Defectives males over sixteen years of age committed or transferred under the provisions of this subsection shall be committed or transferred to the Cumberland Valley State Institution for Mental Defectives

If the person found to be mentally defective and committed to an institution under this subsection is awaiting indictment or trial or has been arraigned or is being tried proceedings against him shall be stayed until the condition becomes such that he can leave the institution His condition becoming such that he may be released from the institution for mental defectives he shall if he was previously confined in a prison penitentiary reformatory or other penal or correctional institution be returned upon proper order of the court to the institution from which he was transferred for the disposition of the charges against him or the completion of his sentence and if he was undergoing sentence the time during which he was in the institution for mental defectives shall be computed as part of the term for which he was sentenced If he was committed to the institution for mental defectives before trial he shall upon being released from the institution for mental defectives be returned to the court having jurisdiction over him for trial or such other disposition of such charges as the court may lawfully make The expense of examination including the fees of physicians or commissioners and all costs incidental to the commitment or transfer of such persons and if such person is undergoing sentence all costs of maintenance in the institution for mental defectives previous to the expiration of sentence shall be paid by the county liable for the maintenance of the patient in the prison penitentiary reformatory or other penal or correctional institution from which he was transferred without recourse against any poor district

Section 312 Any person under twenty-one years of age suffering from epilepsy may be admitted to and detained in any institution or place for the care of epileptics upon the written application to the superintendent of such institution or place by the parent guardian or other person liable for the support of such epileptic person and any epileptic person twenty-one years of age or over may be admitted upon his own written application signed in the presence of at least one witness if his mental condition is such as to render him in the opinion of the superintendent or attending physician of such institution or place competent to make such application [Provided That within ten days from the date of such admission a bond in the amount of five hundred dollars ($500.00) payable to the Commonwealth conditioned that the cost of care and maintenance of such patient be paid or in lieu thereof that an endorsement by the poor authorities of a county or poor district shall be furnished to the superintendent of such institution]

No epileptic person admitted upon such written application of parent guardian or other person shall be detained more than ten days after the said parent guardian or other person shall have given notice to the said superintendent of his desire or intention to remove such epileptic person and no epileptic person admitted upon his own written request shall be detained more than ten days after he shall have given written notice to the said superintendent of his desire or intention to leave

Section 407 The superintendent of any mental hospital may in his discretion allow a leave of absence for such period not exceeding twelve months andn upon such conditions as he may prescribe but not inconsistent with the provisions for discharge of patients as provided in section four hundred four to any patient whose condition is such as to warrant such action

Such leave of absence may be terminated by such superintendent who may if necessary authorize the apprehension and return of the patient to the hospital by any sheriff constable or police officer who shall thereupon cause such apprehension and return In such case the expenses necessarily incurred by such sheriff or other officer in such return of a patient shall be paid by the person in whose charge the patient was allowed to leave if he is financially able to pay otherwise such expenses shall be paid by the person [or poor authorities] liable for the maintenance of such patient in such hospital or by the Commonwealth

Section 501 Whenever any patient who is mentally ill mentally defective epileptic or inebriate is admitted to any mental hospital whether by order of a court or judge or in any other manner authorized by the provisions of this act the cost of such admission or commitment shall be deemed to include the expenses of removing such patient to the hospital the fees of physicians or commissioners and all other necessary expenses however incurred Such costs shall be chargeabe to the estate of such patient or to the person liable for his support Provided That if such estate or person is unabe to pay the same the [county or poor district liable for the support of such patient] Commonwealth shall be liable for such costs

If the patient is committed by order of court the court or judge shall determine at the time of commitment the liability for such costs [shall designate the responsible county or poor district] and shall assess the same as shall seem to him just and proper

Section 503 Whenever any mental patient is admitted whether by order of a court or judge or in any other manner authorized by the provisions of this act to any mental hospital maintained wholly or in part by the Commonwealth the cost of care and maintenance including clothing of such patient in such hospital shall be defrayed from the real or personal property of such patient and this liability may be enforced by writ or fieri facias venditioni exponas or attachment execution if he have any such property If he have no such property or is not possessed of sufficient property to defray such expenses then so much of said expenses as shall be in excess of any amount collected from his said property and paid on account of said expenses shall be paid by such person as is liable under existing laws for his support and if there be no such person or if he is financially unable to pay such expenses or any proportion thereof then such expenses or the proportion thereof which cannot be collected from the patient or the person liable for his support shall be paid by the [county or poor district or municipality which is liable for his support and by the Commonwealth in the proportion which is now or shall hereafter be fixed by law] Commonwealth

Section 506 Whenever any patient shall be transferred under the provisions of section five hundred and one of this act the cost of such transfer or removal shall be paid by the patient or by the person liable for his support if able financially to pay and if the transfer was made at the request of such person otherwise said costs shall be paid out of the appropriations for the care treatment and removal of indigent insane made to the department After such transfer the [municipality poor district or] person liable for his support and maintenance to the institution to which said patient has been admitted or the Commonwealth shall be liable to the insti-

tution to which such transfer has been made for support and maintenance

Section 509 All moneys whatsoever due from the estate of a mental patient or the persons liable under existing laws for such patient's support for the care and maintenance including clothing of such patient in a mental hospital owned and operated by the Commonwealth shall be collected by the Department of Revenue as collection agency for such institution and shall be promptly transmitted by the Department of Revenue to the State Treasurer For amounts due the Commonwealth from the counties [or poor districts] under existing laws for the care and maintenance including clothing of the criminal insane [indigent and partly indigent insane] in a mental hospital owned and operated by the Commonwealth the Department of Revenue shall promptly after the last day of each calendar month transmit to the county commissioners of the several counties [or the directors of the poor of the several poor districts] a certified account of the expenses of the care and maintenance including clothing of insane prisoners [or indigent and partly indigent inmates as the case may be] for such calendar month together with an order payable to the Department of Revenue drawn on the couny commissioners of the county [or treasurer of the poor district] who shall accept and promptly pay same to the Department of Revenue [Provided That the aforesaid accounts and orders rendered as of the thirty-first day of July one thousand nine hundred and twenty-nine shall include all amounts due the Commonwealth from the counties or poor districts that shall have accrued since the last prior billing of the said counties or poor districts by the boards of trustees of the aforesaid institutions And provided further That said orders drawn for the payment of the care and maintenance including clothing of the indigent and partly indigent insane shall be of such amounts as are now or shall hereafter be fixed by law]

Section 2 The act approved the twenty-fifth day of April one thousand nine hundred twenty-nine (Pamphlet Laws seven hundred seven) entitled "An act fixing the liability of the counties poor districts and the Commonwealth for the support of the indigent and partly indigent insane in State institutions" and its amendments and all other acts or parts of acts inconsistent with the provisions of this act are hereby repealed but nothing in this repealer shall affect or impair the right of the Commonwealth to collect from the counties and poor districts or institution districts any moneys due the Commonwealth by such districts under the aforesaid acts for the care and maintenance of the indigent or partly indigent insane that had accrued and remained unpaid prior to the effective date of this act

Section 3 The amendment to section two hundred one of the act amended by this act shall become effective immediately upon its final enactment but in all other respects this act shall become effective on the first day of June one thousand nine hundred thirty-nine

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for third reading.

BILL RECOMMITTED

Mr. SHAPIRO. Mr. President, I move that Senate Bill No. 29, the bill just read, be recommitted to the Committee on City Government, for the purpose of further study.

Mr. RODGERS. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. DENT. Mr. President, I ask unanimous consent that Senate Bill No. 30, on second reading, entitled:

An Act authorizing the compromise of delinquent taxes on lands and the penalties, interest and costs due thereon, before a tax sale of such lands; and providing the procedure in such case.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 36 (House Bill No. 8), as follows:

An Act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed by such department with the General State Authority for the use and occupancy by the Commonwealth of various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects

Whereas By Act Number eighty-nine A adopted by the General Assembly of the Commonwealth of Pennsylvania at the sesison of one thousand nine hundred and thirty-seven and approved by the Governor July second one thousand nine hundred and thirty-seven the sum of two million seven hundred fifty thousand dollars ($2,750,000) was appropriated to the Department of Property and Supplies of the Commonwealth for the payment during the period ending May thirty-first one thousand nine hundred and thirty-nine by the Commonwealth of annual rates rentals and other charges for the use and occupancy of or the right to use or occupy the projects structures buildings and facilities leased by The General State Authority to the Commonwealth and

Whereas Leases and contracts to lease have actually been entered into which will require payment of approximately one million five hundred thousand dollars ($1,500,000) out of the said appropriation to The General State Authority as rent for projects which have been and are being constructed and improved by the Authority for the Commonwealth of Pennsylvania and

Whereas The Executive Department of the Government of the Commonwealth is about to apply to The General State Authority for the construction of projects additional to those which were undertaken by the Authority on behalf of the Commonwealth and the Pennsylvania State College during the years one thousand nine hundred and thirty-seven and one thousand nine hundred and thirty-eight in the financing of which additional projects the Authority will be aided by United States Government Grants amounting to forty-five (45) percentum of the cost of construction and

Whereas Such additional projects though commenced prior to January first one thousand nine hundred and thirty-nine will not be completed and leased to the Commonwealth until after May thirty-first one thousand nine hundred and thirty-nine Therefore

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Sum of

or as much thereof as may be necessary is hereby specifically appropraited to the Department of Property and Supplies for the payment during the period ending May thirty-first one thousand nine hundred and forty-one by the Commonwealth of annual rates rentals and other charges for the use and occupancy of or the right to use or occupy the projects structures buildings and facilities leased by The General State Authority to the Commonwealth or for services rendered by the Authortiy or its projects construction of which projects structures buildings and facilities may have been commenced after the date of this act and prior to January first one thousand nine hundred and thirty-nine payment of such annual rates rentals and other charges shall be made in equal monthly or quarterly installments or otherwise as required by the respective leases

Section 2 The appropriation made by this act shall be budgeted and expended in accordance with the requirements and provisions of the leases referred to in section one and shall be allocated by the Governor to provide payment of the rentals reserved in such leases The Auditor General and the State Treasurer shall honor the requisitions of the Secretary of Property and Supplies in accordance with such allocations

Section 3 The appropriation made by this act or as much thereof as may be necessary shall be earmarked and retained as a fund in the General Fund to meet the payments which may become due during the period from June first one thousand nine hundred and thirty-nine to May thirty-first one thousand nine hundred and forty-one under the terms of such contracts as by virtue of the provisions of The General State Authority Act of one thousand nine hundred and thirty-five as amended may be entered into by the Commonwealth acting by and through the Department of Property and Supplies as lessee and The General State Authority as lessor to lease such additional projects to be undertaken by the Authority

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. LAW. Mr. President, I move that Senate Bill No. 36 (House Bill No. 8), the bill just read, be recommitted to the Committee on Appropriations, for the purpose of further study.

Mr. RODGERS. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 37 (House Bill No. 11), as follows:

A Supplement to the act approved the twenty-fourth day of June one thousand nine hundred thirty-seven (Appropriation Acts page forty-five) entitled "An act making an appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two years beginning June first one thousand nine hundred thirty-seven and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred thirty-seven"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of twenty-five million dollars ($25,000,000) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Public Assistance for the same purposes and under the same provisions as set forth in the act to which this is a supplement

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. LAW. Mr. President, I move that Senate Bill No. 37 (House Bill No. 11), the bill just read, be recommitted to the Committee on Appropriations, for the purpose of further consideration.

Mr. RODGERS. Mr. President, I second the motion.

The motion was agreed to.

RECESS

Mr. HUFFMAN. Mr. President, I move that the Senate do now take a recess until 4:00 o'clock P. M. (E.S.T.).

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

ANNOUNCEMENTS BY THE SECRETARY

The Committee on Judiciary General will meet during recess, in Room 302.

The Committee on Constitutional Changes will meet during recess, in Room 265.

A Public Hearing will be held by the Committee on Labor and Industry in the Senate Chamber, on Senate Bill No. 31 (House Bill No. 17) immediately.

AFTER RECESS

The PRESIDENT. The time of recess having elasped the Senate will be in order.

HOUSE MESSAGES

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House had concurred in Resolution from the Senate as follows:

In the Senate, August 9, 1938.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, August 15, at 8 o'clock, Eastern Standard Time; and that when the House of Representatives adjourns this week it reconvene on Monday evening, August 15, at 8 o'clock, Eastern Standard Time.

HOUSE CONCURS IN SENATE BILL NO. 9

He also returned to the Senate, Senate Bill No. 9, entitled:

An Act making an appropriation to the Department of Public Instruction to pay entals and expenses in connection with public school buildings constucted or improved by the General State Authority.

with the information that the House has passed the same without amendments.

SENATE BILL NO. 16 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 16, entitled:

An Act authorizing the Commonwealth or any of its agencies, including the General State Authority, to contract with, and to lease or acquire from any housing authority, any area acquired or about to be acquired by such housing authority for slum clearance purposes.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

SENATE BILL NO. 5 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 5, entitled:

An Act to amend section two of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven, (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assist-

ance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," by re-defining "assistance" so as to provide for medical care in place of services.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

HOUSE BILL FOR CONCURRENCE

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 16, (Senate Bill No. 38), entitled:

An Act making an appropriation to the Department of Health to supply the needed cost of pumping the water from slate quarries and anthracite and bituminous coal mines which have been flooded, directly or indirectly, by the high waters during March, one thousand nine hundred and thirty-six, or in which human bodies are lying.

Which was committed to the Committee on Appropriations.

SENATE BILL NO. 17 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 17, entitled:

An Act authorizing housing authorities to contract with, and to lease or convey to the Commonwealth or any of its agencies, including The General State Authority, any area acquired or about to be acquired for slum clearance purposes.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 15, entitled:

An Act authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate, efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth; conferring upon the commission full power to issue subpoenas, and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued; requiring the commission to make a report of its findings and recommendations to the General Asembly or to the Governor; and authorizing the commission to employ counsel and employees and making an appropriation.

Senate Bill No. 9, entitled:

An Act making an appropriation to the Department of Public Instruction to pay rentals and expenses in connection with public school buildings constructed or improved by The General State Authority.

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

REPORTS FROM COMMITTEES

Mr. RODGERS. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RODGERS. From the Committee on Constitutional Changes reported as committed, Senate Bill No. 4, entitled:

A Joint Resolution proposing an amendment to section one, article nine of the Constitution of the Commonwealth of Pennsylvania.

He also from the Committee on Constitutional Changes reported as committed, Senate Bill No. 2, entitled:

A Joint Resolution proposing an amendment to section four, article nine of the Constitution of the Commonwealth of Pennsylvania.

He also, from the Committee on Constitutional Changes reported as committed, Senate Bill No. 3, entitled:

A Joint Resolution proposing an amendment to article twelve of the Constitution of the Commonwealth of Pennsylvania.

He also, from the Committee on Constitutional Changes reported as committed, Senate Bill No. 12, entitled:

A Joint Resolution proposing an amendment to article nine of the Constitution of the Commonwealth of Pennsylvania, by adding Section One-A.

He also, from the Committee on Constitutional Changes reported as amended, Senate Bill No. 34, entitled:

A Joint Resolution proposing an amendment to article nine of the Constitution of the Commonwealth of Pennsylvania, by adding thereto section twenty.

Mr. SHAPIRO. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO, from the Committee on Judiciary General re-reported as amended, Senate Bill No. 32, entitled:

An Act to amend sections two and five of and to add section three and one-tenth to the act approved the first day of July, one thousand nine hundred nineteen (Pamphlet Laws seven hundred seventeen) entitled "An act fixing the number, compensation, mileage and duties of the officers and employes of the General Assembly and providing for their election or appointment, term of office and manner of filling vacancies," further regulating the term of office of such officers and employes and the compensation of certain officers and employes.

MOTION TO READ BILLS THE FIRST TIME

Mr. LAW. Mr. President, I move that all bills reported from committees at today's session be read for the first time.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 2, entitled:

A Joint Resolution proposing an amendment to section four, article nine of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 3, entitled:

A Joint Resolution proposing an amendment to article twelve of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 4, entitled:

A Joint Resolution proposing an amendment to section one, article nine of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 12, entitled:

A Joint Resolution proposing an amendment to article nine of the Constitution of the Commonwealth of Pennsylvania, by adding Section One-A.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 34, entitled:

A Joint Resolution proposing an amendment to article nine of the Constitution of the Commonwealth of Pennsylvania, by adding thereto section twenty.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. HUFFMAN. Mr. President, I move that the Senate do now adjourn until Monday, August 15, 1938 at 8:00 o'clock P. M. (E. S. T.).

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 4:26 o'clock P. M. until Monday evening, August 15, 1938 at 8:00 o'clock P. M. (E. S. T.)

HOUSE OF REPRESENTATIVES

TUESDAY, August 9, 1938.

The House met at 1:00 p. m.

The SPEAKER, (Roy E. Furman), in the Chair.

PRAYER

The Chaplain, Rev. EPHRAIM Z. GALLAHER, offered the following prayer:

Oh Lord, Thou who art from everlasting to everlasting; Thou who made heaven and earth; Thou who breathed into man the breath of life and made him a living soul, we pause to speak with Thee.

We thank Thee for this great wide, wonderful, beautiful world, which Thou hast given unto us. Everywhere we behold Thy finger prints and bold expressions of Thy thoughts. The great ranges of mountains, with their snow-capped peaks, are Thy thoughts lifted up; the vast stretches of fertile plains are Thy spread out; the great deep oceans, remind us of the unfathomed depths of Thy thoughts; we lift our eyes unto the heavens at night time, and we cry out "Yea the heavens declare the glory of God". As man is "God's noblest work", His highest type of creation, may we resolve in our hearts that nature shall not out-do us in manifesting Thy glory; that whatever we do or say, shall be done and said all to Thy honor and glory.

In His name, we pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. WAGNER, the further reading was dispensed with and the Journal approved.

STATEMENT BY MR. JIROLANIO

Mr. JIROLANIO asked and obtained unanimous consent to address the House.

Mr. Speaker, I am very sorry to again appear before this mike to take up the time of this legislative body, but, as every one knows, this morning steps were taken before the Supreme Court of Pennsylvania, and in pursuance of those steps a writ of prohibition was said to have been granted, and, I believe by this time has been granted staying the grand jury probe, and I, as a member of this Legislature, feel that something has happened that has never happened before in the history of mankind.

Today, in the Commonwealth of Pennsylvania, thirteen high officials and honest men are being charged with certain crimes, and if we are to follow the ruling of this writ of prohibition nothing will happen until some time in September, and, at the same time these thirteen officials, their families and their children are being looked upon by their friends and neighbors as criminals. At the same time, although the interest and the personel rights of these thirteen officials are at stake the interests and the rights of the people of Pennsylvania are far above those. Don't we Representatives of the people of the Commonwealth of Pennsylvania have the right to know whether these thirteen officials are guilty or not guilty of the crimes or charges which have been set forth against them. and I say unto you members of the House that we have seen fit to select a committee and that committee is responsible only to the House and to no one else. We are the boss of that committee, they are our servants, like we are servants of the people. It is the duty of that committee to continue in this investigation. I want to say now that no where in the opinion of the learned Chief Justice of Pennsylvania, Justice Kephart, did he say that this committee did not have the right, nor that it should not go ahead with this

investigation, but I do remember, and I heard it said with my own ears by one member of the committee that he promised that the witnesses prohibited by court order from testifying would not be called. I say unto you, as members of the Legislature, that that committee or any member of that committee had the right to say to any one that witnesses would not be called.

If the law is as it is and if Judge Schaeffer saw fit to stifle this investigation some persons are trying or attempting to call it a whitewash while we are attempting to do our duty to see that the charges are aired, openly and above board, and while one gentleman clothed in a black robe saw fit to stifle everything, are we going to place the stamp of approval on it and say, "Yes, you have done right." No, I, for one will not vote for such action. I demand that the investigating committee continue in its activities and in its work until all evidence that can possibly be found shall be brought before this committee, in order that the people of Pennsylvania shall know, as they must know, whether the charges that are hurled at its officials are true or false. They say unto us, I might say, "We shall let everything ride until September." I have always had a lot of respect for Judge Kephart, and I still do; I feel that he acted like a fine, legally trained man and a gentleman; he did everything that was asked of him, and he ruled in our favor, but I do not think that it is fair to the Legislature or fair to the people of Pennsylvania to say that everything shall be stopped until September, and that some time in September, when some gentleman, who are earning $19,000 a year, now on vacation, that when their vacation period is up, at that particular time, the charges shall be brought before the full court.

I believe that an emergency exists today in Pennsylvania, whereby the honorable gentleman of the Supreme Court should come together in special session, to find out whether or not these charges are true, and whether or not these acts are constitutional or unconstitutional. Are we here to represent the interests of ten million people, or are we here to present the interests of one political group, seven men or one man? I for one will stand for action by the committee, and I asked every member of that committee to live by the oath he took and to remember that his constituents back home are looking upon him, not only his Democratic and Republican constituents, but the people of this Keystone state and the people of the United States are watching us to see that we perform our duty, which is given to us under the constitution.

The SPEAKER. The remarks of the gentleman will be spread upon the Legislative Journal.

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Northampton, Mr. Jirolanio.

The SPEAKER. Will the gentleman from Northampton permit himself to be interrogated?

Mr. JIROLANIO. I am not going to gagged, Mr. Speaker, I assure you.

Mr. TURNER. Mr. Speaker, I do not think that the gentleman from Northampton means to imply from that remark that I would be in any way a party to gagging him.

Mr. JIROLANIO. Mr. Speaker, I say to the gentleman from Delaware, no.

Mr. TURNER. Mr. Speaker, I wish to say to the gentleman from Northampton that I enjoyed his remarks immensely especially that part in which he referred to this committee as being servants of this House. A servant is one who is not of the same equality. I, therefore, would like to ask the gentleman from Northampton whether he was not mistaken when he said that the committee members were servants of the House.

Mr. JIROLANIO. I would say, no.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from Northampton whether I understood him correctly to say that he felt that the Legislative committee should go on with this investigation.

Mr. JIROLANIO. Mr. Speaker, in answer to that question, I would again say that I feel that the investigating committee should continue with the duties imposed upon it by this House.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from Northampton whether that duty, as I understand it, is to investigate not only the charges that have been made, but all of the conditions that come within the resolution of the House.

Mr. JIROLANIO. Mr. Speaker, I might say to the learned gentleman from Delaware, that he should be more familiar with the duties of the committee, being a member, than I am.

Mr. TURNER. Your servant thanks you. Mr. Speaker, I would like to further interrogate the gentleman from Northampton.

I would like to inquire of the masterful gentleman from Northampton whether he believes that the delay that is occasioned by the recess of the Supreme Court is an improper delay?

Mr. JIROLANIO. Mr. Speaker, I would say, yes, because it is not expediting the charges, and it is not telling the people of Pennsylvania whether there is any truth or falsity in the charges.

Mr. TURNER. Mr. Speaker, I wish to ask the gentleman from Northampton whether he is in accord with the statement made by Mr. Handler, representing Mr. Shelley, this morning, that the District Attorney desired an immediate disposition of the question, so that the investigation would not be held up?

Mr. JIROLANIO. Mr. Speaker, I am sorry that the learned gentleman from Delaware did not understand me correctly. I said that the House Committee shall do the investigating and not the District Attorney. We are investigating. I am not interested in the District Atorney, I am interested in the House.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from Northampton this question: But you believe, and I take it from your answer, do you not, that the delay should be shortened, at least it should be within a shorter period of time, that there should be a decision by the Supreme Court.

Mr. JIROLANIO. Mr. Speaker, I am not interested in any delay or in any decision of the Supreme Court; I am only interested in the action of the House and its servants.

Mr. TURNER. Mr. Speaker, without admitting that part of the answer about servants, I wish to ask the gentleman from Northampton, does he feel that the House Committee should immediately proceed with the investigation.

Mr. JIROLANIO. Mr. Speaker, my answer to that question is yes, and the committee should call Shelley and everybody else connected with it and place them in jail or incarcerate them some place, where no one can reach

them: some where, where Margiotti cannot give them a learned opinion, especially.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. MOOMAW asked and obtained permission for the Committee on Judiciary Special to meet during the session of the House.

STATEMENT BY MR. BLANK

Mr. BLANK asked and obtained unanimous consent to address the House:

Mr. Speaker and Members of the House, I have listened very carefully to the remarks of the learned gentleman from Northampton and to the interrogation of the gentleman from Delaware. I cannot help but feel as I have for several weeks a feeling of frustration as a result of the things which have transpired since the calling of the House into extraordinary session.

I do not believe that there is a member of this House who has a higher regard for the judiciary of this Commonwealth than I. I do not believe that there is any member of this House who is more primarily interested in and will insist upon the orderly processes of government but I wondered at the proceedings that have ensued.

I wonder whether the gentleman at present presiding over the Dauphin County Court realizes that this House of Representatives is a constitutional body; that this House of Representatives as a constitutional body is charged under the Constitution to investigate any alleged misconduct in office of any civil officers of this State.

In discharge of that constitutional duty a committee has been appointed. We have charged that committee with the investigation of the charges which have been made and since the date of that order we have been frustrated from beginning to end.

I say to the members of this House that I concur most heartily with the learned Chief Justice of the Supreme Court when he said at the hearing this morning that the Supreme Court would do all within their power to prevent a conflict between the legislative and judicial branches of the government of Pennsylvania. I do really hope that every member of this House is interested in preventing that conflict and I know that we as elected representatives of the people of this state demand an investigation of these charges. We demand that this investigation be proceeded with. We demand that it proceed forthwith.

I believe, if I know the temper of the members of this House, that we will demand an immediate investigation of these charges. The Governor and other high officials have been charged with serious crimes. I think we want to know the foundation of these charges. The people of the state want to know the foundation of these charges and as stated I will reiterate the demand of an immediate investigation by this House Committee.

The SPEAKER. The remarks of the gentleman will be spread upon the Legislative Journal.

STATEMENT BY MR. MARINO

Mr. MARINO asked and obtained unanimous consent to address the House.

Mr. Speaker and Members of the House: I think that most of you recall that during the last regular session, I introduced in this House several measures attempting to define jurisdiction of the judicial branch of government. Many of you may recall that the first bill I introduced was introduced within a fortnight after my being admitted to this House.

I introduced those measures at that time defining the authority or the jurisdiction of the judiciary branch of government, because I thought that there was a usurpation of authority by the judiciary. I felt that there had been a long train of abuses by that portion of the government and that those abuses had become of so serious a nature and character that they were striking at the very foundation of our democracy.

Many of you may recall that one of those measures finally did pass this House. That measure required that at least six members of the Supreme or Superior Court would have to concur before they could invalidate an act of the General Assembly. Mind you, I introduced those bills over a year ago, before the judiciary bit me. In other words, I was for muzzling the dog, a long time before it bit me. Well, many members of the administration may be getting the impression of wanting to do the work now, because of the fact that it is affecting them personally.

The measures that have been passed by this House during the last two or three weeks are important measures, and the law should be abided by, by the judges just as much as any other individual in the State, but I do not want to talk about those laws. I do want to talk about the constitutionality of those laws. The fact that the Courts questioned the constitutionality of those acts is nothing more than they have done on previous occasions through what they claim the right of "implied power" in the Constitution. Mind you, I have read the Constitution and I have not been able to see from whence they get their "implied power" to declare the acts of the General Assembly unconstitutional, and the action that they are proceeding with now in declaring the acts of this Legislature as being unconstitutional. They are simply following the procedure that they followed before.

I desire to call to the attention of this House at this time something that I believe is far more serious than even the declaration that an act of the General Assembly is unconstitutional. I desire to call to the attention of the members of this House the fact that one man, a judge of the Court of Common Pleas, has violated his oath of office in that he has acted in absolute contradiction to his oath, because he has acted in absolute contradiction to the Constitution of Pennsylvania, and by that ruling of the Supreme Court Justice of Pennsylvania this morning, I say that he, too, is violating his oath of office when he stated that he would not release the jury's evidence to the investigating committee of this House. That is what the Chief Justice ruled this morning. I say that when Judge Schaeffer and when Chief Justice Kephart prohibits any individual or individuals from testifying before this House, they are taking away from this House the sole power of impeachment, as given in Article VI, Section 1. Article VI, Section 1, states that the House of Representatives shall have the sole power of impeachment. Mind you, it does not delegate any of the powers of impeachment to the judiciary, it does not delegate any of the powers of impeachment to the executive branch of government, nor does it delegate to any individual within this Commonwealth the power of impeachment. It delegates the power of impeachment to the members of this House and to the members of this House

alone. They, and no one else, are to be the judges as to who shall be impeached, and I say that when the Chief Justice of the Supreme Court or any individual, whether he be a judge of the Court of Common Pleas or any one else, instructs any individual to withhold any information from this House, he is violating that part of the Constitution. If this House is to have the sole power of impeachment, it can only impeach after a thorough investigation, it can only impeach after the investigation has been concluded, it can only impeach after having received the evidence, and when a court prohibits individuals from testifying before this House, it is taking away our authority, and it is upon this issue, these grounds, that I believe that the members of this House should stand their ground and fight this battle until it is over and I am sure that the battle will be won. We are sent here with certain prerogatives we are sent here with certain rights and duties to perform, and I believe that those of us who are members of this House, if we will do our duty in excercising our rights, that the power of impeachment will be retained by the membership of this House. If we allow this transgression by the judiciary to take away from us the sole power of impeachment, there is no use for this House to sit any longer, and I hope that the members of this House will continue to fight this thing out until it is won.

The Speaker. The remarks of the gentleman will be spread upon the Legislative Journal.

LEAVES OF ABSENCE

Mr. Schor asked and obtained leave of absence for Mr. REUBEN E. COHEN for the remainder of the week on account of illness in the family.

Mr. Coakley asked and obtained leave of absence for Mr. VanSICKLE for today's session.

Mr. HINDMAN asked and obtained leave of absence for himself for the remainder of the week.

QUESTION OF INFORMATION

Mr. TURNER. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman will state his question of information.

Mr. TURNER. Mr. Speaker, is the House about to recess?

The SPEAKER. Yes, very shortly.

Mr. TURNER. Mr. Speaker, are you going to proceed with the calendar first and then recess?

The SPEAKER. That is the plan.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess for fifteen minutes to permit the Republican members to caucus in the House Caucus Room

Are there objections? The Chair hears none and declares a recess for fifteen minutes.

COMMITTEE MEETING

Members of the Rules Committee will meet immediately after recess in the Speaker's Office.

AFTER RECESS

The time of recess having expired the House was called to order.

The SPEAKER (Roy E. Furman) in the Chair.

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 14 (HOUSE BILL No. 54)

An Act providing for the adjournment and readjournment of county treasurers' sales of seated and unseated lands that were to have been held in the years one thousand nine hundred thirty-seven or one thousand nine hundred thirty-eight for nonpayment of taxes in counties except those of the first and second class and preserving the lien of all taxes on such lands.

Referred to the Committee on Municipal Corporations.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, August 9, 1938.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, August 15, at 8 o'clock, Eastern Standard Time: and that when the House of Representatives adjourns this week it reconvene on Monday evening, August 15, at 8 o'clock, Eastern Standard Time.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

The SPEAKER. Concurrence in this resolution requires unanimous consent or a suspension of the Rules.

Will the House give its unanimous consent for concurrence in the resolution? Is there objection? The Chair hears none and the consent is granted.

On the question recurring,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 15.

An Act authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued requiring the commission to make a report of its findings and recommendations to the General Assembly or to the Governor and authorizing the commission to employ counsel and employes and making an appropriation

With the information that the Senate has passed the same without amendment.

COMMUNICATION

FLOODED MINES AND QUARRIES

The SPEAKER laid before the House a communication addressed to Honorable J. A. Elpern from Edith MacBride-Dexter, M. D., Secretary of Health, in re expenses of dewatering flooded coal mines and quarries as result of floods of March 1936.

Referred to the Committee on Mines and Mining

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL NO. 15.

An Act authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued requiring the commission to make a report of its findings and recommendations to the General Assembly or to the Governor and authorizing the commission to employ counsel and employes and making an appropriation

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

REPORT FROM COMMITTEE

Mr. HESS, from the Committee on Judiciary Special, reported as committed, House Bill No. 40, entitled:

An Act to ratify, confirm and make valid the actions, proceedings, expenses and expenditures of the commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth, appointed pursuant to the joint resolution, approved the twenty-ninth day of April, one thousand nine hundred and thirty-seven, (P. L. 540), entitled "A joint resolution authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate, efficient and ecnomical supplying of lubricating oils and gasoline to the people of this Commonwealth; conferring upon the commission full power to issue subpoenas; requiring the commission to make a report of its findings to the Governor, together with its recommendations as to such regulatory legislation as may be needed to correct any abuses and evils connected with such industry which are prejudicial to the interests of the citizens of this Commonwealth; authorizing the commission to employ counsel and employes; and making an appropriation," and its amendment.

COMMITTEE APPOINTED TO ATTEND FUNERAL OF HON. FRANCIS T. BAKER

The SPEAKER. The Chair appoints as a committee to attend the funeral of the Hon. Francis T. Baker, Messrs. Siegel, Jacob Matthews, Simon, Decker, Alexander, Fiss, Burrows, Stank, Bradley, Welliver, Wood, Royer, Peale and Kline.

The funeral will be held Thursday at 2:00 p. m. at Lewisburg. Services will be held in the Reformed Church. The committee is asked to meet immediately after adjournment in the Chief Clerk's office. Other members who wish to attend the funeral will be included as members of this committee. They should also report to the Chief Clerk's office.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 6, entitled:

An Act making an appropriation to the Department of Health to supply the needed cost of pumping the water from slate quarries and anthracite and bituminous coal mines which have been flooded directly or indirectly by the high waters during March one thousand nine hundred and thirty-six or in which human bodies are lying.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—188

Achterman,	Flannery,	McDermott,	Shoemaker,
Alexander,	Flinchbaugh,	McDevitt,	Shugarts,
Allen,	Ganser,	McElroy,	Siegel,
Allmond,	Gerard,	McFall,	Simon,
Atkins,	Gorski,	McGee,	Skale,
Aukerman,	Haberlen,	McKinney,	Sloan,
Baine	Hagerty,	McShane,	Smith, James A.,
Baker,	Hall,	Melchiorre,	Smith, John A.,
Balthaser,	Hamilton, F. P.,	Mellott,	Sollenberger,
Bierly,	Hamilton, R. S.,	Mihm,	Spengler,
Blank,	Harkins,	Moomaw,	Sproul,
Bohn,	Harmuth,	Mooney,	Stackpole,
Boles,	Hays,	Moran,	Stank,
Boltz,	Hering,	Moul,	Stewart,
Boose,	Hess,	Murrin,	Stockham,
Boyer,	Hetrick,	Nagel,	Strode,
Bradley,	Hindman,	O'Brien,	Thomas,
Brancato,	Hirsch,	O'Connor,	Thompson,
Brigerman,	Holland,	Ominsky,	Tronzo,
Broad,	Holmes,	O'Neill,	Tumelty,
Brown,	Holstrom,	Ostroff,	Turner,
Burrows,	Hontz,	Patterson, C. S.,	Valibus,
Cadwalader,	Horting,	Patterson, J. W.,	VanAllsburg,
Caesar,	Huntley,	Peale,	Vogt,
Caputo,	Imbrie,	Pearson,	Wagner,
Chervenak,	Jirolanio,	Perry,	Wall,
Coakley,	Kane,	Pershing,	Walsh,
Cohen, H. B.,	Keenan,	Piole,	Wampole,
Coleman,	Kelso,	Powers,	Watkins,
Coolahan,	Kilroy,	Preston,	Webster,
Corrigan,	Kline,	Readinger,	Weidemann,
Costanzo,	Kroll,	Reese,	Weiss, D. H.,
Davies,	LaRue,	Reising,	Weiss, S. A
Decker,	Leisey,	Robinson,	Welliver,
DeNote,	Levy,	Rothenberger,	Welsh,
Dickinson,	Lewis,	Royer,	Westrick,
Donohoe,	Long,	Ruffennach,	Whalen,
Dougherty,	Longaker,	Rush,	Whitenight,
Downey,	Lopresti,	Sarraf,	Wilson,
Dubbs,	Lovett,	Scanlon,	Winner,
Dyson,	Lyons,	Schor,	Wright,
Eckels,	Mallen,	Schrock,	Yanoshat,
Elpern,	Marino,	Schrope,	Yeakel,
Falkenstein,	Matthews, H. T.,	Schumacher,	Yourishin
Finnerty,	Matthews, J. F.,	Shaw,	Zappala,
Fiss,	McArdle,	Shea,	Furman,
Flanagan,	McCullough,	Shepard,	

NAYS—9

Gillette,	Serrill,	Terry,	Wood,
Habbyshaw,	Snyder,	Trout,	Woodside,
Muir,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 34 (Senate Bill No. 9), entitled:

An Act making an appropriation to the Department of Public Instruction to pay rentals and expenses in connection with public school buildings constructed or improved by the General State Authority.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—197

Achterman,	Flinchbaugh,	McElroy,	Siegel,
Alexander,	Ganser,	McFall,	Simon,
Allen,	Gerard,	McGee,	Skale,
Allmond,	Gillette,	McKinney,	Sloan,
Arnold,	Gorski,	McShane,	Smith, James A.,
Atkins,	Habbyshaw,	Melchiorre,	Smith, John A.
Aukerman,	Haberlen,	Mellott,	Snyder,
Baine,	Hagerty,	Mihm,	Sollenberger,
Baker,	Hall,	Moomaw,	Spengler,
Balthaser,	Hamilton, F. P.,	Mooney,	Sproul,
Bierly,	Hamilton, R. S.,	Moran,	Stackpole,
Blank,	Harkins,	Moul,	Stank,
Bohn,	Harmuth,	Muir,	Stewart,
Boles,	Hays,	Murrin,	Stockham,
Boltz,	Hering,	Nagel,	Strode,
Boose,	Hess,	O'Brien,	Terry,
Boyer,	Hetrick,	O'Connor,	Thomas,
Bradley,	Hindman,	Ominsky,	Thompson,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	Van Allsburg,
Caesar,	Huntley,	Perry,	Vogt,
Caputo,	Imbrie,	Pershing,	Wagner,
Chervenak,	Jirolanio,	Piole,	Wall,
Coakley,	Kane,	Powers,	Walsh,
Cohen, H. B.	Keenan,	Preston,	Wampole,
Coleman,	Ke'so,	Readinger,	Watkins,
Coolahan,	Kilroy,	Reese,	Webster,
Corrigan,	Kline,	Reising,	Weidemann,
Costanzo,	Kroll,	Robinson,	Weiss, D. H.,
Davies,	LaRue,	Rothenberger,	Weiss, S. A.,
Decker,	Leisey,	Royer,	Welliver,
DeNote,	Levy,	Ruffennach,	Welsh,
Dickinson,	Lewis,	Rush,	Westrick,
Donohoe,	Long,	Sarraf,	Whalen,
Dougherty,	Longaker,	Scanlon,	Whitenight,
Downey,	Lopresti,	Schor,	Wilson,
Dubbs,	Lovett,	Schrock,	Winner,
Dyson,	Lyons,	Schrope,	Wood,
Eckels,	Mallen,	Schumacher,	Woodside,
Elfern,	Marino,	Serrill,	Wright,
Falkenstein,	Matthews, H. T.	Shaw,	Yanoshat,
Finnerty,	Matthews, J. F.,	Shea,	Yeakel,
Fiss,	McArdle,	Shepard,	Yourishin,
Flanagan,	McCullough,	Shoemaker,	Zappala,
Flannery,	McDermott,	Shugarts,	Furman,
	McDevitt,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

BILL PASSED OVER

There being no objection House Bill No. 10 Printer's No. 20 was passed over at the request of Mr. Schor.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 30 (Senate Bill No. 8), as follows:

An Act to amend article six of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by authorizing school districts to convey or lease property to the General State Authority to acquire additional property for such purposes and to contract with and lease property from said Authority authorizing the Commonwealth to join with school districts in such contracts and leases and in such cases defining the assistance to be rendered by the Commonwealth and authorizing the withholding of State appropriations in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article six of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended by adding thereto the following new sections

Section 636 Any school district shall have power and authority with the approval of the Department of Public Instruction to grant assign and convey to the General State Authority with or without consideration any lands easements or rights in lands together with any improvements buildings or structures therein or thereon now owned by such school district or hereafter acquired by it needed or convenient to carry out the purposes of these amendments or to lease to the Authority for a term not exceeding ninety-nine (99) years at a nominal or such other rental as may be determined any or all such lands easements or rights in lands together with any improvements structures or buildings therein or thereon

Section 637 Any school district shall have power and authority with the approval of the Department of Public Instruction and in the manner hereinbefore provided to acquire title in the name of the school district to any additional lands or interests in lands which may be required to carry out the purposes of these amendments

Section 638 Any school district shall have power and authority with the approval of the Department of Public Instruction to enter into contracts with the General State Authority to lease as lessee from the Authority any school building or any improvement thereto and the furnishings and equipment thereof constructed by the Authority for a term not exceeding thirty (30) years at such rental or rentals as may be determined by the Authority and upon the completion of such school buildings or improvements and the furnishings and equipment thereof the school district shall have power and authority to lease the same as lessee for a term not exceeding thirty (30) years at such rental or rentals as may be determined by the Authority

Section 639 The Department of Public Instruction shall have power and authority with the approval of the Governor to join with any school district in entering into any of the contracts and leases with the General State Authority authorized by the preceding section of this act Under all such contracts the Commonwealth shall pay to the Authority the following proportional parts of the rental or rentals agreed upon In the case of school districts which have a true valuation per teacher of assessable

property of twenty-five thousand dollars ($25,000) or less seventy per centum (70%) of such rental or rentals in the case of districts which have a true valuation per teacher of assessable property of more than twenty-five thousand dollars ($25,000) and not more than fifty thousand dollars ($50,000) sixty per centum (60%) of such rental or rentals in the case of districts which have a true valuation per teacher of assessable property of more than fifty thousand dollars (($50,000) and not more than seventy-five thousand dollars ($75,000) fifty per centum (50%) of such rental or rentals in the case of districts which have a true valuation per teacher of assessable property of more than seventy-five thousand dollars ($75,000) and not more than one hundred thousand dollars ($100,000) forty per centum (40%) of such rental or rentals in the case of districts which have a true valuation per teacher of assessable property of more than one hundred thousand dollars ($100,000) and not more than one hundred and fifty thousand dollars ($150,000) thirty per centum (30%) of such rental or rentals in the case of districts which have a true valuation per teacher of assessable property of more than one hundred and fifty thousand dollars ($150,000) and not more than two hundred thousand dollars ($200,000) twenty per centum (20%) of such rental or rentals and in the case of districts which have a true valuation per teacher of assessable property of more than two hundred thousand dollars ($200,000) ten per centum (10%) of such rental or rentals Provided That in the case of financially distressed school districts the Commonwealth shall pay all or such additional part of the rental or rentals as the Department of Public Instruction shall from time to time determine

Section 640 In all cases where an audit under the direction of the State Superintendent of Public Instruction reveals that the board of directors of any school district has failed to pay or to provide for the payment of any rental or rentals due the General State Authority for any period in accordance with the terms of any lease entered into under the terms of these amendments the State Superintendent of Public Instruction shall notify such board of school directors of its obligation and may withhold out of any state appropriation due such school district an amount equal to the amount of the rental or rentals owing by such school district to the General State Authority until such time as he is officially advised that all obligations of such school district with reference to any such rental or rentals past due have been met and paid in full or arrangements to pay same have been made in a satisfactory manner and approved by him

Section 641 With the approval of the Department of Public Instruction and of the county board of school directors any two or more school districts may jointly enter into contracts and leases with the General State Authority for the construction or improvement of a school building and the furnishings and equipment thereof for the joint use of such school district and may either jointly or individually convey or lease as hereinbefore provided to the Authority any lands and improvements now owned or hereafter acquired by any one or more of such school districts The sharing of the cost of such land and improvements and of the rental or rentals payable to the Authority and the maintenance government and control of the school shall be agreed upon by the boards of directors of such districts so joining in such manner and in such proportions as they may agree upon All schools established under the provisions of this section shall be maintained governed and controlled as other public schools under the laws of this Commonwealth Sec. 2 The provisions of this act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

Mr. SHUGARTS. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Sec. 1 (Sec. 639), page 5, line 9 by striking out the following: "additional"

Amend Sec. 1 (Sec. 640), page 6, line 9 by striking out the following: "of" and inserting in lieu thereof: "or"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 36, (Senate Bill No. 17), as follows:

An Act authorizing housing authorities to contract with and lease or convey to the Commonwealth or any of its agencies or instrumentalities of Government including the General State Authority any area acquired or about to be acquired for slum clearance purposes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following words as used in this act shall have the following meanings

"Housing Authority" Any housing authority created by the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws nine hundred fifty-five) known as the "Housing Authorities Law" "Project" Any work or undertaking to demolish clear or remove buildings from slum area

"Slum" Any area in which there is a predominance of structures which by reason of dilapidation over-crowding faulty arrangement or design lack of ventilation light or sanitary facilities or any combination of these factors are detrimental to safety health and morals

Section 2 Any housing authority shall have the power and authority either before it undertakes a project whereby it shall demolish clear or remove buildings from a slum area or after it has undertaken and completed such slum clearance project to enter into contracts with the Commonwealth of Pennsylvania or any agency or instrumentalities of Government thereof including the General State Authority to lease to the Commonwealth or such agency for a term not to exceed ninty-nine years or to grant assign or convey either the fee or such right title interest or easement as shall be deemed necessary in and to such slum area or any part thereof when or as cleared together with any improvements buildings or structures therein or thereon owned or about to be acquired by such housing authority needed by or convenient to the Commonwealth or any agency or instrumentality of Government thereof including the General State Authority for any public purpose or purposes including the creation of public parks and the erection on the lands contracted for of buildings improvements and structures deemed necessary for the use of the Commonwealth or needed or convenient for the corporate purposes of such agency or instrumentality of Government

Section 3 No such contract to lease grant assign or convey any slum area to the Commonwealth or any of its agencies or instrumentality of Government including the General State Authority entered into before the clearance of such slums shall be valid until it shall reserve the right unto and impose a duty upon the housing authority to demolish clear or remove all such buildings from the slum area as shall be necessary to change the character of said area and remove the slums therefrom as promptly as circumstances permit

Section 4 Any housing authority shall have the power and authority after it has undertaken and completed a project whereby it shall have demolished cleared or re-

moved buildings from a slum area to lease to the Commonwealth or any of its agencies or instrumentalities of Government including the General State Authority for a term not to exceed ninety-nine years or to grant assign or convey either the fee or such right title interest or easement as shall be deemed necessary in and to such slum area or any part thereof together with any improvements buildings or structures therein or thereon owned by such housing authority needed by or convenient to the Commonwealth or any agency or instrumentality of Government thereof including the General State Authority for any public purpose or purposes including the creation of public parks and the erection on the lands so leased granted assigned or conveyed of buildings improvements and structures deemed necessary for the use of the Commonwealth or needed or convenient for the corporate purposes of such agency or instrumentality of Government

Section 5 The powers rights and duties herein conferred or imposed upon housing authorities are in furtherance of and in addition to those provided for in the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 955) known as the "Housing Authorities Law"

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—197.

Achterman,	Ganser,	McElroy,	Siegel,
Alexander,	Gerard,	McFall,	Simon,
Allen,	Gillette,	McGee	Skale,
Allmond,	Gorski,	McKinney,	Sloan,
Arnold,	Habbyshaw,	McShane,	Smith, James A.,
Atkins,	Haberlen,	Melchiorre,	Smith, John A.,
Aukerman,	Hagerty,	Mellott,	Snyder,
Baine	Hall,	Mihm,	Sollenberger,
Baker,	Hamilton, F. P.,	Moomaw,	Spengler,
Balthaser,	Hamilton, R. S.,	Mooney,	Sproul,
Bierly,	Harkins,	Moran,	Stackpole,
Blank,	Harmuth,	Moul,	Stank,
Bohn,	Hays,	Muir,	Stewart,
Boies,	Hering,	Murrin,	Stockham,
Boltz,	Hess,	Nagel,	Strode,
Boose,	Hetrick,	O'Brien,	Terry,
Boyer,	Hindman,	O'Connor,	Thomas,
Bradley,	Hirsch,	Ominsky,	Thompson,
Brancato,	Holland,	O'Neill,	Tronzo,
Brigerman,	Holmes,	Ostroff,	Trout,
Broad,	Holstrom,	Patterson, C. S.,	Tumelty,
Brown,	Hontz,	Patterson, J. W.,	Turner,
Burrows,	Horting,	Peale,	Valibus,
Cadwalader,	Huntley,	Pearson,	Van Allsburg,
Caesar,	Imbrie,	Perry,	Vogt,
Caputo,	Jirolanio,	Pershing,	Wagner,
Chervenak,	Kane,	Piole,	Wall,
Coakley,	Keenan,	Powers,	Walsh,
Cohen, H. B.,	Kelso,	Preston,	Wampole,
Coleman,	Kilroy,	Readinger,	Watkins,
Coolahan,	Kline,	Reese,	Webster,
Corrigan,	Kroll,	Reising,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Whitenight,
Downey,	Lovett,	Schor,	Wilson,
Dubbs,	Lyons,	Schrock,	Winner,
Dyson,	Mallen,	Schrope,	Wood,
Eckels,	Marino,	Schumacher,	Woodside,
Elpern,	Matthews, H. T.,	Serrill,	Wright,
Falkenstein,	Matthews, J. F.,	Shaw,	Yanoshat,
Finnerty,	McArdle,	Shea,	Yeakel,
Fiss,	McCullough,	Shepard,	Yourishin,
Flanagan,	McDermott,	Shoemaker,	Zappala,
Flannery,	McDevitt,	Shugarts,	Furman,
Flinchbaugh,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 35, (Senate Bill No. 16), as follows:

An Act authorizing the Commonwealth or any of its agencies or instrumentalities of Government including the General State Authority to contract with and to lease or acquire from any housing authority any area acquired or about to be acquired by such housing authority for slum clearance purposes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following words as used in this act shall have the following meanings

"Housing Authority" Any housing authority created by the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws nine hundred fifty-five) known as the "Housing Authorities Law"

"Project" Any work or undertaking to demolish clear or remove buildings from any slum area

"Slum" Any area in which there is a predominance of structures which by reason of dilapidation overcrowding faulty arrangement or design lack of ventilation light or sanitary facilities or any combination of these factors are detrimental to safety health and morals

Section 2 The Commonwealth of Pennsylvania by the Department of Property and Supplies with the approval of the Governor and any agency or instrumentality of Government thereof including the General State Authority shall have the power and authority to enter into contracts with any Housing Authority either before said Housing Authority undertakes a project whereby it shall demolish clear or remove buildings from a slum area or after it has undertaken and completed such slum clearance project to lease from such Housing Authority as lessee for a term and not to exceed ninty-nine years or to acquire from it as purchaser either the fee or such right title interest or easement as it may deem necessary in and to the sum area or area included in said project or any part thereof when or as cleared together with any improvements buildings or structures therein or thereon owned or about to be acquired by such Housing Authority needed by or convenient to the Commonwealth or any agency or instrumentality of Government thereof including the General State Authority for any public purpose or purposes including the creation of public parks and the erection on the lands contracted for of buildings improvements and structures deemed necessary for the use of the Commonwealth or needed or convenient for the corporate purposes of such agency or instrumentality of Government

Section 3 No such contract whereby the Commonwealth or any agency or instrumentality of Government thereof shall undertake to purchase or acquire any slum area entered into before the completion of the clearance of such slum shall be valid unless it shall impose a duty upon the Housing Authority to demolish clear or remove all such buildings from the slum area as shall be necessary to change the character of said area and remove the slums therefrom as promptly as circumstances shall permit

Section 4 The Commonwealth of Pennsylvania by the Department of Property and Supplies with the approval of the Governor and any agency or instrumentality of Government thereof including the General State Authority shall have the power and authority after a Housing Authority has undertaken and completed a project whereby it shall have demolished cleared or removed buildings from a slum area to lease from such Housing Authority

as lessee for a term not to exceed ninety-nine years or acquire from it as purchaser either the fee or such right title interest or easement as it may deem necessary in and to the slum area or any part thereof together with any improvements buildings or structures therein or thereon owned by such Housing Authority needed by or convenient to the Commonwealth or any agency or instrumentality of Government thereof including the General State Authority for any public purpose or purposes including the creation of public parks and the erection on the lands so acquired of buildings improvements and structures deemed necessary for the use of the Commonwealth or needed or convenient for the corporate purposes of such agency or instrumentality of Government

Section 5 The powers rights and duties herein conferred or imposed upon the General State Authority are in furtherance of and in addition to those provided for in the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred fifty-two) known as the "General State Authority Act of one thousand nine hundred and thirty-five" and its amendments

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—197.

Achterman,	Ganser,	McElroy,	Siegel,
Alexander,	Gerard,	McFall,	Simon,
Allen,	Gillette,	McGee,	Skale,
Allmond,	Gorski,	McKinney,	Sloan,
Arnold,	Habbyshaw,	McShane,	Smith, James A.,
Atkins,	Haberlen,	Melchiorre,	Smith, John A.,
Aukerman,	Hagerty,	Mellott,	Snyder,
Baine,	Hall,	Mihm,	Sollenberger,
Baker,	Hamilton, F. P.,	Moomaw,	Spengler,
Balthaser,	Hamilton, R. S.,	Mooney,	Sproul,
Bierly,	Harkins,	Moran,	Stackpole,
Blank,	Harmuth,	Moul,	Stank,
Bohn,	Hays,	Muir,	Stewart,
Boles,	Hering,	Murrin,	Stockham,
Boltz,	Hess,	Nagel,	Strode,
Boose,	Hetrick,	O'Brien,	Terry,
Boyer,	Hindman,	O'Connor,	Thomas,
Bradley,	Hirsch,	Ominsky,	Thompson,
Brancato,	Holland,	O'Neill,	Tronzo,
Brigerman,	Holmes,	Ostroff,	Trout,
Broad,	Holstrom,	Patterson, C. S.,	Tumelty,
Brown,	Hontz,	Patterson, J. W.,	Turner,
Burrows,	Horting,	Peale,	Valibus,
Cadwalader,	Huntley,	Pearson,	Van Allsburg,
Caesar,	Imbrie,	Perry,	Vogt,
Caputo,	Jirolanio,	Pershing,	Wagner,
Chervenak,	Kane,	Piole,	Wall,
Coakley,	Keenan,	Powers,	Walsh,
Cohen, H. B.,	Kelso,	Preston,	Wampole,
Coleman,	Kilroy,	Readinger,	Watkins,
Coolahan,	Kline,	Reese,	Webster,
Corrigan,	Kroll,	Reising,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Whitenight,
Downey,	Lovett,	Schor,	Wilson,
Dubbs,	Lyons,	Schrock,	Winner,
Dyson,	Mallen,	Schrope,	Wood,
Eckels,	Marino,	Schumacher,	Woodside,
Elpern,	Matthews, H. T.,	Serrill,	Wright,
Falkenstein,	Matthews, J. F.,	Shaw,	Yanoshat,
Finnerty,	McArdle,	Shea,	Yeakel,
Fiss,	McCullough,	Shepard,	Yourishin,
Flanagan,	McDermott,	Shoemaker,	Zappala,
Flannery,	McDevitt,	Shugarts,	Furman,
Flinchbaugh,			

NAYS—0.

The majority required by the Constiution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is required.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 28 (Senate Bill No. 5), entitled:

An Act to amend section two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws two thousand fifty-one) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" by re-defining "assistance" so as to provide for medical care in place of services

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TUMELTY. Mr. Speaker, I would like to interrogate the Chairman of the Welfare Committee, the gentleman from Allegheny, Mr. Shaw.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. SHAW. I will Mr. Speaker.

Mr. TUMELTY. Mr. Speaker, on page 3 of this bill the only change that I can see in the whole bill is the words "medical care" are placed in there instead of "services." I would like to know from the Chairman of the Welfare Committee just what the words "medical care" include.

Mr. SHAW. Mr. Speaker, in reply to the interrogation of the gentleman from Philadelphia, Mr. Tumelty, I will say that I am advised by the Department that the term "medical care" will include not only the diagnosis by a physician but will include also the supplies necessary to correct whatever is the matter with the patient.

Mr. TUMELTY. Mr. Speaker, I would like to ask the gentleman from Allegheny, Mr. Shaw, if there are any set rules as to how this medical care is to be administered. In other words, a person who is receiving assistance, will he have to go through some procedure to get medical care?

Mr. SHAW. Mr. Speaker, in answer to the interrogation of the gentleman from Philadelphia, I will say that under the old SERB regulations it was necessary for the person who was on relief and who needed a doctor to go to his visitor and ask for a medical order. The new regulations being set up by the Department permit any person who is on relief to go to his own family doctor, in case he has any, or to any other reputable physician in his territory. It was felt that this would simplify matters greatly and at the same time do away with any criticism

that the recipient of relief might make of his work. The old procedure was very complicated. This, we believe, to be much simpler. It is to be tried out in the period from the 15th of September, when the bill takes effect, until the next meeting of the Legislature. If by that time we have found it is not working out as we expected, then the House and Senate can change it. In the meanwhile, the Department of Public Assistance is to make the rules under which this particular form of assistance is to be administered, and knowing the way that Mr. Howe, the Secretary has worked this plan out, I feel it is for the best interests of all the recipients on relief.

Mr. TUMELTY. Mr. Speaker, I would like to know if there is anything in the complicated rules as to the prices a physician could charge.

Mr. SHAW. I am informed, Mr. Speaker, that the representatives of the healing arts, as I believe they are termed, have worked out a schedule of prices with the head of the Department. I believe that there is a minimum charge of one dollar, and in the more complicated cases, such as obstetrics and fractured limbs, and so forth, the members of the healing arts have agreed that their regular prices will be halved instead of the full price. Does that answer your question, Mr. Tumelty?

Mr. TUMELTY. Yes, Mr. Speaker and members of the House. I thank the gentleman from Allegheny, Mr. Shaw.

I did not want to take up your time because I know you all want to get away, but I did think we should have on the record just what is going to happen under "medical care," because I feel there will be a lot of argument over this feature and it would be just as well to have in the Legislative Journal and in the records just what we intended when we passed the bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—197.

Achterman,	Ganser,	McElroy,	Siegel,
Alexander,	Gerard,	McFall,	Simon,
Allen,	Gillette,	McGee,	Skale,
Allmond,	Gorski,	McKinney,	Sloan,
Arnold,	Habbyshaw,	McShane,	Smith, James A.,
Atkins,	Haberlen,	Melchiorre,	Smith, John A.,
Aukerman,	Hagerty,	Mellott,	Snyder,
Baine,	Hall,	Mihm,	Sollenberger,
Baker,	Hamilton, F. P.,	Moomaw,	Spengler,
Balthaser,	Hamilton, R. S.,	Mooney,	Sproul,
Bierly,	Harkins,	Moran,	Stackpole,
Blank,	Harmuth,	Moul,	Stank,
Bohn,	Hays,	Muir,	Stewart,
Boles,	Hering,	Murrin,	Stockham,
Boltz,	Hess,	Nagel,	Strode,
Boose,	Hetrick,	O'Brien,	Terry,
Boyer,	Hindman,	O'Connor,	Thomas,
Bradley,	Hirsch,	Ominsky,	Thompson,
Brancato,	Holland,	O'Neill,	Tronzo,
Brigerman,	Holmes,	Ostroff,	Trout,
Broad,	Holstrom,	Patterson, C. S.,	Tumelty,
Brown,	Hontz,	Patterson, J. W.,	Turner,
Burrows,	Horting,	Peale,	Valibus,
Cadwalader,	Huntley,	Pearson,	Van Allsburg,
Caesar,	Imbrie,	Perry,	Vogt,
Caputo,	Jirolanio,	Pershing,	Wagner,
Chervenak,	Kane,	Piole,	Wall,
Coakley,	Keenan,	Powers,	Walsh,
Cohen, H. B.,	Kelso,	Preston,	Wampole,
Coleman,	Kilroy,	Readinger,	Watkins,
Coolahan,	Kline,	Reese,	Webster,
Corrigan,	Kroll,	Reising,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Whitenight,
Downey,	Lovett,	Schor,	Wilson,
Dubbs,	Lyons,	Schrock,	Winner,
Dyson,	Mallen,	Schrope,	Wood,
Eckels,	Marino,	Schumacher,	Woodside,
Elpern,	Matthews, H. T.,	Serrill,	Wright,
Falkenstein	Matthews, J. F.,	Shaw,	Yanoshat,
Finnerty,	McArdle,	Shea,	Yeakel,
Fiss,	McCullough,	Shepard,	Yourishin,
Flanagan,	McDermott,	Shoemaker,	Zappala,
Flannery,	McDevitt,	Shugarts,	Furman,
Flinchbaugh,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

STATEMENT BY MR. SHEA.

Mr. SHEA asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, I am going to give you some medical advice for nothing. I previously on the floor of this House made the statement that I had more brains than any other man in the Commonwealth and I still stick to that statement.

Mr. Speaker and members of the House, I understand the situation that confronts the people of this Commonwealth. I have to go home when we adjourn and I have to tell the people of my district what has happened. And, members of the House, my district consists of workers, of industrialists and of men who need help, all of whom have seen the Supreme Court kill everything that we have accomplished for their benefit. I cannot go home without telling them I have done something here, and my suggestion, Mr. Speaker and members of the House, is that we appoint a lunacy commission to look after some of the witnesses that we expect to appear before this House. When I look at some of the biological inferiorities, when I come in contact with them, when I see their termors, when I see their irregular pupils, and when I see them actually going haywire, there is no wonder that I ask that they be examined by such a commission previous to their testimony here. I saw one of them today protected by strongarmed men, with fear of phobia, and all this tends to verify my suspicion in connection with my experience through many a psychiatric institution in this state. I am not saying this in the spirit of levity, but I am doing this so that our great parties, both of them, shall be protected from those who are about to testify.

Mr. Speaker and members of the House, we are the victims; we picked out a hot potato. We have the welfare of this House and its prerogatives at heart and we are going to do our duty. Furthermore, I am going to ask that each and every one of them submit to a Wasserman and Kahn test to ascertain whether they are entirely free of that great disease which the Commonwealth is now trying to eradicate.

Members of the House, that is all I have to say. May this information which I have given here sink in, and it is my earnest hope that it be carried out.

The SPEAKER. The remarks of the gentleman will be spread upon the Legislative Journal.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 29 (Senate Bill No. 7), as follows:

An Act to further amend section four of and to add section 9.2 to the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred fifty-two) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" by providing for additional projects the acquisition of property from school districts and the leasing of projects by the Authority to school districts imposing duties upon the Department of Property and Supplies the Department of Labor and Industry and all departments having an interest in certain projects and authorizing the Department of Public Instruction and school districts to contract with and lease from the Authority.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred fifty-two) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" as amended by section one of the act approved the eighteenth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws six hundred seventy-six) is hereby further amended to read as follows

Section 4 Purposes and Powers General The Authority is created for the purpose of constructing improving maintaining and operating sewers sewer systems and sewage treatment works for State institutions of every kind and character (heretofore or hereafter constructed) public buildings for the use of the Commonwealth State arsenals armories and military reserves State airports and landing fields State institutions of every kind and character (heretofore or hereafter constructed) additions and improvements to land grant colleges school buildings and the furnishings and equipment thereof for the use of the public schools State highways and bridges tunnels and traffic circles on State highways swimming pools and lakes on State land and dams and improvements to river embankments (any and all the foregoing being herein called "projects") and the Authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes including but without limiting the generality of the foregoing the following rights and powers

(a) To have perpetual existence as a corporation

(b) To sue and be sued implead and be impleaded complain and defend in all courts

(c) To adopt use and alter at will a corporate seal

(d) To acquire purchase hold lease as lessee and use any property real personal or mixed tangible or intangible or any interest therein necessary or desirable for carrying out the purposes of the Authority and (without limitation of the foregoing) to lease from the department or from any school district any property real personal or mixed or any interest therein now owned or hereafter acquired by the Commonwealth of Pennsylvania with the approval of the Governor or now owned or hereafter acquired by such school district for a term not exceeding ninety-nine years at a nominal rental or at such annual rental as may be determined and with the approval of the Governor to lease as lessor to the Commonwealth of Pennsylvania and any city county school district or other political subdivision or any agency department or public body of the Commonwealth or land grant college any project at any time constructed by the Authority and any property real personal or mixed tangible or intangible or any interest therein at any time acquired by the Authority

(e) To acquire by purchase lease or otherwise and to construct improve maintain repair and operate projects

(f) To make by-laws for the management and regulation of its affairs

(g) To appoint officers agents employes and servants to prescribe their duties and to fix their compensation

(h) To fix alter charge and collect rates rentals and other charges for the use of the facilities of or for the services rendered by the Authority or projects thereof at reasonable rates to be determined by it for the purpose of providing for the payment of the expenses of the Authority the construction improvement repair maintenance and operation of its facilities and properties the payment of the principal of and interest on its obligations and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations

(i) To borrow money make and issue negotiable notes bonds and other evidences of indebtedness or obligations (herein called "bonds") of the Authority and to secure the payment of such bonds or any part thereof by pledge ordeed of trust of all or any of its revenues rentals and receipts and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds whether issued or to be issued as the Authority shall deem advisable and in general to provide for the security for said bonds and the rights of the holders thereof

(j) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business

(k) Without limitation of the foregoing to borrow money and accept grants from and to enter into contracts leases or other transactions with any Federal agency

(l) To have the power of eminent domain

(m) To pledge hypothecate or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority

(n) To do all acts and things necessary or convenient to carry out the powers granted to it by this act or any other acts

Provided however when projects are to be constructed improved maintained repaired or operated for the use of any department of the Commonwealth as hereinbefore listed in this section no plans or specifications therefor shall be presented for quotations or bids until such plans and specifications shall have been submitted to and approved by the department of the Commonwealth which shall use such project the Department of Property and Supplies the Department of Labor and Industry and any other department of the Commonwealth having any jurisdiction over the projects so that the project will conform to such standards established by these departments

Provided [however] further That the authority shall have no power at any time or in any manner to pledge the credit or taxing power of the Commonwealth or any of its cities counties school districts or other political subdivisions nor shall any of its obligations or debts be deemed to be obligations of the Commonwealth or any of its cities counties school districts or political sub-

divisions nor shall the Commonwealth or any city county school district or political subdivision thereof be liable for the payment of principal of or interest on such obligations

Section 2 Said act is hereby amended by adding thereto Section 9.2 to read as follows

Section 9.2 Contracts to Lease and Leases by Department of Public Instruction and School Districts from Authority The Department of Public Instruction and any school district shall have power and authority with the approval of the Governor to enter into contracts with the Authority to lease as lessee from the Authority any school building and the furnishings and equipment thereof constructed or improved by the Authority for a term with respect to each not exceeding thirty (30) years at such rental or rentals as may be determined by the Authority and upon the completion of said school building and the furnishings and equipment thereof the department and school district shall have power and authority with the approval of the Governor to lease as lessee any school building and the furnishings and equipment thereof completed by the Authority for a term with respect to each not exceeding thirty (30) years at such rental or rentals as may be determined by the authority

Section 3 The provisions of this act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

Mr. SHUGARTS. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 2, lines 11 and 12 of title by striking out the following: "dements" and inserting in lieu thereof: "departments"

Amend Sec. 1 (Sec. 4), page 6, line 18, by striking out the following: "such"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

The SPEAKER. The Chair calls to the rostrum the gentleman from Lackawanna, Mr. Coleman, who as chairman of the Committee, will conduct Memorial Services for the deceased members and officers of this House.

RECESS

The SPEAKER. The Chair declares a recess for the period of these Memorial Services.

MEMORIAL SERVICES

Mr. COLEMAN Presiding.

The CHAIRMAN. This afternoon, we pause in the midst of a busy legislative session to lay, in imagination, a wreath of fresh flowers on the graves of the late Chief Clerk of the House, Willim P. Gallagher, the late Speaker of the House, C. J. Goodnough, and the late members, the Honorable Francis T. Baker, the Honorable Charles Richter and the Honorable William J. Munley. Today our thoughts turn to reverence as we meet to honor them with the tribute of our praise.

HONORABLE WILLIAM J. MUNLEY

The CHAIRMAN. In recollection of when they were here moving among us, beautiful unpainted pictures appear in the mind of how much sweeter life is that they lived. These men are not dead; they live in their examples and their influence; they live in the splendor of their deeds; they live in the hearts they left behind; they live in the traditions that pass from generation to generation and from age to age they have just wandered over the boundary, there to illuminate and irradiate the pathway of mankind.

The duty of a Chairman on such an occasion is to present the speakers to eulogize their respective friends. Other speakers will pay tribute to the other four Legislative sons but I cannot help but express my feeling about Lackawanna County's son, the late Honorable William J. Munley. On such sad occasions as will mark this hour it is very difficult for one who has been so very closely associated with our departed friend to utter what is in his heart. But I would be false to my deepest emotions if I failed to bring the love of my heart and embalm it in his memory today.

Some months ago, Bill, as we called him out of a spirit of endearment, was attending a wrestling match in Scranton's Town Hall. He was a familiar figure at all of these sporting events, and little did those of us, who observed him cheering his respective favorites on that occasion, realize that while he looked to be at the very zenith of his health and strength, his end was near. He was seized with a stroke, and died two days later, on March 9, 1938, in the Scranton State Hospital. He was the oldest Democratic member of the House, having been elected for eight consecutive terms.

The news of his death caught me with a catch in my throat and I cannot say anything that would mean exactly as I feel. He was one of my best friends. To say that I liked him does not adequately express my feelings. My admiration bordered upon idolatry. He was one of the finest men I ever met. In our altogether too few associations there ripened a deep friendship between us.

I had wondered how a man in these days of economic distress could continue to capture the hearts and minds of the people of his district. My first meeting with him gave me the reason. Like thousands of others I was caught within the radius of the power of his personality. He radiated faith in himself. He had that indescribable personal magnetism which arrested attention and predisposed others in his favor.

When I was first elected representative Bill Munley arranged to have me sit next to him in the 1935 session of the Legislature. It wasn't necessary for me to come here with a natural aptitude for the work because he was a great teacher. I never had to traverse the legislative highway or penetrate the parliamentary wilderness unaccompanied. Bill Munley was always with me. I recall that shortly after election in 1934 I visited his home to ask him to recommend some literature that I might read so that I would have some semblance of a background for the work when the Legislature convened. "The little tricks that mean most to a legislator," said he, "you cannot get in the pages of books. It must come from practical experience." He was right. Munley knew all the tricks of the legislative game. He gave me the benefit of his years of experience. He was not the demonstra-

tive or spectacular type. Glaring headlines in the newspapers had no appeal to him. He was thorough and made a searching examination of all legislation. He had both feet on the ground at all times. I sought his advice frequently and he gave it freely. Whenever I contemplated some action that might put me in an unfavorable light as freshman legislators are prone to do, Munley would always point out to me the error of my action. He did it in such a fashion that the danger of offending was entirely eliminated. His conduct in the Legislature won the love, compelled the respect and challenged the admiration of every member of this House. If the Divine Master sought someone to breathe into his heart and soul a model disposition he would have to pattern it after Bill Munley.

I could recite hundreds of little nameless, unremembered acts of his love and kindness. He was always doing something for some body, not openly, not ostentatiously, but something for the pleasure of helping others. He was a perfect gentleman in every sense of the word. I never heard any of his colleagues nor anyone else criticize anything that he did or said. Always unruffled, he never lost his temper. He was always in a friendly state of mind.

It is difficult for me, being so closely associated with him, to accept the fact that he has gone. He died where "Manhood's morning almost touches noon, and while the shadows were still falling towards the West." He was 53 years old. The world is a better place because he lived. He has left behind him a monument richer than gold, more enduring than granite and that is the memory of a man who had many friends and no enemies. Nothing that I can say, nothing, perhaps, except the tender touches of time can soften or assuage the grief and the feeling of great loss upon the part of the members of his own household, who are here today. However, I am sure it must be a great consolation to them to be able to cherish during the remaining days of their lives the memory of such a splendid citizen, such a patriotic public servant, such a devoted and considerate father and husband.

The CHAIRMAN. The Chair recognizes the gentleman from Luzerne, Mr. Yourishin.

HON. WILLIAM P. GALLAGHER

Mr. YOURISHIN: Mr. Chairman, Ladies and Gentlemen of the House: We should not, I think, be doing justice to the feelings which are uppermost in all of our hearts if we adjourned this session without taking notice of the gap which has been made in the official family of the House of Representatives by the untimely death of William P. Gallagher, Chief Clerk of the House of Representatives in May of 1938.

It is a loss of which I hardly trust myself to speak, for apart from ties of friendship there had subsisted between him and the membership of this House for the past number of years, a close friendship and affection which no political differences were ever allowed to loosen or even weaken. Nor can I better describe him than by saying that he perhaps of all men of his day came nearest to the mold and ideal of chief clerk, which every member of the house would like to see or aspire to and if possible to attain.

The bounty of nature, enriched and developed, not only by training but by constant self-discipline through life blended in him gifts and graces which taken alone are rare, but when combined in such a man are rarer still. Body, mind and character, the news room, the field of sports, his church, the Senate and the House of Representatives each made its separate contribution of faculty and experience to a many-sided and harmonious whole. But what he was he gave: Gave with such ease and exuberance that I think it may be said without exaggeration, that wherever he moved he seemed to radiate vitality and charm. He was, as we here know, a strenuous character. He has left behind him no resentments and no enmities, nothing but a gracious memory of a manly and winning personality: the memory of one who served with an unstinted measure of devotion his county and his State.

He has been called away in what we thought was the full tide of a buoyant life, still full of promise and of hope. What more can we say we can only bow once again before the decree of the supreme wisdom. Those who loved him, and they are many, in all ranks and walks of life, when they think of him will say to themselves:

This was the happy man. This was he who every man in life should wish to be.

> And while we pause in our humble way
> To pay our respect to a man we admired
> With unanimous thoughts in our hearts we pray
> His reward will be great for the cause he aspired.

The CHAIRMAN. The Chair recognizes the gentleman from Montgomery, Mr. Longaker.

Mr. LONGAKER: Mr. Chairman, and fellow members of the House: It is a privilege and an honor to be called upon to make a slight contribution to the services held this day in which we are honoring the lives, the services, and the memories of those who served in various capacities of trust and responsibility either as members or officers of this House.

The gentleman from Luzerne, Mr. Yourishin, has outlined generally the life and career of our esteemed friend and lately our Chief Clerk, Honorable William P. Gallagher, and therefore my brief remarks will be confined to a discourse concerning his services as Chief Clerk. I approach my subject with a deep appreciation that my humble remarks will fall far short of properly eulogizing the characteristics of our friend; and with the further acknowledgement that the use of words and phrases are inadequate to properly portray the deeds and actions constituting a life of useful service as rendered by him. And particularly we of the Republican minority salute him as our true counselor and friend.

It is most fitting that all of us regardless of color, creed, or political preference, might meet on common ground and share together the sorrow, yes, and the joys as well, that this hour will bring. It is fitting that we meet in the forum where he presided as our Chief Clerk and where at times the acromonies and sarcasms of debate tend to create barriers between us which should have no place in our common desire to labor together for the common weal. Therefore, in the midst of a Special Session of this Legislature, a session which by its very issues seems destined to be filled with strife and contention, it is a welcome interlude to turn our thoughs and hearts to the consideration of a life of friendliness and service: and is somewhat akin to a cooling breeze on the hot sands of the desert. If there lived a man known to all of us to whom we might repair in times of joy or sorrow, or success or failure, and share equally his graciousness, his

kindness, and his encouragements, it was Billy Gallagher. And so we turn to his spirit now.

Many members of this House first entered the services of the Commonwealth as Legislators on New Years day 1935. On that same day, the House of Representatives honored itself by selecting as its Chief Clerk, William P. Gallagher of Luzerne County. From that time to the date of his untimely demise, which occurred on the 25 day of May, A. D. 1938, Billy Gallagher, as we all knew him, won his way completely into our hearts. Some public officials are prone to show favoritism to those from whom they might expect special favors. This did not apply to him. As new members of the Assembly in the Session of 1935, we were soon taught to understand that regardless of our newness in office, personal accomplishment, or political affiliation, we were all considered alike in the same fair and just manner by the man whom we honor today. No matter how slight the wish or how serious the problem, we were always met with the same honest and sincere desire on his part to serve us as members of this Assembly. And in his smiling way he would always say "that's what we are here for." Might we learn this lesson of service from Billy Gallagher and might we more often when called upon to perform a duty for others say in the same smiling manner "that's what we are here for."

This spirit of true friendship and sincere service permeated the atmosphere of his office from the first to the last day he graced it, and his immediate associates and assistants in that office seemed to share that same spirit; and it might be truly said that the latch string was always available to the members of the House.

On one of my last visits to his office I was accompanied by my son, Jack, who is aged 9 years. We had a very pleasant visit because Billy Gallagher seemed to know just what to say and do when youngsters were concerned. When learning of his unfortunate passing a few months ago Jackie inquired "Do you mean that nice man we met in the Capitol at Harrisburg last summer?" Surely one discovers many times his true position in life by the unspoiled and unpredjudiced judgment of a child's observations.

Billy Gallagher will no longer be with us in a physical sense to share our problems and pleasures, but his spirit will forever hover over this place; and in the heat of political passion, and in the toilsome endeavors of all or any of us to solve the pressing and perplexing problems of the day which assail us on all sides, it seems natural that we might repair again to him, and that we might temper and moderate our sometimes selfish desires and demands by testing them by the same principals of love and understanding which characterized his every thought and action. Although the memory of his life may never be commemorated by the erection of a physical memorial, nevertheless there has already been created in our hearts a perpetual existing and living memorial of service which can never be erased.

We are better men and women and per chance better public servants because he passed along our way and shed upon us his smile and unselfish devotion to duty.

In truth Billy Gallagher, was one of God's Noble Men.

The CHAIRMAN. The Chair recognizes the gentleman from Snyder, Mr. Fiss.

HONORABLE FRANCIS T. BAKER

Mr. FISS. Mr. Chairman and Members of the House, it is fitting that we pause to pay tribute to another very honorable man, one who has been a member of this House for six regular sessions and seven special sessions.

Francis T. Baker was born on a farm in Vicksburg, in Union County, sixty years ago. Vicksburg is located in one of the very beautiful valleys of Pennsylvania, in fact one of the garden spots of this great State. Francis Baker was a fine type to the people of that community and he represented Union County in this House for six regular sessions; a county that is noted for its fine homes and farms, its excellent churches and schools, and is also the home of Bucknell University. He lived in Lewisburg, where Bucknell University is located. He was one of its very finest citizens, loved and respected by all. He was a good father, he loved his home life and kept his house in order. He did not have many scholarly attainments, he did not aspire to be a specialist in the law or in medicine or in any special manner whatever, but one of his marked qualities was honesty. Truth is one of the very fundamentals of life itself. In his efforts to serve his people, he was honest in every sense of the word. Even though he did not aspire to be a prince or lord * * * I think that is beautifully expressed by the poet Burns.

"Princes and lords are but the breath of kings; an honest man is the noblest work of God."

So that is one of the fine traits, I am sure we have all found in Francis T. Baker. He was always ready to render service to his many friends and to those who were in need and he did render that service. If a man was mowing his field and his reaper broke down, many of those farmers sent for Francis Baker and he came no matter what hour of the day, early or late. If he was in his field reaping or cutting wheat and his binder broke down, Francis Baker was always on the job. I know of several cases that I visited him at his home, where men came as late as eleven o'clock at night and asked him to go many miles to help them out for their next day's work, and Francis Baker never refused. Let us remember that these are the commonplace fidelities of life.

The people of Union County thought so much of Francis Baker that on many occasions he was returned as a member of this House, carrying every district in Union County. He was also a candidate for reelection and was unopposed. It merely proves the truth of what I said that Francis Baker was loved and revered by the people of Union County.

As a friend to those of you who knew him for the six terms in this House, he was always ready to aid, he was always ready to greet you with a pleasant smile and a good handshake, so that all in this House could call him friend. He did not ask what party we belonged to, he only wanted to be a friend. He was faithful in every action, faithful to his duties in this House, to his home life, in his business, in everything he undertook to do, so we might say of Francis Baker, he was faithful in every act. He was the soul of honor. On moral questions that arose, you generally found Francis Baker on the right side of the question, so his honor was clear, and in this memorial to Francis Thompson Baker, may we be reminded that the commonplace fidelities of life are as everlasting as the final destiny and future of man. These qualifications he possibly exemplified, far better than many of us, and they are as lasting as the everlasting hills of Union County, the county he loved.

The CHAIRMAN. The Chair recognizes the gentleman from Franklin, Mr. Moomaw.

HONORABLE CHARLES H. RICHTER

Mr. MOOMAW. Mr. Chairman and members of the House: I feel greatly honored in being able to rise at these Memorial Services and in my humble way, attempt to pay reverent tribute to the late Honorable Charles Henry Richter, of Adams County, who was my only colleague from the thirty-third Senatorial District.

I also feel greatly honored to have been chosen by the Speaker to be one of the members to represent this House of Representatives at Mr. Richter's funeral.

Mr. Richter was elected to the House in 1936. Those who learned to know him real well, will remember him as being one who always acted as his conscience dictated, always trying to vote and act in the manner which he thought was the desire of the majority of his constituents. While he did not often appear in debate I know of no member who studied pending legislation more carefully or who more truly tried to represent the wishes of his constituents by his vote, than did Mr. Richter. I am sure this House, as well as the people of Adams County, keenly feel the loss of such an able Representative.

His election to the House was not his first step in serving the public, in fact, his entire life has been in the public service.

He was born on January 18, 1875, in Berwick Township, Adams County. After attending schools in the community, he later graduated from Cumberland County State Normal, which is now Shippensburg State Teacher's College, and took special courses at Eichelberger Academy at Hanover.

At the age of 17, he started teaching in the public schools of his community and later taught in the public schools of Hanover and then last he taught again in Berwick Township, the place of his birth. His service as a school teacher includes 45 terms.

Aside from his public service as a teacher, he also served his Community ably as a Justice of the Peace for more than 30 years, having first been appointed by Governor Pennypacker.

Politically he was always active in the affairs of the Democratic Party and has represented his party as a delegate to the State Convention and Chairman of the County Convention.

Mr. Richter was also very active in church and fraternal circles. He was a member of the St. Mark's Lutheran Church of Hanover and also a teacher of a large Men's Bible Class. He was an active member of the Masonic Order and the Elks, having served as exalted ruler of the Elks, at one time.

By his activity in public life, church and fraternal circles, he was well known and held the highest respect of his community. His untimely passing on June 24, 1938 meant a great loss of the highest type of citizenship to those who knew him.

His home life was parallel to his public life. He was married in 1910. Two children were born to this union, who survive him, although his good wife preceded him in death, having passed on to the great beyond, in 1928. He always enjoyed his home life and gloried in being the father of a happy family.

His entire boyhood, school, public, church, fraternal and family life was one of the highest character.

By his passing to the great beyond his family has lost a kindly father, his church and fraternities lost an ardent worker, his pupils and associates in school lost an efficient and helpful leader, and the people of his community lost a friend and neighbor, whose entire life was the finest example of the highest type of American citizenship.

HON. C. JAY GOODNOUGH

The CHAIRMAN. The Chair recognizes the gentleman from Cameron, Mr. Huntley.

Mr. HUNTLEY. Mr. Chairman and members of the House, I take this opportunity of honoring the memory of Hon. C. Jay Goodnough. I fully realize that anything I may say will neither add to nor detract from what he accomplished as a citizen of public service. Yet, to recall some of the traits of his character might be of interest to us as well as to light the pathway for some benighted person trudging along a hard road to achieve success in the journey of life.

At the age of thirteen Mr. Goodnough was an orphan boy, facing the world with scarcely any relatives or friends, all alone, without means and possessing a limited amount of education. He soon learned that life was real and earnest. Being a boy of courage and judgment, he was able to face the problems of his environment, and to reach the conclusion that education was the essential foundation on which to build an efficient and successful life. He also perceived that character was the greatest element in human happiness and responsibility.

His business and political activities have already been spread upon the record of this House thru a privileged resolution, and I will therefore not dwell on this part of his life. I prefer to mention some of the distinctive qualities which helped to make him great. He had a motive for a higher position in life and worked to attain it. He had self respect of such dignity as to cause other people to respect him. He was rather reserved and quiet, but when he spoke he had the tact of saying the right thing in the right place. He was unassuming but whenever called upon to perform any duty, he accepted the challenge and was capable of rising to all emergencies. He was a common man of the common people, endowed with common sense and a spirit of fair play. These characteristics are such as characterized a great man.

The CHAIRMAN. The Chair now asks that the members of the House stand in silent prayer out of respect to the memory of our departed friends.

May their souls and all the souls of the faithful departed rest in peace.

The Chair wishes to thank the members who participated and also the membership of the House for their splendid cooperation during these services.

The Chair now turns the gavel back to the Speaker of the House.

AFTER RECESS

The time of recess having expired the House was called to order.

The SPEAKER (Roy E. Furman) in the Chair.

MEMORIAL SERVICES TO BE PRINTEED IN JOURNAL

Mr. COLEMAN. Mr. Speaker, I move that the remarks made during the Memorial Exercises be printed in full in the Legislative Journal.

The motion was agreed to

RESOLUTION

CONGRATULATIONS

Messrs. WALSH and McGee offered a resolution which was twice read, considered and unanimously adopted as follows:

In the House of Representatives, August 9, 1938.

Wherefore, The Clan of Corrigan has borne an honored name down through the centuries, even unto the realm of the Druids; and

Wherefore, The now famous Douglas Corrigan, who flew to California via Dublin, emulates the intrepid spirit of his ancestors; and

Wherefore, This House is singularly honored in having as a fellow member the Honorable John P. Corrigan who exemplifies the fact that the Clan of Corrigan never springs from anything but springs at them; and

Wherefore, The Honorable John P. Corrigan frequently parallels the feat of his famous Clansman by going home via the Bolton;

Now therefore be it Resolved, That the House of Representatives takes cognizance of the presence of its distinguished member by extending to him its assurance of its deepest respect; and

Be it further Resolved, That a copy of this resolution, properly certified, be transmitted to the Honorable John P. Corrigan.

Mr. CORRIGAN: Mr. Speaker and ladies and gentlemen of the House of Representatives, I do not feel that I deserve any of the credit and I do not want to take away any credit from the man for his great achievement in the furtherance of aviation, just because he is my namesake.

I wish however, to thank you, ladies and gentlemen of this House.

RESOLUTION

Mr. MARINO offered a resolution and asked unanimous consent for its immediate consideration and adoption.

The SPEAKER. Will the House give its unanimous consent to the immediate consideration of the resolution? Are there objections?

Mr. WOODSIDE. Mr. Speaker, I object.

The SPEAKER. The Chair hears objections and consent is not granted. The resolution will be filed with the Clerk.

CONGRATULATIONS

Messrs. HESS, LARUE, ROTHENBERGER and BALTHASER offered a resolution which was twice read, considered and unanimously adopted as follows:

In the House of Representatives, August 9, 1938.

Whereas, On the morning of August 4, 1938, Warren Hess, a Member of this House, asked that his colleague, Albert S. Readinger, be excused for the day; and

Whereas, Unanimous consent was granted, the membership was not acquainted with the reason for the request of the excuse; and

Whereas, It has now been disclosed that Mr. Readinger had a race with the stork to the Reading Hospital, at Reading, Pennsylvania, where it has been further disclosed Mr. Readinger arrived safely, but before he had an opportunity to do much damage to the hospital property, it was announced that he was the father of a son, Alan Styer, and it has been further reported that our colleague, Albert, his wife, Ruth, and the baby, Alan, are all doing very nicely; therefore, be it

Resolved, That the House of Representatives congratulate Albert S. Readinger and his wife on the new addition to the Readinger household; and be it further

Resolved, That the Chief Clerk of this House be directed to forward the felicitations of this House to the proud parents.

COMMITTEE MEETING

The Committee on Education will meet on Monday August 15, 1938, at 7:30 p. m. in Room 324.

ADJOURNMENT

Mr. WOOD. Mr. Speaker, I move that this House do now adjourn out of respect to and in memory of the late Hon. Francis T. Baker, until Monday, August 15, 1938, at 8:00 p. m.

The motion was agreed to, and (at 4:13 p. m.) the House adjourned until Monday, August 15, 1938, at 8:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1938

Vol. 22 HARRISBURG, PA., MONDAY, AUGUST 15, 1938. No. 12.

SENATE

MONDAY, AUGUST 15, 1938.

The Senate met at 8:00 o'clock P. M. (E. S. T.).

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, LL. D., offered the following prayer:

Infinite Spirit and Lord of all, we would come in humility and reverence to this hallowed moment. A day in Thy courts is better than a thousand. Give us to know the glory of Thy presence, the benediction which follows sincere worship.

Give unto us a wholesome sense of need and grace to discern the reality of spiritual values.

Loving Father, we confess a restless anxiety for our worthy Governor and his gracious companion, as they wing their way over mountains and seas, through cloud and storm to other lands. God bless them. Keep guardianship over their loved ones. In all, we trust to the guiding hand that bears the waterfowl upon his long flight, as seasons come and go.

Do Thou be in the midst of us. Lead our counsels. Make our decisions. May we love nothing but truth, fear nothing but wrong. Keep us faithful to our nation, to our Commonwealth, to the humanities of life; above all, to Thee. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. LAW, the further reading was dispensed with, and the Journal was approved.

LEAVES OF ABSENCE

Mr. Shapiro asked and obtained leave of absence for the Senator from Philadelphia, Mr JASPAN on account of illness.

Mr. Rodgers asked and obtained leave of absence for the Senator from Allegheny, Mr. RANKIN.

Mr. Buckman asked and obtained leave of absence for the Senator from Lackawanna, Mr. HOWELL, on account of illness in his family.

He also asked and obtained leave of absence for the Senator from Lancaster, Mr. PIERSON, for the present week.

He also asked and obtained leave of absence for the Senator from Montgomery, Mr. BEAN, for the present week.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced presented in writing from His Excellency, the Governor of the Commonwealth nominations for appointment as Notaries Public which were laid on the table.

COMMUNICATION FROM THE GOVERNOR

He also presented communication in writing from His Excellency the Governor of the Commonwealth, which was read as follows:

NOMINATIONS RECALLED

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, August 15, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall the following nominations made to your Honorable Body on July 25, 1938, these appointees having just resigned:

John Moore, Bradford, McKean County, for appointment as a member of the McKean County Board of Assistance, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

Mrs. Emma Griffith Bovaird, Bradford, McKean County, for appointment as a member of the McKean County Board of Assistance, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

GEORGE H. EARLE.

Mr. HUFFMAN. Mr. President, I move that the Senate do now proceed to the consideration of the nominations of John Moore and Mrs. Emma Griffith Bovaird for appointment as members of the McKean County Board of Assistance sent to the Senate July 25th by His Excellency, the Governor of the Commonwealth which were laid on the table.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

The communication was read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 25, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law I have the honor hereby to nominate for the advice and consent of the Senate the following:

John Moore, Bradford, McKean County, for appointment as a member of the McKean County Board of Assistance,

from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

Mrs. Emma Griffith Bovaird, Bradford, McKean County, for appointment as a member of the McKean County Board of Assistance, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

GEORGE H. EARLE.

Mr. HUFFMAN. Mr. President, I move that at the request of His Excellency, the Governor, the fore-going nominations for appointment as members of the McKean County Board of Assistance be returned to the Governor.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, August 15, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

MEMBER BOARD OF TRUSTEES OF WARREN STATE HOSPITAL

J. D. Landers, Tionesta, Forest County, for appointment as a member of the Board of Trustees of Warren State Hospital, for the term of four years and until his successor is duly appointed and qualified, vice Merle Russell, deceased.

MEMBERS McKEAN COUNTY BOARD OF ASSISTANCE

Robert A. Russell, (Republican) Custer City, McKean County, for appointment as a member of the McKean County Board of Assistance, for the term ending December 31, 1938, vice John Moore, resigned.

Mrs. Theresa White, (Republican) 2 West Washington Street, Bradford, McKean County, for appointment as a member of the McKean County Board of Assistance, for the term ending December 31, 1938, vice Mrs. Emma Griffith Bovaird, resigned.

JUSTICE OF THE PEACE

Charles W. Compton, 313 Spring Street, Latrobe, Westmoreland County, for appointment as Justice of the Peace in the Borough of Latrobe, Westmoreland County, vice John L. Ackerman, deceased, until the first Monday in January, 1940.

GEORGE H. EARLE.

HOUSE MESSAGE

The Clerk of the House of Representatives being introduced, presented extract from the Journal of the House which was twice read as follows:

RESOLUTION AUTHORIZING PAYMENT OF MILEAGE OF SENATORS AND MEMBERS

In the House of Representatives, August 15, 1938.

Resolved (if the Senate concur), That the State Treasurer be and is hereby authorized to pay on warrant of the Auditor General to each member of the General Assembly mileage to and from their homes, at the rate of five cents per mile, circular, for each week a member was in actual attendance at the session of the Extraordinary Session of the General Assembly, (convened in Session on call of the Governor July 25, 1938) by virtue of the provisions of the Act of Assembly approved the tenth day of May, A. D., 1927, P. L. 880.

Mr. RICE. Mr. President, I move that Rule 39, which requires resolutions to be referred to an appropriate committee, be suspended and that the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there any objection?

The Chair hears none.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS INTRODUCED

Mr. RUTH read in his place and presented to the Chair Senate Bill No. 39, entitled:

An Act to amend and re-enact section five hundred and twenty-four of an act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws, three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended by limiting and prescribing the method of fixing the levy of school taxes in school districts of the first class.

Which was committed to the Committee on Education.

He also read in his place and presented to the Chair Senate Bill No. 40, entitled:

An Act to amend sections one hundred eight, five hundred six, five hundred seven, eight hundred thirteen, eight hundred fourteen, and one thousand one hundred thirty-three of the act approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, by providing for the merger of certain school districts with other districts; redefining indebtedness of school districts; empowering the county boards of school directors to employ an attorney and fix his compensation; increasing the salaries of member of the county board of school directors; and providing for limitations on the appointment of district superintendents.

Which was committed to the Committee on Education.

He also read in his place and presented to the Chair Senate Bill No. 41, entitled:

An Act making an appropriation to the Department of Public Instruction for the payment of salaries of members of, and attorneys employed by, county boards of school directors.

Which was committed to the Committee on Appropriations.

Mr. DiSILVESTRO read in his place and presented to the Chair, Senate Bill No. 42, entitled:

An Act to amend article two of section one of the act, approved the twelfth day of June, one thousand nine hun-

dred and thirty-one (P. L. 575), entitled "An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River, and the improvement of the facilities for transportation across the river; authorizing the Governor, for these purposes, to enter into an agreement with New Jersey; creating The Delaware River Joint Commission and specifying the powers and duties thereof, including the powers to finance projects by the issuance of revenue bonds; transferring to the new commission all the powers of the Delaware River Bridge Joint Commission; and making an appropriation," by fixing the term of office of certain members.

Which was committed to the Committee on State Boards.

Mr. RICE read in his place and presented to the Chair Senate Bill No. 43, entitled:

An Act making a deficiency appropriation to the Lieutenant Governor.

Which was committed to the Committee on Appropriations.

RESOLUTION REQUESTING THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO FURNISH THE SENATE COPIES OF REPLIES FROM PUBLISHERS RELATIVE TO TEXTS ON EARLY PENNSYLVANIA HISTORY

Mr. SIPE offered the following resolution, which was twice read, as follows:

In the Senate, August 15, 1938.

Whereas, the Senate by a unanimously adopted resolution during the last regular Session of the General Assembly, directed the Superintendent of Public Instruction to issue a protest to such publishers of school texts as offered for sale to the public schools of Pennsylvania texts on United States history that tell considerable about the first settlements in Massachusetts, New York, Virginia and other states but at the same time either ignore the first settlements in Pennsylvania altogether or else make very inadequate mention of the said first settlements; and

Whereas, the Superintendent of Public Instruction, about ten days after the adoption of said resolution, sent a communication to the Senate in which he said that he had issued the protest as directed and was receiving replies thereto from certain publishers of textbooks on United States history.

Therefore be it resolved that the said Superintendent of Public Instruction be directed to furnish the Senate with copies of all replies received by him to date from the said publishers.

QUESTION OF PERSONAL PRIVILEGE

Mr. SIPE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Armstrong, Mr. Sipe, will state his question of personal privilege.

Mr. SIPE. Mr. President, in connection with the foregoing resolution I wish to remind the members of the Senate that in the last general session a resolution was adopted unanimously, directing the Superintendent of Public Instruction to issue protests on such publications of text books used in schools of Pennsylvania which, while telling considerable about the beginnings in a number of other states, either ignore the beginnings of Pennsylvania altogether or pass them over lightly. That was the resolution.

About ten days later the Superintendent of Public Instruction sent a communication to the Senate in which he stated that he had issued the protest to a number of publishing companies as directed and was receiving very favorable replies.

I, for one, believe that the Senate of Pennsylvania is entitled to see what those replies are—whether they are favorable or not. So this resolution which I offered directs the Superintendent of Public Instruction to furnish a set of copies of all replies which he has received to date from the publishers.

I, therefore, ask unanimous consent that Rule 39 which requires resolutions to be referred to an appropriate committee, be suspended and that the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there any objection?

The Chair hears none.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess for fifteen minutes.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

ANNOUNCEMENT BY THE SECRETARY

The Sub-Committee on Welfare will meet tomorrow in Room 325 at 10:00 o'clock A. M. (E. S. T.).

During the recess the Committee on Appropriations will meet in Room 265.

Immediately after the meeting of the Committee on Appropriations, the Committee on City Government will meet in Room 265.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORTS FROM COMMITTEES

Mr. STIEFEL. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STIEFEL from the Committee on City Government, reported as committed, Senate Bill No. 35, (House Bill No. 22), entitled:

An Act to confirm and validate past tax levies or assessments made by school districts of the first class and liens filed thereon.

He also from the Committee on Appropriations re-reported as committed, Senate Bill No. 36 (House Bill No. 8), entitled:

An Act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by such department with the General State Authority for the use and occupancy by the Commonwealth of various projects, structures, buildings, and facilities of the Authority or for the services rendered by the Authority or its projects.

Mr. BARTHOLD. Mr. President. I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BARTHOLD from the Committee on Appropriations,

re-reported as committed, Senate Bill No. 37, (House Bill No. 11), entitled:

A Supplement to the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (Appropriation Acts, page forty-five), entitled "An act making an appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two years beginning June first, one thousand nine hundred thirty-seven, and for the payment of assistance and expenses accrued or incurred prior to, and remaining unpaid on, May thirty-first, one thousand nine hundred thirty-seven."

BILL OVER IN ORDER

Mr. RICE. Mr. President, I ask unanimous consent that Senate Bill No. 5, on concurrence in House amendments, entitled:

An Act to amend section two of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven, (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," by re-defining "assistance" so as to provide for medical care in place of services.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 16, entitled:

An Act authorizing the Commonwealth or any of its agencies or instrumentalities of Government including the General State Authority to contract with and to lease or acquire from any housing authority any area acquired or about to be acquired by such housing authority for slum clearance purposes.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

QUESTION OF PARLIAMENTARY INQUIRY

Mr. SHAPIRO. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of parliamentary inquiry.

Mr. SHAPIRO. Mr. President, what will a vote "Aye" mean?

The PRESIDENT. Do you mean one vote "Aye"? That means nothing at all.

Mr. SHAPIRO. Mr. President, if the Chair will answer my inquiry I will endeavor to get twenty six votes "Aye", but I would like to know what those twenty six votes mean.

The PRESIDENT. Nothing is in order but the vote.

Mr. SHAPIRO. Mr. President, I raised a question of parliamentary inquiry on the vote.

The PRESIDENT. Nothing is in order but the vote.

And the question recurring,

Will the Senate concur in the same?

The yeas and nays were taken agreebaly to the provisions of the Constitution, and were as follows, viz:

YEAS—0

NAYS—40

Barthold,	Frey,	Kunkel,	Rice,
Buckman,	Gelder,	Lanius,	Rodgers,
Cavalcante,	Gilson,	Law,	Rupp,
Chapman,	Haluska,	Mallery,	Ruth,
Dando,	Henney,	McCreesh,	Shapiro,
Deitrick,	Heyburn,	McGinnis,	Sipe,
Dent,	Huffman,	Mundy,	Sones,
DiSilvestro,	Jacobs,	Owlett,	Stiefel,
Ealy,	Kahle,	Pytko,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 17, entitled:

An Act authorizing housing authorities to contract with and to lease or convey to the Commonwealth or any of its agencies or instrumentalities of Government including the General State Authority any area acquired or about to be acquired for slum clearance purposes.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constituton, and were as follows, viz:

YEAS—0

NAYS—40

Barthold,	Frey,	Kunkel,	Rice,
Buckman,	Gelder,	Lanius,	Rodgers,
Cavalcante,	Gilson,	Law,	Rupp,
Chapman,	Haluska,	Mallery,	Ruth,
Dando,	Henney,	McCreesh,	Shapiro,
Deitrick,	Heyburn,	McGinnis,	Sipe,
Dent,	Huffman,	Mundy,	Sones,
DiSilvestro,	Jacobs,	Owlett,	Stiefel,
Ealy,	Kahle,	Pytko,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS OVER IN ORDER

Mr. RICE. Mr. President, I move that all bills on second reading of today's calendar go over in their order.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

MOTION TO READ BILL THE FIRST TIME

Mr. LAW. Mr. President, I move that the bill reported from committee at today's session be read for the first time.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 35, (House Bill No. 22.) entitled:

An Act to confirm and validate past tax levies or assessments made by school districts of the first class and liens filed thereon.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

TIME OF NEXT MEETING

Mr. HUFFMAN. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HUFFMAN, offered the following resolution which was twice read, considered and agreed to:

In the Senate, August 15, 1938.

RESOLVED (if the House of Representatives concur) That when the Senate adjourns this week it reconvene on Tuesday evening, September 6, at 8 o'clock, Eastern Standard Time; and when the House of Representatives adjourns this week it reconvene on Tuesday evening, September 6, at 8 o'clock, Eastern Standard Time.

Ordered, that the Clerk present the same to the House of Representatives for concurrence.

RESOLUTION GRANTING USE OF SENATE CHAMBER FOR PUBLIC HEARING

Mr. SHAPIRO. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO, offered the following resolution which was twice read, considered and agreed to:

In the Senate, August 15, 1938.

RESOLVED that the use of the Senate Chamber be and is hereby granted to the Committee on City Government on Wednesday, August 17, at 2 P. M. for a public hearing on Senate Bills Nos. 27, 28 and 29.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn until Tuesday, August 16 at 1:30 o'clock P. M. (E.S.T.).

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:11 o'clock P. M. (E.S.T.), until Tuesday, August 16, at 1:30 o'clock P. M. (E.S.T.).

HOUSE OF REPRESENTATIVES

MONDAY, AUGUST 15, 1938.

The House met at 8:00 p. m.

The SPEAKER, (Roy E. Furman), in the Chair.

PRAYER

The Chaplain, Rev. EPHRAIM Z. GALLAHER, offered the following prayer:

Most gracious Lord, we have long been taught that they that call upon Thy name shall be blessed. We, therefore, invoke Thy blessing upon this body this night.

We do especially ask Thy blessing upon the Governor of this Commonwealth and his good wife as they seek rest in new environments. May they have a restful and happy journey and a safe return home.

In His name we do pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Tuesday, August 9, 1938.

The Clerk proceeded to read the Journal of Tuesday, August 9, 1938, when, on motion of Mr. CADWALADER the further reading was dispensed with and the Journal approved.

RESOLUTION INTRODUCED AND REFERRED

By Mr. MARINO. RESOLUTION No. 5.

In the House of Representatives, August 9, 1938.

Whereas, In the last primary election, various candidates running for political office, made charges of misconduct on the part of various officers of this Commonwealth; and

Whereas, The district attorney of Dauphin County, seized these political statements and instigated a grand jury investigation; and

Whereas, Those accused have demanded from time to time that the evidence be presented at once and that the grand jury proceed to final conclusion, or if sufficient evidence were on hand to immediately issue warrants for the officers concerned; some of the charges are directed to every Member of the General Assembly; and

Whereas, It is only proper that all persons involved, either be indicted and convicted, or acquitted prior to the general election so that the voters may know whether they are voting for innocent or guilty men for public office; and

Whereas, It cannot be too well emphasize that the voting public has a right to know and to know promptly, whether or not the public officers for whom they are going to vote, are guilty of the charges made or innocent; therefore be it

Resolved, That the Supreme Court of Pennsylvania before whom the constitutionality of certain acts must be determined before the legal proceedings, both before the Dauphin County Grand Jury and before the House Committee may go forward, shall meet in extraordinary session prior to their regular September session, to determine the constitutionality of the respective acts covering the inquiries above referred to.

Referred to the Committee on Rules.

LEAVES OF ABSENCE

Mr. Brown asked and obtained leave of absence for Mr. SHEPARD for tonight's session.

Mr. Lewis asked and obtained leave of absence for Mr. REUBEN E. COHEN for tonight's session.

Mr. Shaw asked and obtained leave of absence for Mr. O'KEEFE for the remainder of the week on account of illness in the family.

Mr. Perry asked and obtained leave of absence for Mr. SOLLENBERGER for tonight's session.

Mr. Scanlon asked and obtained leave of absence for

Mr. FITCH for the remainder of the week on account of illness.

Mr. Gillette asked and obtained leave of absence for Mr. MERRELL for the remainder of the week on account of illness.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 40, entitled:

An Act to ratify, confirm and make valid the actions, proceedings, expenses and expenditures of the commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth, appointed pursuant to the joint resolution, approved the twenty-ninth day of April, one thousand nine hundred and thirty-seven, (P. L. 540), entitled "A joint resolution authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate, efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth; conferring upon the commission full power to issue subpoenas; requiring the commission to make a report of its findings to the Governor, together with its recommendations as to such regulatory legislation as may be needful to correct any abuses and evils connected with such industry which are prejudicial to the interests of the citizens of this Commonwealth; authorizing the commission to employ counsel and employes; and making an appropriation," and its amendment.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 38, entitled:

An Act making an appropriation for the expenses of the special committee appointed by the Speaker of the House of Representatives on the day of one thousand nine hundred thirty-eight pursuant to a resolution adopted by the House of Representatives on the day of one thousand nine hundred thirty-eight by authority of the act approved the day of one thousand nine hundred thirty-eight (Act No.) entitled "An act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment authorizing the Speaker of the House to appoint a special committee for any such investigation authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated providing for the summoning of witnesses and for the punishment of persons refusing to appear produce evidence or testify and authorizing the employment and compensation of counsel and other assistants"

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of or so much thereof as may be necessary is hereby specifically appropriated to the special committee appointed by the Speaker of the House of Representatives on the day of one thousand nine hundred thirty-eight pursuant to a resolution adopted by the House of Representatives on the day of one thousand nine hundred thirty-eight by authority of the act approved the day of one thousand nine hundred thirty-eight (Act No.) entitled "An act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment authorizing the Speaker of the House to appoint a special committee for any such investigation authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated providing for the summoning of witnesses and for the punishment of persons refusing to appear produce evidence or testify and authorizing the employment and compensation of counsel and other assistants" for the payment of the expenses of such investigations by such committee including the compensation of counsel investigators stenographers reporters and other employes as may be necessary for the conduct of its work postage telegraph and telephone the cost of subpoenaing and attachment of witnesses witness fees supplies and printing and any other expense of every kind and description which may be authorized by a majority of the committee in connection with the conduct of its work

On the question,

Will the House agree to the section?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 2, line 1, by inserting after the word "of" the following: "fifty thousand dollars ($50,000)"

Amend Sec. 1, page 2, line 5, by inserting before the word "day" the following: "second"

Amend Sec. 1, page 2, line 5, by inserting after the word "of" the following: "August"

Amend Sec. 1, page 2, line 7, by inserting after the word "the" the following: "thirtieth"

Amend Sec. 1, page 2, line 7, by inserting after the word "of" the following: "July"

Amend Sec. 1, page 2, line 9, by inserting after the word "the" the following: "thirtieth"

Amend Sec. 1, page 2, line 9, by inserting after the word "of" the following: "July"

Amend Sec. 1, page 2, line 10, by inserting after the word "No." the following: "2"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second and third sections were separately read and agreed to as follows:

Section 2 All such expenses heretofore incurred by such committee shall be paid from the appropriation created by this act

Section 3 This act shall become effective immediately upon its final enactment

The title was read as follows:

An act making an appropriation for the expenses of the special committee appointed by the Speaker of the House of Representatives on the day of , one thousand nine hundred thirty-eight, pursuant to a resolution adopted by the House of Representatives on the day of , one thousand nine hundred thirty-eight, by authority of the act, approved the day of , one thousand nine hundred thirty-eight, (Act No.), entitled "An act defining the procedure for, and regulating the investigation by the House of Representatives, and its committees, of charges of, or involving, misdemeanor in office on the part of civil officers liable to impeachment; authorizing the Speaker

of the House to appoint a special committee for any such investigation; authorizing the presentation of evidence by the Attorney General and other counsel, and the officers investigated; providing for the summoning of witnesses and for the punishment of persons refusing to appear, produce evidence, or testify, and authorizing the employment and compensation of counsel and other assistants."

On the question,

Will the House agree to the title?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend title, page 1, line 3 of title, by inserting after the word "the" the following: "second"

Amend title, page 1, line 3 of title, by inserting after the word "of" the following: "August"

Amend title, page 1, line 6 of title, by inserting after the word "the" the following: "thirtieth"

Amend title, page 1, line 6 of title, by inserting after the word "of" the following: "July"

Amend title, page 1, line 8 of title, by inserting after the word "the" the following: "thirtieth"

Amend title, page 1, line 8 of title, by inserting after after the word "of" the following: "July"

Amend title, page 1, line 9 of title, by inserting after the word "No." the following: "2"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribe for a third reading.

TIME EXTENDED ON BILL

Mr. ACHTERMAN. Mr. Speaker, I move that the time on House Bill No. 23, Printer's No. 23, on page 2 of today's calendar bills on second reading, be extended two weeks.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 26, entitled:

An Act abating certain tax penalties and interest on county, city (except city of the first class), borough, town, township, school district (except school district of the first class), and poor district taxes; prohibiting the sale of real property for the non-payment of any such taxes for a certain period; and preserving certain tax liens, and providing for the extension thereof.

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All penalties and interest imposed on delinquent county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes for the tax year one thousand nine hundred and thirty-four and all previous years and all penalties imposed on such taxes for the tax years one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven assessed and levied against any parcel or parcels of real estate and on delinquent poll taxes levied for any of such years are hereby abated without the necessity of further action by the authority levying the tax if said delinquent taxes are paid as hereinafter provided This section shall not be construed to abate the interest accrued on the taxes for the years of one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven but no further interest shall be imposed on such taxes after the payment of the first installment as hereafter provided so long as the taxpayer complies with the provisions of this act

In order to receive the benefits of the installment system of payment provided by this act twenty per centum of the delinquent taxes due for the tax year one thousand nine hundred and thirty-seven and for all previous years and of the accrued interest due on the one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven taxes shall be paid on or before the first day of November one thousand nine hundred and thirty-eight twenty per centum on or before the first day of November one thousand nine hundred and thirty-nine twenty per centum on or before the first day of November one thousand nine hundred and forty twenty per centum on or before the first day of November one thousand nine hundred and forty-one and the final twenty per centum on or before the first day of November one thousand nine hundred and forty-two And provided That the respective current taxes (the institution district taxes in lieu of the poor taxes) on such parcel or parcels of real estate and on delinquent poll taxes levied for the years subsequent to the year one thousand nine hundred and thirty-eight during such installment periods assessed and levied by such taxing authority shall be paid before they become delinquent For the purposes of this act a tax shall be deemed to become delinquent on the date when a penalty attaches to the tax If and whenever any of the said current taxes or any of the said installments are not paid when due and payable as herein provided then and in that event there shall become due and payable for such year a sum equal to one-fifth of the total amount of the abated penalties and interest in addition to the other payments required to be paid under this act during that year which said additional sum shall be payable and must be paid at the time the next succeeding installment payment becomes due under this act If such additional sum is not so paid then the total amount of the abated penalties and interest less the aggregate of any such additional sums theretofore paid shall be revived and added to the unpaid taxes with the same force and effect as if such abated penalties and interest or portion thereof had never been abated and the taxpayer shall not thereafter be entitled to any further benefits or privileges under this act

On the question,

Will the House agree to the section?

Mr. O'CONNOR. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 2, line 20, by striking out the word "first" and inserting in lieu thereof: "thirty-first"

Amend Sec. 1, page 2, line 21 by striking out the word "November" and inserting in lieu thereof: "December"

Amend Sec. 1, page 2, line 22, by striking out the word "first" and inserting in lieu thereof: "thirty-first"

Amend Sec. 1, page 2, line 23, by striking out the word "November" and inserting in lieu thereof: "December"

Amend Sec. 1, page 2, line 24, by striking out the word "first" and inserting in lieu thereof: "thirty-first"

Amend Sec. 1, page 2, line 24, by striking out the word "November" and inserting in lieu thereof: "December"

Amend Sec. 1, page 2, line 26, by striking out the word "first' 'and inserting in lieu thereof: "thirty-first"

Amend Sec. 1, page 2, line 26 by striking out the word "November" and inserting in lieu thereof: "December"

Amend Sec. 1, page 2, line 28 by striking out the word "first" and inserting in lieu thereof: "thirty-first"

Amend Sec. 1, page 2, line 28 by striking out the word "November" and inserting in lieu thereof: "December"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second to the ninth sections inclusive and title were separately read and agreed to as follows:

Section 2 Any taxpayer or owner having the right of redemption may anticipate the payment of such delinquent taxes for the tax year one thousand nine hundred and thirty-seven and previous years at any time on or before November first one thousand nine hundred and thirty-eight by paying the entire amount of such delinquent taxes and interest due on the one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven taxes and receive the benefit of this act and in such cases payment of the taxes assessed and levied for the year one thousand nine hundred and thirty-eight shall not be required at the time of such payment

Section 3 This act shall be construed to apply to all such taxes whether or not liens for such taxes had been returned for non-payment or have been filed in the office of the prothonotary of the county or proceedings for the collection of such taxes have been instituted in any court in said county or where real property has been sold to a county city borough town township school district or poor district at a tax sale or on a tax lien and the period of redemption has not expired but this act shall not be construed to apply to cases where real property has been sold other than to a county city borough town township school district or poor district at a tax sale or on a tax lien and where the period of redemption has not expired The taxpayer sha'l be liable for the payment of all costs incurred except the solicitor's fees where liens for such taxes have been returned for non-payment or have been filed in the office of the prothonotary or proceedings for the collection thereof have been instituted in any court

Section 4 The benefits of this act shall extend to and accrue to any successful bidder or purchaser at sheriff's or other judicial sale grantee transferee mortgagee or owner having the right of redemption under a tax sale or other party in interest in the parcel or parcels of real estate against which the above mentioned taxes have been assessed and levied whether separated or not

Section 5 Any taxpayer or owner having the right of redemption sha'l have the right to pay the delinquent taxes assessed and levied against any parcel or parcels of real estate without being required to pay the delinquent taxes assessed and levied against any other parcel or parcels of real estate in the same ward district or other municipal subdivision

The county commissioners of each county may at their discretion and at the cost of the county cause to be published two times in not more than two newspapers of general circulation throughout the county a notice to the taxpayers giving a synopsis of the terms of this act setting forth the benefits provided by the act and the necessary conditions required by the taxpayers in order to receive the same Upon application either in person or in writing by the taxpayer or owner the tax levying authorities the tax collector the receiver or receivers of taxes or the person or persons charged with the collection of such delinquent taxes or the person or persons in whose custody the records of such delinquent taxes are kept shall furnish to such delinquent taxpayers or owner a statement of the delinquent taxes owned by him to such municipal subdivision showing the face amount the penalty if any the interest if any and any costs or other charges in detail against such real property as shown by the records in his custody

Every collector of taxes whose duty it is to send to the respective taxpayers any notice or statement of their annual taxes shall include in each such notice or statement an additional notice of the date when the next installment payment is due under the provisions of this act

Section 6 In order to enable the taxpayer or owner having the right of redemption under a tax sale to receive the full benefits of this act no real property shall be sold for non-payment of taxes before November first one thousand nine hundred and thirty-eight and any tax sale shall be adjourned or readjourned or right of redemption extended as often as may be necessary for this purpose If any tax sale is adjourned or readjourned or right of redemption extended after advertisement or sale no additional advertisement or notice shall be necessary for the adjourned or readjourned sale or right of redemption No such adjournment or readjournment or redemption failure to advertise or hold any such tax sale shall invalidate the lien of any tax due and unpaid or sale had subject to redemption but the lien of all such taxes shall be fully preserved during the entire installment period herein provided for if the taxpayer avails himself of the privileges or benefits of this act Provided however That in every case where a taxpayer avails himself of the privileges or benefits of this act the period during which payment of the said delinquent taxes is postponed or continued under this act shall not be included in computing and determining whether or not any right of the tax assessing and levying authority has been barred or lost by reason of the provisions of any statute or statutes now existing or hereafter enacted limiting the right of the said tax levying and assessing authorities to file preserve or maintain the lien of the said taxes

Section 7 The provisions of this act are severable and if any of the provisions hereof are held to be unconstitutional the decision shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 8 The act approved the first day of May one thousand nine hundred and thirty-five (P. L. 129) as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-five (P. L. 444) the act approved the fourth day of June one thousand nine hundred and thirty-six (P. L. 10) and the act approved the fourteenth day of April one thousand nine hundred ad thirty-seven (P. L. 302) shall continue in full force and effect as to any and all taxpayers who have taken advantage of and are not in default in the provisions thereof All other acts and parts of acts general local and special inconsistent herewith be and the same are hereby suspended during the time this act shall be in effect

Section 9 Nothing in this act shall be so construed as to prevent any taxpayer who has heretofore taken advantage and accepted the benefits of any of the acts referred to in section eight and who at the time this act becomes effective has lost all future rights benefits privileges and opportunities under such act from taking advantage and receiving the benefits of this act in the same manner as if such person had never attempted to comply with the provisions of such previous abatement act

An Act abating certain tax penalties and interest on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes prohibiting the sale of real property for the non-payment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof,

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The bill having been called up from the postponed calendar, by Mr. OMINSKY and

The rule requiring bill to be considered in Committee of the Whole being in this case dispensed with,

The House resumed the consideration on second reading of House Bill No. 4, entitled

An Act regulating grand jury investigations of charges of or involving misdemeanor in office on the part of certain public officers

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever any court of quarter sessions within this Commonwealth shall have ordered a grand jury investigation of charges of or involving misdemeanor in office on the part of any member of the General Assembly the Governor the Lieutenant Governor the head of any executive or administrative department of the State government a member of any executive or administrative board or commission of the State government the Chief Justice or any Justice of the Supreme Court the President Judge or any Judge of the Superior Court or any judge of a court of record the evidence in support of such charges shall be presented to the grand jury at sessions upon to the public

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. OMINSKY. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS PASSED OVER

There being no objection House Bill No. 30, Senate Bill No. 8, Printer's No. 30 was passed over at the request of Mr. ACHTERMAN.

There being no objection House Bill No. 29, Senate Bill No. 7, Printer's No. 29 was passed over at the request of Mr. ACHTERMAN.

There being no objection House Bill No. 10, Printer's No. 20 was passed over at the request of Mr. SCHOR

RESOLUTIONS

MILEAGE FOR MEMBERS

Mr. OMINSKY offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, August 15, 1938.

Resolved (if the Senate concur), That the State Treasurer be and is hereby authorized to pay on warrant of the Auditor General to each member of the General Assembly mileage to and from their homes at the rate of five cents per mile circular for each week a member was in actual attendance at the session of the Extraordinary Session of the General Assembly, (convened in Session on call of the Governor July 25, 1938) by virtue of the provisions of the Act of the Act of Assembly approved the tenth day of May, A. D., 1927, P. L. 880.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS INTRODUCED AND REFERRED

By Mr. BRADLEY HOUSE BILL No. 55.

An Act to prevent fraud and deception in the shipping, marketing and sale of anthracite coal; providing standards for anthracite coal and providing penalties for the violation of this act.

Referred to the Committee on Mines and Mining.

By Mr. BRADLEY HOUSE BILL No. 56.

An Act to protect the public safety by prohibiting coal stripping work in close proximity to public highways.

Referred to the Committee on Highways.

By Mr. HERBERT B. COHEN HOUSE BILL No. 57.

An Act to provide for the expenses of the extraordinary session of the Legislature, assembled July twenty-fifth, Anno Domini one thousand nine hundred thirty-eight, in pursuance of the proclamation of the Governor of the Commonwealth, dated July twenty-second, Anno Domini one thousand nine hundred thirty-eight, and the supplements thereto.

Referred to the Committee on Appropriations.

PERMISSION GRANTED COMMITTEES TO MEET DURING SESSION

Mr. SAMUEL A. WEISS asked and obtained permission for the Committee on Municipal Corporations to meet during the session of the House.

Mr. HERBERT B. COHEN asked and obtained permission for the Committee on Appropriations to meet during the session of the House.

RESOLUTION

SYMPATHY EXTENDED

Mr. HONTZ offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and unanimously adopted by a rising vote:

In the House of Representatives, August 15, 1938.

It is fitting that this House make due note of the death of a member of the Governor's Cabinet. The Honorable Michael James Hartneady, born at Mauch Chunk on August 31, 1879, passed away at his home in Nesquehoning, on August 12, 1938.

The Secretary of Mines began his career as a breaker boy, picking slate at the early age of eleven, and gave his whole life to anthracite mining, passing through the successive stages from the lowliest position to the highest.

Mr. Hartneady was a life-long member of the Democratic Party. His life's work was devoted to the interests of labor. He served, for 26 years as an official of the United Mine Workers of America. To a considerable extent through his efforts, has mining been made safer for the thousands of Pennsylvanians engaged in the industry; therefore, be it

Resolved, That the House of Representatives give reverence to a staunch and loyal public servant who no longer can serve the cause for which he lived; bemourn the loss to the Commonwealth, to the mining industry, to the Democratic Party, and to his hosts of friends; and express its sympathy for the widow and relatives of the Honorable Michael J. Hartneady, late Secretary of Mines of this Commonwealth; and be it further

Resolved, That the Chief Clerk be instructed to transmit a certified copy of these resolutions to Mrs. Catharine Cadden Hartneady, the widow of the deceased.

REPORTS FROM COMMITTEES

Mr. STANK from the Committee on Appropriations reported as committed, House Bill No. 47, entitled:

An Act making a deficiency appropriation to the Anthracite Coal Industry Commission, created by the act, approved the eighth day of February, one thousand nine hundred and thirty-seven (P. L. 21), entitled "An act creating the Anthracite Coal Industry Commission, defining its powers and duties; and making an appropriation."

Mr. MELCHIORRE from the Committee on Appropriations reported as committed, House Bill No. 57, entitled:

An Act to provide for the expenses of the extraordinary session of the Legislature, assembled July twenty-fifth, Anno Domini one thousand nine hundred thirty-eight, in pursuance of the proclamation of the Governor of the Commonwealth, dated July twenty-second, Anno Domini one thousand nine hundred thirty-eight, and the supplements thereto.

Mr. McELROY from the Committee on Municipal Corporations, reported as committed, House Bill No. 54, (Senate Bill No. 14), entitled:

An Act providing for the adjournment and readjournment of county treasurers' sales of seated and unseated lands that were to have been held in the years one thousand nine hundred thirty-seven or one thousand nine hundred thirty-eight for non-payment of taxes in counties except those of the first and second class and preserving the lien of all taxes on such lands.

Mr. FLANAGAN from the Committee on Appropriations, reported as committed House Bill No. 49, (Senate Bill No. 10), entitled:

A Supplement to the act approved the sixteenth day of June one thousand nine hundred and thirty-six (Pamphlet Laws sixteen) entitled "An act making an appropriation to the Department of Health to defray the cost of pumping the water from slate quarries and anthracite and bituminous coal mines which have been flooded directly or indirectly by the high waters during March one thousand nine hundred thirty-six" by making a further appropriation to supply the deficiency incurred and needed under the provisions of said act.

RESOLUTIONS INTRODUCED AND REFERRED

By Messrs. OMINSKY and FINNERTY.

RESOLUTION No. 6.

In the House of Representatives, August 15, 1938.

Whereas, Section one of article five imposes upon the Magistrates' Courts a very important part of the judicial power of this Commonwealth; and

Whereas, Magistrates' Courts are constitutional courts, and Section eleven of article one provides that "all courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay;" and

Whereas, It has been called to the attention of the General Assembly that the Magistrates' Courts of Philadelphia have not been open during the week-ends of this summer; and

Whereas, This is not only in violation of the Constitution of this Commonwealth, but also in violation of the Magistrates' Act of one thousand nine hundred and thirty-seven, section ten of which specifically provides: "There shall be established a central police court in the city hall of the City of Philadelphia, which shall be open, with a magistrate continually present thereat, during the entire twenty-four hours of each day, and to which the mayor of the City of Philadelphia shall regularly assign from the body of magistrates a sufficient number of magistrates to hold the same for the period of one month; Provided, however, That the same magistrate shall not be assigned for consecutive months, and that no magistrate shall be assigned to said court more than once in every six months;" and

Whereas, There were only one or two magistrates available over the last few week-ends, is inexcusable in that there are twenty-eight magistrates in Philadelphia; and

Whereas, Heretofore it was presumed that the reason that laxity existed in the Magistrates' Courts was that there was no supervising authority over the magistrates, and accordingly under the act of one thousand nine hundred and thirty-seven, such supervisory power and authority was given to the common pleas court of Philadelphia in section thirty-four of said act, which provides as follows: "The judges of the courts of common pleas shall have the power, from time to time, as they deem necessary, to inquire into and consider and and all matters and things touching the administration of the business of the magistrates and the performance by them of their duties, and, for this purpose, to issue out of any of the courts of common pleas writs of subpoena for the summoning of witnesses and the production of books, papers, and documents of the magistrates, or others, as may be relevant and proper to such inquiry, and to take such lawful and proper action in the premises as the said judges deem necessary;" therefore be it

Resolved, (if the Senate concur), That the General Assembly of Pennsylvania respectfully requests the board of judges of the common pleas court of Philadelphia to convene in special session for the purpose of inquiring into the administration by the present magistrates of the Magistrates' Courts of Philadelphia, and to institute such proceedings as shall be necessary for the removal of those magistrates found guilty of violating the provisions of the said act; and be it further

Resolved, That a copy of this resolution be mailed to the secretary of the board of judges of the common pleas courts of Philadelphia, to the mayor, the district attorney, and the superintendent of police of the City of Philadelphia.

Referred to the Committee on Rules.

By Mr. HOLLAND. RESOLUTION No. 7.

In the House of Representatives, August 15, 1938.

Whereas, During the past two decades, the automobile industry has developed rapidly with attendant reduction of prices to such an extent that the great majority of families and business firms now own and operate motor vehicles; and

Whereas, The general use of the automobile and other motor vehicles created the demand for more improved streets and highways, a portion of which cost is born by the revenue procured from motor vehicle licenses and gasoline taxes, while the real property owners have been required to maintain most of the city and borough streets for the benefit of such motor vehicles, as well as to mortgage their properties through municipal bond issues by city, county, borough and township governments for further improvements of streets, alleys and for maintenance of the same in addition to supplying through direct taxation on such real properties, including the homes and farms of this Commonwealth, sufficient funds to provide the essential safety devices and motor patrols for the facilitation of motor vehicular traffic; and

Whereas, The unfair tax burden place upon realty owners for financing the expenses of traffic patrols, traffic signal lights and their maintenance, better traffic committees, traffic planning commissions, traffic courts with its attendant costs of magistrates, etc., stolen car division of detective forces, and homicide squads, and many other direct costs of a similar nature, such as the civil and criminal divisions of the courts of common pleas, and the municipal and county courts, for the settlement of claims resulting from the popular use of the automobiles and trucks; and

Whereas, Real estate owners who own twenty-six per centum (26%) of the total wealth of this Commonwealth are now required to pay approximately ninety per centum (90%) of the cost of all local government, including aforementioned safety devices and measures for the protection of automotive traffic, and in addition the cost of operating the public schools, which tax burden is admittedly out of all proportion and should be remedied at the earliest possible time through equitable legislation; therefore, be it

Resolved, That the House of Representatives in Extraordinary session assemble request and direct the State Highway Department to make a survey of the costs to the municipalities of the Commonwealth for all such traffic regulation and safety services attributable to the automobile and motor truck usage of the municipal streets and highways for the purpose of enabling the next general sesion of the Legislature to properly draft bills to relieve the real property owners of such municipalities of the entire cost of such services resulting from the popular use of automotive equipment; and be it further

Resolved, That the Secretary of the State Highway Department shall present to the House of Representatives, at the next regular session, a report of the facts obtained by the above specified survey.

Referred to the Committee on Rules.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHEA. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Philadelphia will state his question of personal privilege.

Mr. SHEA. Mr. Speaker, I rise to a question of personal privilege, to unburden myself of the suspicion of larceny. Mr. Speaker, I want to establish my honesty before this House. Mr. Speaker, I want also to establish the fact that I am an American citizen, that I have been born an American, of American parents and American grand-parents. I was born in the little town of Summit Hill in the Blue Ridge Mountains of Pennsylvania. I went to high school there and during one of my vacations I picked slate. I want you to understand, Mr. Speaker that I am a better slate picker than Tom Kennedy, and Tom Kennedy is a great deal better than Judge James. I wandered from the valleys of the Blue Ridge Mountains down to Pennsylvania's No. 1 city, the city of Brotherly Love. I also taught military medicine in the broad valleys of our Commonwealth. I have ridden horseback down through the valleys and scaled the hills until I got to a point where I saw the panorama of York before me.

Mr. Speaker, I want to purge myself of larceny and the larceny that I want to purge myself of, and which I want to get rid of, is the fact that on St. Patrick's Day last, when the Legislative Sons of St. Patrick had their banquet, I was out with a Republican member of this House, and during our little sojourn he lost his teeth. I thought this member was a friend of mine until I read an item in the Philadelphia Inquirer and when I saw what he called my party, I thought he referred to me. Now, gentlemen I have no teeth belonging to David Perry. I will try those that I have in my face to see if they will fit him.

Now Mr. Speaker, may I ask David Perry to make an apology to this House for even having the remotest suspicion that I took his teeth.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the Legislative Journal.

RESOLUTION INTRODUCED AND REFERRED

By Mr. MOOMAW. (Concurrent) RESOLUTION No. 8,

In the House of Representatives, August 15, 1938.

Whereas, the Governor has asembled this Extraordinary Session for the purpose of considering, among other things, legislation making illegal the use of devices or methods of transmission of information or advices in furtherance of gambling; and

Whereas, it is essential that the General Assembly have a full disclosure of the facts pertaining to the use of machines or instruments and other devices that are used to furnish or obtain information to be used in gambling before proper legislation may be enacted with respect thereto; therefore, be it

Resolved (if the Senate concur), that there is hereby created an investigating committee, which shall be composed of three Senators, to be appointed by the President Pro Tempore of the Senate, one of whom shall be designated as Chairman, and three Members of the House of Representatives, to be appointed by the Speaker thereof, whose duty it shall be to make a careful and thorough investigation of the existing practices, means, machines, instruments and devices whereby information is knowingly gathered, obtained, disseminated and received in the furtherance of gambling, for the purpose of reporting to this Extraordinary Session of the General Asembly, as early as possible, its findings and its recommendations as to such changes or improvements as it may find to be necessary or desirable to correct any inperfections, insufficiencies or defects in existing laws relating to gambling, to the end that the gambling evil may be more readily and more completely eliminated; and

Resolved, that the committee may employ, and fix the compensation of, such counsel, experts, clerks and assistants, if any, as may be deemed necessary for the proper conduct of the work of the committee; and

Resolved, that the said committee shall have power to issue subpoenas under the hand and seal of its Chairman, requiring and demanding any proper person or persons to appear before it and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents relating to the subject of inquiry as the committee may deem necessary. Each member of the said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully refuse to appear or testify before said committee, or to produce any books, papers, records or documents, as aforesaid, shall be subject to the penalties provided by the laws of this Commonwealth in such cases.

Referred to the Committee on Rules.

MOTION TO RECONSIDER

Mr. KANE. Mr. Speaker, I move that the vote by which the House agreed to transcribe House Bill No. 26, Printer's No. 19, entitled:

An Act abating certain tax penalties and interest on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes prohibiting the sale of real property for the non-payment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof.

on page 3, of today's calendar, bills on second reading, be reconsidered.

Mr. SPROUL. Mr. Speaker, I second the motion,

On the question,

Will the House agree to the motion?

Mr. KANE. Mr. Speaker and members of the House,

these amendments, to begin with, are being offered agreeable to Mr. Weiss, sponsor of the bill, and, secondly, the reason they are being offered now is because the amendments prepared by the county commissioners of some of the smaller counties have just reached us. This is not a partisan proposition, in any way. It simply is an attempt to insert the necessary wording into this tax abatement bill which will permit the governing authorities of each county to abate the taxes or not, as they see fit. In other words, if the conditions in the counties which the sponsors of the bill represent here are such that those counties wish to abate taxes, we would not be passing a law which would make it mandatory upon my county and some others which might not wish to abate the taxes to do so, whether they wish to or not. The sole purpose of these amendments is to make it a matter of local government in each county to decide whether or not they wish to abate taxes, and any of you whose counties wish to abate taxes will still have the entire privilege to do so.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. McDEVITT and Mr. SPROUL and were as follows:

YEAS—62.

Arnold,	Leisey,	Peale,	Terry,
Boose,	Long,	Perry,	Trout,
Cadwalader,	Longaker,	Preston,	Turner,
Caputo,	Lovett,	Rothenberger,	VanAllsburg,
Davies,	Lyons,	Royer,	Wall,
Elpern,	Matthews, H. T.	Scanlon,	Watkins,
Habbyshaw,	Matthews, J. F.	Schrock,	Webster,
Hall,	McDermott,	Schumacher,	Weiss, S. A.,
Hamilton, R. S.	McDevitt,	Serrill,	Wilson,
Hays,	McElroy,	Smith, John A.,	Winner,
Hetrick,	McKinney,	Snyder,	Wood,
Holstrom,	Moomaw,	Sproul,	Woodside,
Huntley,	Moul,	Stackpole,	Yeakel,
Imbrie,	Muir,	Stewart,	Zappala,
Kane,	Patterson, C. S.,	Stockham,	Furman,
Kilroy,	Patterson, J. W.,		

NAYS—110.

Achterman,	Dickinson,	Keenan,	Schor,
Alexander,	Donohoe,	LaRue,	Schrope,
Allen,	Dougherty,	Lopresti,	Shaw,
Allmond,	Downey,	Marino,	Shoemaker,
Atkins,	Dubbs,	McCullough,	Shugarts,
Baine,	Dyson,	McFall,	Siegel,
Baker,	Eckels,	McGee,	Simon,
Balthaser,	Falkenstein,	Melchiorre,	Skale,
Bierly,	Finnerty,	Mellott,	Smith, James A.,
Bohn,	Flanagan,	Mihm,	Spengler,
Bois,	Flannery,	Mooney,	Stank,
Boltz,	Flinchbaugh	Moran,	Thomas,
Boyer	Ganser,	Murrin,	Thompson,
Bradley	Gerard,	O'Connor,	Tronzo,
Brancato,	Gorski,	Ominsky,	Tumelty,
Brigerman,	Haberlen,	O'Neill,	Valibus,
Broad,	Hagerty,	Ostroff,	VanSickle,
Brown,	Hamilton, F. P.,	Pearson,	Wagner,
Caesar,	Harkins,	Pershing,	Walsh,
Chervenak,	Hering,	Piole,	Weiss, D. H.,
Coakley,	Hess,	Powers,	Welliver,
Cohen, H. B.,	Hindman,	Readinger,	Welsh,
Coleman,	Hirsch,	Reese,	Westrick,
Coolahan,	Holland,	Reising,	Whalen,
Corrigan,	Holmes,	Robinson,	Whitenight,
Costanzo,	Hontz,	Ruffennach,	Wright,
Decker,	Horting,	Rush,	Yanoshat,
DeNote,	Jirolanio,	Sarraf,	

So the question was determined in the negative and the motion was not agreed to.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, August 15, 1938.

Resolved (if the Senate concur), That the State Treasurer be and is hereby authorized to pay on warrant of the Auditor General to each member of the General Assembly mileage to and from their homes at the rate of five cents per mile circular for each week a member was in actual attendance at the session of the Extraordinary Session of the General Assembly, (convened in Session on call of the Governor July 25, 1938) by virtue of the provisions of the Act of Assembly approved the tenth day of May, A. D., 1927, P. L. 880.

COMMITTEE MEETINGS

The Committee on Public Health and Sanitation will meet tomorrow at 1:00 p. m. in Room 323.

The Sub-Committee on the Welfare Committee will meet tomorrow at 10:00 a. m. in Room 325.

The Committee on State Boards will meet after tomorrow's session in Room 323.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to announce to the members who are to attend the funeral of the Honorable Michael J. Hartneady, late Secretary of Mines, that they will meet at the home in Nesquehoning at nine o'clock, Eastern Standard Time tomorrow morning. Further information may be obtained from the office of the Chief Clerk.

ADJOURNMENT

Mr. HONTZ. Mr. Speaker, I move that this House do now adjourn out of respect to and in memory of the late Hon. Michael J. Hartneady, until tomorrow at 2:00 p. m.

The motion was agreed to, and (at 9:55 p. m.) the House adjourned until Tuesday, August 16, 1938, at 2:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1938

Vol. 22. HARRISBURG, PA., TUESDAY, AUGUST 16, 1938. No. 13.

SENATE

TUESDAY, AUGUST 16, 1938.

The Senate met at 1:30 o'clock P. M. (E. S. T.).

The PREESIDENT (Lieutenant Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, LL.D., offered the following prayer:

Thou living and eternal God, whom we find not in wind, or earthquake, or fire, but in the still small voice, we would have Thee speak to our hearts and we would speak unto Thee. As we stand near the open door of parting ways, it is good to be still a moment and know that Thou art God. We would seek Thy wisdom in our further deliberations. Bestow upon us all a spirit of moderation, a heart for justice, a sensitiveness to right; and many there abound a mutuality of concession and good will.

In respect to grave issues of which we speak so little here, yet think so deeply, may we choose the silence that is golden, above the eloquence that is silver, not forgetting that:

"The greatest treasure mortal times afford,
Is spotless reputation;
That away,
Man is but gilded loam, or painted clay."

Let the words of our mouth, and the meditations of our hearts be acceptable in Thy sight, O Lord our rock and our salvation. Amen.

JOURNAL APPROVED

The PRESIDENT—A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. McGINNIS, the further reading was dispensed with, and the Journal was approved.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations.

MEMBERS OF THE OIL INDUSTRY INVESTIGATION COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, August 12, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following members of the Oil Industry Investigation Commission:

Ralph H. Smith, Pittsburgh, Allegheny county, (designated Chairman), until annulled.

William H. Godfrey, Germantown, Philadelphia county, until annulled.

John E. McComb, Rouseville, Venango county, until annulled.

GEORGE H. EARLE.

COMMUNICATION FROM THE GOVERNOR

He also presented communication in writing from His Excellency the Governor of the Commonwealth, which was read as follows:

APPROVAL OF HOUSE BILL NO. 15.

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, August 12, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 15, Printer's No. 24, entitled: "An Act Authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the Commission full power to issue subpoenas and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued requiring the Commission to make a report of its findings and recommendations to the General Assembly or to the Governor and authorizing the Commission to employ counsel and employes and making an appropriation."

GEORGE H. EARLE.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. RICE. Mr. President, I move that the Senate do now proceed to the consideration of Nominations for Notaries Public, sent to the Senate, August 4, 8, 9, 15, and 16, 1938, by His Excellency, the Governor of the Commonwealth.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The Nominations were read as follows:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, August 4, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

ALLEGHENY COUNTY

J. Burnett Abraham, West Elizabeth.
Miss Anna Fortun, Pittsburgh, 526 City-County Bldg.
Miss Louise M. Kerr, Pittsburgh, Keystone Bank Bldg.
Jno. D. Ragan, Pittsburgh, 1808 Law & Finance Bldg.
Roy E. Scharpf, Coraopolis.

BUCKS COUNTY

Mrs. Edna K. Briggs, Doylestown.
Miss Frances Patterson, Bristol.

CUMBERLAND COUNTY

John M. Plough, Carlisle.

ELK COUNTY

Robert E. Rice, St. Marys.

LACKAWANNA COUNTY

James E. Hallock, Dunmore.

LAWRENCE COUNTY

Mrs. Gladys Blank Scheidmantel, Ellwood City.

LUZERNE COUNTY

Joseph J. Hagan, Kingston.
Richard Stefanski, Wilkes-Barre.

MONROE COUNTY

Elmer J. Daniels, Barrett Twp., Buck Hill Falls.

MONTGOMERY COUNTY

Miss Helen M. Luttrell, Jenkintown.
Millard N. Wilfong, Norristown.

PHILADELPHIA COUNTY

Mrs. Matilda Adler, Phila., 6738 Torresdale Avenue.
Miss Clara Miller, Phila., 2518 Lewis Tower.
Miss Sara Myers, Phila., 650 Real Estate Trust Bldg.
James Ferguson, Phila., 3210 Stanwood Street.
Frank J. Wendt, Phila., 406 E. Girard Avenue.

WASHINGTON COUNTY

William L. McVay, Washington.

FRANKLIN COUNTY

Miss Helen M. Myers, Waynesboro.

McKEAN COUNTY

Mrs. Harriet E. Bellman, Bradford.

BUTLER COUNTY

Allen D. Greene, Butler.

GEORGE H. EARLE.

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, August 4, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Louis M. Goehring, Pittsburgh, 801 Berger Bldg.

BEAVER COUNTY

Rudolph Schwartz, Aliquippa.

JEFFERSON COUNTY

Miss C. M. O'Connor, Punxsutawney.

LYCOMING COUNTY

Miss Charlotte L. Keller, Williamsport.

WESTMORELAND COUNTY

Miss Mary Grace Mullen, Greensburg.

GEORGE H. EARLE.

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, August 8, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Ann E. Gozon, Pittsburgh, 5706 Walnut Street.
Mrs. Dorothy Hunter, Brackenridge.
John A. Vegh, North Fayette Twp., R D 1, McDonald.

CENTRE COUNTY

Miss Katye M. Reese, State College.

McKEAN COUNTY

Miss Mary Hartman, Bradford.

PHILADELPHIA COUNTY

Mrs. Mary B. Dempsey, Phila., 2606 North 5th Street.
Miss Helen J. Fidler, Phila., 1500 Walnut Street.

POTTER COUNTY

Miss Mary Whyenny, Galeton.

WASHINGTON COUNTY

Mrs. Mary E. McClelland, Washington.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, August 9, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

ALLEGHENY COUNTY

Mrs. Florence K. Walker, West View.

PHILADELPHIA COUNTY

B. Russell Cowper, Phila., 747 West Allegheny Avenue.
Miss Isabelle Y. Coxhead, Phila., 1600 Real Estate Trust Bldg.

WARREN COUNTY

C. Paul Arnold, Warren.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, August 9, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Ruth M. Horst, Pittsburgh, 603 East Ohio Street.
Miss Mary Snyder, Pittsburgh, 1110 Jones Law Bldg.

PHILADELPHIA COUNTY

Miss Ruth E. Kilpatrick, Phila., 5125 Market Street.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, August 15, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

ALLEGHENY COUNTY

Louis P. Maeder, Pittsburgh, Old Post Office Bldg.
Russell T. Shafer, Wilmerding.
Miss Minnie Zeyfang, Pittsburgh, 1310 Commonwealth Bldg.

LACKAWANNA COUNTY

Albert J. Woelkers, Scranton.

LUZERNE COUNTY

Leroy K. Honeywell, Plymouth.
John Petro, Wilkes-Barre.

LYCOMING COUNTY

Miss Margaret B. Sloan, Williamsport.

NORTHAMPTON COUNTY

Lloyd C. Milheim, Palmer Twp., Easton.
James E. Missmer, North Catasauqua.

PHILADELPHIA COUNTY

William W. Blakeney, Phila., 2 N. 41st Street.
Mrs. Tacy W. De Lany, Phila., 22 Maplewood Avenue.
Miss Josephine F. Fogarty, Phila., 1715 Land Title Bldg.
Ralph E. Hoyle, Phila., 1505 Franklin Trust Bldg.

WESTMORELAND COUNTY

Joseph Vizza, North Bellevernon.

ALLEGHENY COUNTY

Miss Mary Charlier, Pittsburgh, 2409 Grant Building.
Miss Jessie B. Crispin, Phila., 1214 Locust Street.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, August 15, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Lenora Ritter, Millvale.
Mrs. Joy Rolshouse, Pittsburgh, Old Post Office Bldg.
Miss Mildred Wiley, Pittsburgh, 6332 Station Street.

BUCKS COUNTY

Miss Vivian M. Romine, Morrisville.

DAUPHIN COUNTY

Mrs. Chloe E. Wagner, Steelton.

LANCASTER COUNTY

J. Emerson Young, East Hempfield Twp., Salunga.

LAWRENCE COUNTY

Mrs. Marie F. Dougherty, New Castle.

LUZERNE COUNTY

Homer Williams, Hanover Twp., 15 Brown St., Ashley.

PHILADELPHIA COUNTY

Harry I. Triester, Phila., 1555 South 58th Street.
Herman Wohlgemuth, Jr. Phila., 312 Real Estate Trust Bldg.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, August 16, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

BRADFORD COUNTY

Mrs. Hilda Brink, Athens.

CRAWFORD COUNTY

Miss Ruth I. Buchanan, Meadville.

DELAWARE COUNTY

Richard V. Bond, Upper Darby Twp., Upper Darby.
Harry M. Hetrick, East Lansdowne.

FRANKLIN COUNTY

Miss Gertrude C. Noel, Waynesboro.

MERCER COUNTY

Mrs. Helen B. Timblin, Sharon.

MONTGOMERY COUNTY

Herman S. Soslow, Springfield Twp., Oreland.

VENANGO COUNTY

Miss Margaret L. McBride, Oil City.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, August 16, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

DAUPHIN COUNTY

Miss S. Elizabeth Shank, Harrisburg.

MERCER COUNTY

Miss Anna M. Boyle, Sharon.
Mrs. Gertrude H. Jordan, Grove City.

NORTHUMBERLAND COUNTY

Mrs. Claire C. Dunlap, Mt. Carmel.

PHILADELPHIA COUNTY

Robert H. Hutchinson, Philadelphia, 17th St. & Sedgley Avenue.

DELAWARE COUNTY

Merrill L. Blackburn, Haverford Twp., Llanerch.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. Rice and Mr. Law.

That Rule 38 which requires nominations made by the Governor to be referred to on appropriate committee be dispensed with, and the Senate do now resolve itself into executive session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. Rice and Mr. Law.

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Barthold,	Eroe,	Kahle,	Rice,
Buckman,	Frey,	Kilgallen,	Rodgers,
Cavalcante,	Gelder,	Kunkel,	Rupp,
Chapman,	Gilson,	Lanius,	Ruth,
Dando,	Haluska,	Law,	Shapiro,
Deitrick,	Henney,	Mallery,	Sipe,
Dent,	Heyburn,	McCreesh,	Stiefel,
DiSilvestro,	Huffman,	McGinnis,	Thompson,
Ealy,	Jacobs,	Reed,	Wolfenden,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. RICE. Mr. President, I move that the Executive Session do now rise.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

BILL INTRODUCED

Mr. WOODWARD read in his place and presented to the Chair, Senate Bill No. 44, entitled:

A Joint Resolution proposing an amendment to Article nine section eight of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Constitutional Changes.

Mr. SHAPIRO. Mr. President, I would like to interrogate the gentleman from Philadelphia, Dr. Woodward.

The PRESIDENT. Will the Senator from Philadelphia, Dr. Woodward, permit himself to be interrogated?

Mr. WOODWARD. Yes sir, Mr. President.

Mr. SHAPIRO. Mr. President, I notice that the gentleman from Philadelphia has introduced a constitutional amendment and that several others of these introduced by him are on the calendar for today. I want to call the attention of the gentleman from Philadelphia to the provision of the Constitution relating to amendments.

Article XVIII, Section 1 reads, "Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives and, if the same shall be agreed to by a majority of the members elected to each House, such proposed amendment or amendments shall be entered on their journal with the yeas and nays taken thereon and the Secretary of the Commonwealth shall cause the same to be published three months before the next general election."

I would like to inquire from the Senator from Philadelphia what can be the purpose or object of introducing this amendment, if under the Constitution it must be published three months before a general election and there is not sufficient time before the next general election to publish any of these amendments.

Mr. WOODWARD. Mr. President, a similar amendment was passed at the last regular session but it increases the limit of indebtedness in Philadelphia from ten percent to fifteen percent and the City Comptroller, Dr. White, has given a lot of publicity to some of these disadvantages of allowing Philadelphia to borrow so much money and I, therefore, thought that I would be wise and accept the Comptroller's suggestion and therefore I have lowered the debt limit from fifteen percent to twelve and one-half percent, hoping that that would meet the Comptroller's objections. This particular joint resolution is put in at this time to overtake the one that passed in the last regular session and would be voted on in November, presumably.

Mr. SHAPIRO. Mr. President, I would like to further interrogate the gentleman from Philadelphia.

The PRESIDENT. Will the Senator from Philadelphia, Dr. Woodward, permit himself to be further interrogated?

Mr. WOODWARD. Mr. President, Yes sir!

Mr. SHAPIRO. Mr. President, is it not true that this is in effect a new amendment and that it cannot be advertised within the time specified in the constitution?

Mr. WOODWARD. Mr. President, my understanding is that in this Special Session we are free to introduce constitutional amendments and if they were passed the second time this winter session, they would be in order for the voting the next November. That is my understanding. You may have me on the advertising but it is very unkind to press a technicality.

Mr. SHAPIRO. Mr. President, I raise these questions specifically because we all have on our calendar these bills and there ought to be some action taken on constitutional amendments. Considering the beating that we have been taking from the gentlemen on the other side, on the question of the unconstitutionality of our measures, at the last session I think we would be very deficient if we did not pay attention to some of those suggestions. Senator Buckman, for instance, came back in a hurry to help us see that we passed no more unconstitutional legislation, and here is a specific provision of the Constitution which provides that there must be three months advertising after the first passage of constitutional amendments and therefore I ask the gentlemen to help us. We should not take any further beatings from the Supreme Court on this

issue later and I ask them to join with me in dropping these bills from the calendar.

Mr. BUCKMAN. Mr. President, I would like to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator from Philadelphia if he understands that the Constitution provides that these constitutional amendments shall be advertised after they are passed once by the Legislature or after they are passed the second time?

Mr. SHAPIRO. Mr. President, I understand that the constitutional provisions which I read provide that the amendment must be advertised after it has been first passed by the Legislature for the first time.

Mr. BUCKMAN. Mr. President, will the Senator from Philadelphia kindly read that clause again.

Mr. SHAPIRO. Mr. President, I shall be glad to as I know that the Senator from Bucks does not have his glasses with him.

Article XVIII, Section 1, reads: "An amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives and if the same shall be agreed to by a majority of the members elected to each House such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon and the Secretary of the Commonwealth shall cause the same to be published three months before the next general election in at least two newspapers in every county in which such newspapers shall be published."

Now to further emphasize my point I ask the gentleman to listen to the next provision. "And if in the General Assembly next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each House the Secretary of the Commonwealth shall cause the same again to be published in the manner aforesaid."

It is because of that, that I take the position that there are two advertisings necessary, one after each passage by each separate House. There is not any question about it in my opinion and it seems to me that the introduction of these amendments is either a waste of time or is merely for the purpose of making idle gestures.

I am very much concerned about the constitutionality of all of these amendments, now that the gentlemen have called my attention to those acts which have been declared unconstitutional as the result of our activities in the last session.

RESOLUTION

REQUESTING INFORMATION RELATIVE TO AEROPLANE USED BY GOVERNOR GEORGE H. EARLE.

Mr. OWLETT offered the following resolution which was twice read as follows:

In the Senate, August 16, 1938.

Whereas Honorable George H. Earle, Governor of the Commonwealth, is now vacationing in South and Central American countries in a new Stinson aeroplane owned by the Commonwealth of Pennsylvania and

Whereas said aeroplane was purchased within the last few weeks by the Pennsylvania Motor Police at a cost of $15,192.45, out of the appropriation made to the Pennsylvania Motor Police for the current biennium out of the Motor License Fund and

Whereas said airplane is being piloted by an officer of the Pennsylvania Motor Police and

Whereas there is no authority under any statute authorizing the use of State property by any officer of the Commonwealth for vacation purposes and

Whereas there is no authority in this act appropriating out of the Motor License Fund to the Pennsylvania Motor Police money for the purchase of aeroplanes said appropriation being for salaries and general expenses; Now Therefore Be It

Resolved that the Honorable Percy W. Foote, Commissioner of the Pennsylvania Motor Police, be requested to furnish to the Senate forthwith a detailed statement of the cost of the plane now used by the Governor on his vacation trip, a statement of the authority under which said plane was purchased and paid for from the Motor License Fund, and a statement of the authority under which he permitted the use of said plane by the Governor of the Commonwealth for a vacation trip to South America, and that he advise the Senate the arrangements under which he permitted an officer of the Pennsylvania Motor Police to pilot said plane.

Mr. OWLETT. Mr. President, I move that rule 39 which requires resolutions be referred to an appropriate committee, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

Mr. BUCKMAN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, very gladly.

Mr. SHAPIRO. Mr. President, I understand that the purpose of this resolution is to ascertain the cost of the aeroplane that the Governor is using.

Mr. OWLETT. Mr. President, no, it is the purpose of the resolution, Mr. President, to ascertain the authority under which the Pennsylvania Motor Police first, purchased for $15,000—we know the cost, $15,192.45,—out of the Motor License Fund, an aeroplane for a vacation trip for the Governor. The second purpose is to find out by what authority State property can be used for a vacation trip by the Governor and other officers of the Commonwealth. That is the purpose of the resolution.

Mr. SHAPIRO. Mr. President, I desire to further interrogate the gentleman from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be further interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. SHAPIRO. Mr. President, I would like to ask whether or not the resolution is within the scope of the call for this special session.

Mr. OWLETT. Mr. President, this is a special session of the Legislature and a resolution of that nature, to my mind, can be passed by this Senate. It is merely asking for information for the information of this Senate on the facts with reference to the use of that plane. I would like to call the Senate's attention to the fact that it has been noted in the papers that it is a State-owned plane. I quote the following Associated Press dispatch, as follows: "Mexico City, Aug. 15—Governor George H. Earle of Pennsylvania, on a vacation tour, landed here at 2:25 P. M. today. He was met at the airport by United States Ambassador Josephus Daniels."

Mr. SHAPIRO. Mr. President, that does not bother me—the fact that he landed.

Mr. OWLETT. Mr. President, I will continue. "With the Governor in his State-owned monoplane were his wife and his pilot, Capt. A. M. Banks, of the Pennsylvania State police."

Mr. SHAPIRO. Mr. President, I would like to further interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be further interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. SHAPIRO. Mr. President, I would like to ask the gentleman from Tioga, whether he is not one of the gentlemen who spoke from that side of the House, a short time ago, about the unconstitutionality of the legislation which has been passed, and whether he is not making a decision on a constitutional question rather quickly.

Mr. OWLETT. Mr. President, I would like to state—

The PRESIDENT. Let the Chair state that in the judgment of the Chair the resolution is permissible in that it seeks information; we adopted a similar resolution last evening.

Mr. OWLETT. Mr. President, I would like a roll call on the motion to suspend the rule.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. DENT. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Westmoreland, Mr. Dent, will state his question of parliamentary inquiry.

Mr. DENT. Mr. President, under the motion is the resolution debatable at the present time?

The PRESIDENT. Only within a narrow limit. The question is on suspending rule 39 in order to give immediate consideration. Discussion should be on the rule.

Mr. DENT. Mr. President, I would like to interrogate the gentleman from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, very gladly.

Mr. DENT. Mr. President, as I understand it, the Senator objects to the fact that the Governor is using an aeroplane belonging to the State for a vacation trip.

Mr. OWLETT. Mr. President, this resolution merely requests the head of the Pennsylvania Motor Police to advise the Senate under what authority he purchased this aeroplane out of motor license funds, to advise the Senate under what authority he permits it to be used for a vacation trip, and under what authority he permits it to be piloted by an officer of the Pennsylvania Motor Police. That is what the resolution calls for; it merely asks for information for this Senate. If the Senate does not care to know about it, that can be determined by their vote on it.

Mr. DENT. Mr. President, I think the Motor Police has a right to buy any equipment that will further its efficiency. I do not believe that the Motor Police ever had specific instructions to buy motorcycles when they did not have them but they found that they were better than horses and they bought them. But as far as the vacation trip is concerned we might remind the Senator that the President uses a warship to go fishing. Every President has had special equipment of all kinds to take him places.

As far as this particular trip and vacation is concerned I think that maybe the point that the Senator wishes to make is that he is disappointed that the Governor landed safely. I think this is petty politics. Maybe they had better give it to Shelley to investigate.

Mr. OWLETT. Mr. President, if it is petty politics when the State of Pennsylvania spent $15,192.45 out of motor license funds for an aeroplane ride for the Governor down to South America I think the people can judge that rather than the Senate.

Mr. SHAPIRO. Mr. President, there are a number of matters in the call to which attention could be directed with much more force and effect than on this resolution, and I should like to speak on the question as narrowly as possible. I would like to call attention to the fact that this resolution is not an information-seeking resolution but is a statement-making resolution and has no force or effect.

This resolution starts out with the statement that the Governor is now vacationing in Central America in a Stinson aeroplane owned by the Commonwealth. Therefore whether or not it is owned by the Commonwealth does not need to be inquired into.

"The aeroplane was purchased within the last few weeks by the Pennsylvania Motor Police at a cost of $15,000." In view of that statement I cannot see what can be the purpose of this resolution which requests somebody to furnish the Senate with a detailed statement of the cost. We have the statement. There is a statement in the resolution as to the cost and as to the ownership of the aeroplane used, and I want to say for the benefit of the members of this Senate that all this resolution can do is merely give us a letter from Mr. Foote saying that it cost $15,000 and that the Governor is using it. Whether he is using it for vacationing or not is not asked in this resolution, which merely asks by what authority he is using it. This merely calls attention to the fact that the Governor of Pennsylvania has used an aeroplane belonging to the State and everyone who knows anything about it knows that he is using it for a perfectly legitimate purpose, for the purpose of investigating the Motor Police and learning how the State Police functions where he is. It comes in pretty bad taste if that is all these people can find to complain about. It is a new low. They ought to sell out at this new low.

Mr. OWLETT. Mr. President, perhaps for the benefit of the members of the Senate I can enlighten them with reference to the facts, such as I learned them. I went today, after reading this article, to the Auditor General's office to find out whether this was a State aeroplane. I learned at first that all the planes were purchased through the Department of Revenue for the Aeronautics Bureau and that no other department of State government owned any aeroplanes. Then after many calls and very fine cooperation from the Auditor General's office they did run down the fact that this was an exception to the rule, and that the Motor Police had purchased this plane. As a matter of fact, it has not yet been paid for. The requisition has been signed by the Governor and I was shown the requisition. It had been approved but the check had not been issued. The purchase order was made out to the Pennsylvania Motor Police, Order No. A 185666, for one Airflane, Model SR-10, Stinson, as per specifications submitted. Cost, $15,192.45.

POINT OF ORDER

Mr. HUFFMAN. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Monroe, Mr. Huffman, will state his point of order.

Mr. HUFFMAN. Mr. President, the matter before the Senate is not debatable and ought not to have been debated this far, and I object.

The PRESIDENT. The point of order is well taken. May the Chair suggest that the resolution seeks information and the Senator is now giving information.

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his point of order.

Mr. CAVALCANTE. Mr. President, the resolution contains matters or allegations which if true may rightly be the basis of impeachment proceedings. Under the legislation already passed by this session of the General Assembly, the power to investigate charges which may result in charges sufficient to sustain impeachment proceedings is reposed in the House of Representatives, and therefore this resolution is out of order.

POINT OF ORDER

Mr. HUFFMAN. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Monroe, Mr. Huffman, will state his point of order.

Mr. HUFFMAN. Mr. President, I insist that this is not debatable. The resolution is not before the Senate and cannot be debated until it comes back from committee.

The PRESIDENT. The point of order is sustained.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. Owlett and were as follows, viz:

YEAS—11.

Buckman,	Ealy,	Mallery,	Wolfenden,
Chapman,	Gelder,	Owlett,	Woodward,
Deitrick,	Haluska,	Rupp,	

NAYS—25.

Barthold,	Huffman,	Law,	Rice,
Cavalcante,	Jacobs,	McCreesh,	Rodgers,
Dent,	Kahle,	McGinnis,	Ruth,
Eroe,	Kilgallen,	Mundy,	Shapiro,
Frey,	Kunkel,	Pytko,	Sipe,
Henney,	Lanius,	Reed,	Stiefel,
Heyburn,			

So the question was determined in the negative.

The PRESIDENT. The resolution is referred to the Committee on Aeronautics.

EMPLOYE OF THE SENATE

Mr. HUFFMAN offered the following resolution which was twice read, considered and agreed to:

In the Senate, August 16, 1938.

Resolved that Byron Blank be elected Assistant Sergeant-At-Arms vice Fred Marsh removed.

ADJOURNMENT OF TAX SALES

Mr. RICE offered the following resolution, which was twice read, as follows:

In the Senate, August 16, 1938.

WHEREAS, Among the subjects designated by the Governor of the Commonwealth for legislation at the present extraordinary session of the General Assembly is one, "Providing for the abatement of tax penalties and interest on taxes imposed by the various political subdivisions, poor districts and school districts of the Commonwealth:" and

WHEREAS, Bills on this subject, including, as a necessary incident thereto, provision for the staying of tax sales, have been introduced and are pending before the General Assembly, but cannot be enacted into law prior to a proposed recess of the General Assembly; and

WHEREAS, Tax sales are at present scheduled to be held at times prior to the time said legislation can be enacted into law, and if such tax sales are held as scheduled, taxpayers will be deprived of the right and opportunity of availing themselves of the benefits which the General Assembly intends to grant; therefore be it

RESOLVED (If the House of Representatives concur), That all tax sales scheduled to be held at any time prior to the 30th day of September, 1938, be adjourned for a period of 30 days; and all sheriffs and county treasurers are hereby authorized and directed to make such adjournments; and be it further

RESOLVED, That the General Assembly hereby undertakes to enact legislation providing for the abatement of tax penalties and interest, with provisions for the stay of tax sales, and the ratification and validation of all adjournments of tax sales pursuant to these resolutions; and be it further

RESOLVED, That certified copies of these resolutions be forwarded, by the Secretary of the Senate, to each sheriff and to each county treasurer in this Commonwealth.

Mr. RICE. Mr. President, in connection with the foregoing resolution, I would like to say that the Senate has passed a bill which would have the effect, if it were enacted into law, of staying the tax sales. However, the bill has just been reported out of Committee in the House, and if the Legislature is going to adjourn this week, it will not have time to pass that bill finally. So this resolution will have the effect of staying those tax sales until the Legislature can pass the legislation.

I, therefore, ask unanimous consent that Rule 39, which requires resolutions to be referred to an appropriate committee, be suspended and that the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there any objection?

The Chair hears none.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

Ordered, that the Clerk present the same to the House of Representatives for concurrence.

RESOLUTION RELATIVE TO SWEDISH EXPEDITION

Mr. RUPP offered the following resolution which was twice read as follows:

In the Senate, August 16, 1938.

WHEREAS, The General Assembly by the Act approved the 28th day of July, 1936, authorized and directed the Pennsylvania Historical Commission of the Department of Public Instruction to arrange a suitable commemoration of the 300th Anniversary of the landings of the ships, Kalmar Nyckel and Fogel Grip and the establishment of the colony of New Sweden; and

WHEREAS, The General Assembly appropriated the sum of $40,000.00 for the purpose of carrying out said celebration, and

WHEREAS, the Governor and other officials of this Commonwealth, with their relatives and friends visited Sweden and enjoyed the hospitality of the Swedes, the cost of which was paid out of said appropriation, and

WHEREAS, Senator C. Hale Sipe was the author and sponsor of said appropriation and was not invited to accompany said junket to Sweden, now therefore,

BE IT RESOLVED, That the Appropriations Committee, appropriate an additional sum of $40,000.00 for the purpose of sending Senator Sipe to Sweden and thus express our confidence and respect for our colleague, the Senator from Armstrong County, and restore his injured feelings to status quo.

Mr. RUPP. Mr. President, I ask unanimous consent that rule 39 which requires resolutions be referred to an appropriate committee be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

Mr. STIEFEL. Mr. President, I object.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. SHAPIRO. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Philadelphia Mr. Shapiro, will state his point of parliamentary inquiry.

Mr. SHAPIRO. Mr. President, I move that the foregoing resolution be amended to include the Senator from Tioga, Mr. Owlett, and myself in the trip.

Mr. LAW. Mr. President, I believe the gentleman from Philadelphia could include all of the Senators. The appropriation is large enough.

The PRESIDENT. Objection is made. Instead of referring the resolution to the Committee on International Relations, we will send it to the Committee on Appropriations.

Mr. SIPE. Mr. President, being temporarily hard of hearing, I did not hear the name of the sponsor of the resolution proposing to send me to Sweden. I am glad that Senator Rupp has evidently had a change of heart. I recall when the bill was introduced setting up the appropriation of $40,000.00 for the celebration of the Tercentenary, Senator Rupp thought that was too large an amount and fought very strenuously to get the amount reduced to $25,000.00. I am glad to know he has increased his interest in early Pennsylvania history.

The PRESIDENT. We will now proceed to the consideration of the calendar.

BILLS OVER IN ORDER

Mr. RICE. Mr. President, I ask unanimous consent that Senate Bill No. 5, on concurrence in House amendments, entitled:

An Act to amend section two of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven, (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Tmergency Relief Board," by re-defining "assistance" so as to provide for medical care in place of services.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

He also asked unanimous consent that Senate Bill No. 36, (House Bill No. 8), on third reading, entitled:

An Act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by such department with the General State Authority for the use and occupancy by the Commonwealth of various projects, structures, buildings, and facilities of the Authority or for the services rendered by the Authority or its projects.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

He also asked unanimous consent that Senate Bill No. 37, (House Bill No. 11) on third reading, entitled:

A Supplement to the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (Appropriation Acts, page forty-five), entitled "An act making an appropriation to the Department of Public Assistance, for the purpose of carrying out the Public Assistance Law for the two years beginning June first, one thousand nine hundred thirty-seven, and for the payment of assistance and expenses accured or incurred prior to, and remaining unpaid on, May thirty-first, one thousand nine hundred thirty-seven."

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

MOTION TO DROP BILL FROM THE CALENDAR

Mr. SHAPIRO, I move that Senate Bill No. 2 on second reading, entitled:

A Joint Resolution proposing an amendment to Section four Article nine of the Constitution of the Commonwealth of Pennsylvania.

be dropped from the calendar.

Mr. McCREESH. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, I have made this motion for the reasons discussed previously at this session this afternoon. Even if passed, this bill would be inoperative and ineffective under the Constitution, as it is in violation of the section of the Constitution on amendments, to which I referred.

Mr. WOODWARD. Mr. President, I trust this motion will not prevail, and that these joint resolutions will go over to the 1939 session, so that they may have passed two sessions of the Legislature. I would like to remind the Senate that these particular joint resolutions were written by our distinguished visitor, Mr. Schnader, who sits over there. It is particularly unfortunate that the Senator from Philadelphia rises against these resolutions in his presence.

I would also like to remind the Senate that these particular resolutions were at one time in the Committee on Constitutional Changes, with a Republican chairman, and that they could never get out of committee. But under this Democratic administration I was encouraged to feel that the Democrats were going to support me in this resolution. as well as the two following ones which also were

submerged by the Republican committee. I hope the Senators will not fail to give us a chance this time.

Mr. LAW. Mr. President, I want to assure the Senator from Philadelphia that there is no desire upon anybody's part to interfere with the orderly procedure on these resolutions, but it is obvious that under the Constitution of Pennsylvania, there is nothing to be gained by passing these joint resolutions at this session of the Legislature. Under the Constitution, they must pass one session of the Legislature, and then be advertised ninety days before the next general election. The purpose of that is definitely stated further on in the constitutional provision, and it is that the people shall have an opportunity of knowing before they vote for candidates to the next Legislature what constitutional amendments are to be voted on the second time at that Legislature. That cannot be done in the case of these proposed constitutional amendments, and if they were to be passed at this time it would only be time wasted, because they may be again passed in the next Legislature and then be advertised before the Legislature is elected in 1940, and then come up again before that Legislature, so that there is nothing to be gained at this time. Therefore, I ask that the Senators support the motion of Mr. Shapiro.

Mr. WOODWARD. Mr. President, I can speak twice on this subject, I suppose. I simply want to say that if this is a matter of political expediency, it is just too bad, because I know that there will be more opposition next winter than there is in this mid-summer weather this August, if the people vote to get rid of many of the present members. Therefore, I can see that I am going to get licked next winter on these resolutions, and I express my regrets and hand my flowers over to the other side.

Mr. SHAPIRO. Mr. President, I want to make it clear that I have no objection to voting in favor of the purposes of this resolution. I have read the bill, and the Senator from Philadelphia knows that I am in accord with him in his opposition to increased indebtedness for the city of Philadelphia. I am quite sure that the gentleman from Philadelphia, who has had the honor of being the Attorney General of this Commonwealth, if he had a voice here, would agree that my objection to the bill as to its constitutionality is valid. I can recognize the concern of the gentleman from Philadelphia, who is both happy and mortified. He has the mixed feeling of being torn between love and duty. He loves his amendments but he fears that in January there will be a Republican organization in control, and that the bill will again meet the same fate that it met before.

Mr. WOODWARD. Mr. President, exactly.

Mr. SHAPIRO. Mr. President, however, I should like to help the gentleman in his dilemma, because I believe in the amendment; but I also believe that this amendment is one on the subject of the constitutionality of which I do not think there will be any question.

This provision in the Article that I read means exactly what it says, and is perfectly plain. There is no ambiguity about it, there can be no two ways of thinking about it. It expressly states that there must be two advertisings, the first of which must be ninety days before the next general election. You cannot say that we can pass this act now and then advertise it again next year, ninety days before the next general election, because that would not be the next general election referred to under the Constitution. It must be the general election coming next after the session at which the amendments are passed.

I think it is perfectly clear and perfectly obvious, and I personally do not object to these bills—I would vote for them if they could be constitutionally passed.

MOTION WITHDRAWN

Mr. BUCKMAN. Mr. President, I would like to ask the Senator if he would not be willing, out of courtesy to his colleague from Philadelphia, instead of dropping these bills from the calendar, to let them go over in order until we come back after Labor Day, and at that time the corpse will be prepared for interment.

Mr. SHAPIRO. Mr. President, I shall be very glad to do that, particularly as the advertising period will have been shortened then anyhow.

I withdraw my motion.

Mr. McCREESH. Mr. President, I withdraw my second.

BILLS OVER IN ORDER

Mr. RICE. Mr. President, I move that all bills on second reading of today's calendar go over in their order.

Mr. REED. Mr. President, I second the motion.

The motion was agreed to.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

HOUSE MESSAGES

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House had concurred in Resolution from the Senate as follows:

In the Senate, August 15, 1938.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Tuesday evening, September 6, at 8 o'clock, Eastern Standard Time; and when the House of Representatives adjourns this week it reconvene on Tuesday evening, September 6, at 8 o'clock Eastern Standard Time.

HOUSE INSISTS ON ITS AMENDMENTS TO SENATE BILL NO. 16

He also informed that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 16, entitled

An Act authorizing the Commonwealth or any of its agencies or instrumentalities of Government including the General State Authority to contract with and to lease or acquire from any housing authority any area acquired or about to be acquired by such housing authority for slum clearance purposes

APPOINTMENT OF CONFERENCE COMMITTEE

Mr. RICE. Mr. President, I move that the Senate insist on its non-concurrence in the amendments made and insisted upon by the House of Representatives, and appoint a Committee of Conference to confer with a similar Committee of the House of Representatives (if the House shall appoint such a Committee) to consider the differ-

ences existing between the two Houses in relation to said bill.

Mr. RUPP. Mr. President, I second the motion.

The motion was agreed to.

Ordered, that Messrs. Kunkle, Jacobs and Pierson be said Committee on the part of the Senate, and that the Clerk inform the House of Representatives accordingly.

HOUSE INSISTS ON ITS AMENDMENTS TO SENATE BILL NO. 17

He also informed that the House insists upon its amendments nonconcurred in by the Senate to Senate Bill No. 17, entitled

An Act authorizing housing authorities to contract with and to lease or convey to the Commonwealth or any of its agencies or instrumentalities of Government including the General State Authority any area acquired or about to be acquired for slum clearance purposes

APPOINTMENT OF CONFERENCE COMMITTEE

Mr. RICE. Mr. President, I move that the Senate insist on its non-concurrence in the amendments made and insisted upon by the House of Representatives, and appoint a Committee of Conference to confer with a similar Committee of the House of Representatives (if the House shall appoint such a Committee) to consider the differences existing between the two Houses in relation to said bill.

Mr. RUPP. Mr. President, I second the motion.

The motion was agreed to.

Ordered, that Messrs. Kunkle, Jacobs, and Pierson be said Committee on the part of the Senate, and that the Clerk inform the House of Representatives accordingly.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess until 5:00 o'clock P. M. (E. S. T.).

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

ANNOUNCEMENT BY THE SECRETARY

The Committee on Education will meet in Room 265 during the recess.

The PRESIDENT. The Chair understands that a public hearing will be held in the Senate Chamber on House Bill No. 17 during the recess.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

HOUSE MESSAGES

ADJOURNMENT OF TAX SALES

The Clerk of the House of Representatives being introduced informed the Senate that the House had concurred in Resolution from the Senate as follows:

In the Senate, August 16, 1938.

Whereas, Among the subjects designated by the Governor of the Commonwealth for legislation at the present extraordinary session of the General Assembly is one, "Providing for the abatement of tax penalties and interest on taxes imposed by the various political subdivisions, poor districts and school districts of the Commonwealth;" and

Whereas, Bills on this subject, including, as a necessary incident thereto, provision for the staying of tax sales, have been introduced and are pending before the General Assembly, but cannot be enacted into law prior to a proposed recess of the General Assembly; and

Whereas, Tax sales are at present scheduled to be held at times prior to the time said legislation can be enacted into law, and if such tax sales are held as scheduled, taxpayers will be deprived of the right and opportunity of availing themselves of the benefits which the General Assembly intends to grant; therefore be it

Resolved (if the House of Representatives concur), That all tax sales scheduled to be held at any time prior to the 30th day of September, 1938, be adjourned for a period of 30 days; and all sheriffs and county treasurers are hereby authorized and directed to make such adjournments; and be it further

Resolved, That the General Assembly hereby undertakes to enact legislation providing for the abatement of tax penalties and interest, with provisions for the stay of tax sales, and the ratification and validation of all adjournments of tax sales pursuant to these resolutions; and be it further

Resolved, That certified copies of these resolutions be forwarded, by the Secretary of the Senate, to each sheriff and to each county treasurer in this Commonwealth.

RESOLUTION CREATING A JOINT LEGISLATIVE COMMITTEE TO INVESTIGATE EXISTING PRACTICES IN FURTHERANCE OF GAMBLING

He also presented an extract from the Journal of the House, which was twice read as follows:

In the House of Representatives, August 15, 1938.

Whereas the Governor has assembled this extraordinary session for the purpose of considering among other things legislation making illegal the use of devices in methods of transmission of information or advices in furtherance of gambling and

Whereas it is essential that the General Assembly have a full disclosure of the facts pertaining to the use of machines or instruments and other devices that are used to furnish or obtain information to be used in gambling before proper legislation may be enacted with respect thereto therefore be it

Resolved (if the Senate concur) that there is hereby created an investigating committee which shall be composed of three Senators to be appointed by the President Pro Tempore of the Senate one of whom shall be designated as Chairman and three Members of the House of Representatives to be appointed by the Speaker thereof whose duty it shall be to make a careful and thorough investigation of the existing practices means machines instruments and devices whereby information is knowingly gathered obtained disseminated and received in the furtherance of gambling for the purpose of reporting to this extraorinary session of the General Assembly as early as possible its findings and its recommendations as to such changes or improvements as it may find to be necessary or desirable to correct any imperfections insufficiencies or defects in existing laws relating to gambling to the end that the gambling evil may be more readily and more completely eliminated and

Resolved that the committee may employ and fix the compensation of such counsel experts clerks and assistants if any as may be deemed necessary for the proper conduct of the work of the committee and

Resolved that the said committee shall have power to issue subpoenas under the hand and seal of its Chairman requiring and demanding any proper person or persons to appear before it and to answer such questions touching matters properly being inquired into by the committee and to produce such books papers records and documents relating to the subject of inquiry as the committee may deem necessary Each member of the said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee Any person who shall wilfully refuse to appear or testify before said committee or to produce any books papers records or documents as aforesaid shall be subject to the penalties provided by the laws of this Commonwealth in such cases.

Mr. RICE. Mr. President, I ask unanimous consent that rule 39, which requires resolutions be referred to an appropriate committee, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

Which was agreed to.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

Ordered, that the Clerk inform the House of Representatives accordingly.

RESOLUTION

INQUIRING INTO ADMINISTRATION BY MAGISTRATES OF MAGISTRATES' COURT OF PHILADELPHIA

He also presented an extract from the Journal of the House, which was twice read as follows:

In the House of Representatives, August 15, 1938.

Whereas Section one of Article five imposes upon the Magistrates' Courts a very important part of the judicial power of this Commonwealth and

Whereas Magistrates Courts are constitutional courts and Section eleven of Article one provides that "all courts shall be open and every man for an injury done him in his lands goods person or reputation shall have remedy by due course of law and right and justice administered without sale denial or delay" and

Whereas It has been called to the attention of the General Assembly that the Magistrates Courts of Philadelphia have not been open during the week-ends of this summer and

Whereas This is not only in violation of the Constitution of this Commonwealth but also in violation of the Magistrates' Act of one thousand nine hundred and thirty-seven section ten of which specifically provides "There shall be established a central police court in the city hall of the city of Philadelphia which shall be open with a magistrate continually present thereat during the entire twenty-four hours of each day and to which the mayor of the city of Philadelphia shall regularly assign from the body of magistrates a sufficient number of magistrates to hold the same for the period of one month Provided however That the same magistrate shall not be assigned for consecutive months and that no magistrate shall be assigned to said court more than once in every six months" and

Whereas There were only one or two magistrates available over the last few week-ends is inexcusable in that there are twenty-eight magistrates in Philadelphia and

Whereas Heretofore it was presumed that the reason that laxity existed in the Magistrates' Courts was that there was no supervising authority over the magistrates and accordingly under the act of one thousand nine hundred and thirty-seven such supervisory power and authority was given to the Common Pleas Court of Philadelphia in section thirty-four of said act which provides as follows: "The judges of the courts of common pleas shall have the power from time to time as they deem necessary to inquire into and consider any and all matters and things touching the administration of the business of the magistrates and the performance by them of their duties and for this purpose to issue out of any of the courts of common pleas writs of subpoena for the summoning of witnesses and the production of books papers and documents of the magistrates or others as may be relevant and proper to such inquiry and to take such lawful and proper action in the premises as the said judges may deem necessary" therefore be it

Resolved (if the Senate concur) That the General Assembly of Pennsylvania respectfully requests the board of judges of the Common Pleas Court of Philadelphia to convene in special session for the purpose of inquiring into the administration by the present magistrates of the Magistrates' Courts of Philadelphia and to institute such proceedings as shall be necessary for the removal of those magistrates found guilty of violating the provisions of the said act and be it further

Resolved That a copy of this resolution be mailed to the secretary of the board of judges of the Common Pleas Court of Philadelphia to the mayor the district attorney and the superintendent of police of the city of Philadelphia.

Mr. RICE. Mr. President, I ask unanimous consent that Rule 39 which requires resolutions be referred to an appropriate committee, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

The PRESIDENT. Is there objection?

Mr. BUCKMAN. Mr. President, I object.

The PRESIDENT. The Resolution is referred to the Committee on Rules.

Mr. BUCKMAN. Mr. President, having read the resolution carefully and knowing what is in it I withdraw my objection to immediate consideration.

The PRESIDENT. We have a parliamentary tangle here. The resolution was referred to the Committee on Rules but is still in the physical possession of the Senate. It has not gone to the Committee. Under a previous decision the Chair rules that the resolution is now before the Senate.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE INSISTS UPON ITS AMENDMENTS TO SENATE BILL NUMBER 16 AND APPOINTS COMMITTEE OF CONFERENCE

He also informed that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 16, entitled:

An Act authorizing the Commonwealth or any of its agencies or instrumentalities of Government including the General State Authority to contract with and to lease or acquire from any housing authority any area acquired or about to be acquired by such housing authority for slum clearance purposes.

And has appointed Messrs. Dickinson, Spengler, and Habbyshaw to confer with a similar committee of the Senate (already appointed) on the subject of the differences existing between the two Houses in relation to said bill.

HOUSE INSISTS UPON ITS AMENDMENTS TO SENATE BILL NUMBER 17 AND APPOINTS COMMITTEE OF CONFERENCE

He also informed that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 17, entitled

An Act authorizing housing authorities to contract with and to lease or convey to the Commonwealth or any of its agencies or instrumentalities of Government including the General State Authority any area acquired or about to be acquired for slum clearance purposes

And has appointed Messrs. Dickinson, Spangler, and Habbyshaw to confer with a similar committee of the Senate (already appointed) on the subject of the differences existing between the two Houses in relation to said bill.

ANNOUNCEMENT BY THE SECRETARY

The Committee on State Government will hold a hear-

ing in the Senate Chamber tomorrow at 2:00 o'clock, P. M. (E.S.T.), on Senate Bills Numbers 27—28—29.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn until Tuesday, September 6, 1938 at 8:00 o'clock P. M., (E.S.T.).

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 5:24 o'clock P. M. until Tuesday, September 6, 1938 at 8:00 o'clock, P. M., (E.S.T.).

HOUSE OF REPRESENTATIVES

TUESDAY, AUGUST 16, 1938.

The House met at 2:00 p. m.

The SPEAKER, (Roy E. Furman), in the Chair.

PRAYER

The Reverend JAMES CLAIR TAYLOR, Pastor of Wesley Union, A.M.E. Zion Church, Harrisburg, Pa., offered the following prayer:

Into the beauty of this hour we come, Our Father. Into the responsibilities of this hour we move, feeling the urge of the past and the pull of the future. May we heed the beckoning hand that would lure us to our opportunities to serve thee, by serving the highest interests of the people of our Commonwealth. Lift us out of the narrow, selfish path into the broad road of truth and justice. Help us to feel the common life that surges about us and through us. Give us energy to do our duty; clarify our minds, free us from prejudice and bigotry; purify our hearts, cure them of their hatred and bitterness. May the holy endeavors of the past come to us in this hour with lessons of courage and hope. May we be conscious of Thy guidance in our deliberations, that we may guide the people of this Commonwealth into the paths of peace and the ways of righteousness. Teach us to love those from whom we differ, check our mad haste and wild impatience that the ends of the kingdom of God may be served. In the name of Jesus Christ we pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. WELSH, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. ACHTERMAN. HOUSE BILL No. 58.

An Act to ratify, confirm and make valid the commission to make certain studies in respect to bituminous mines, appointed pursuant to the joint resolution, approved the fifth day of June, one thousand nine hundred and thirty-seven (P. L. 1689), entitled: " A joint resolution creating a commission to make certain studies and duties; and making an appropriation," together with its actions, proceedings, expenses and expenditures.

Referred to the Committee on Mines and Mining.

By Messrs. ACHTERMAN, HAGERTY, WOODSIDE and BIERLY. HOUSE BILL No. 59.

An Act to ratify, confirm and make valid the commission to make a careful, thorough and impartial investigation of the general practice and procedure in the courts of quarter sessions of the peace, oyer and terminer and general jail delivery in the various counties of the Commonwealth and the Municipal court in the City and County of Philadelphia, appointed pursuant to the joint resolution, approved the ninth day of March, one thousand nine hundred and thirty-seven (P. L. 35), entitled: "A joint resolution authorizing the appointment of a commission to make a fair and impartial investigation of the general practice and procedure in the courts of oyer and terminer, general jail delivery and quarter sesions of the peace, in the various counties of the Commonwealth, and the Municipal Court in the City and County of Philadelphia, with special reference to the prosecution, trial and disposition of all criminal cases and the probation and parole of persons guilty of crime; conferring upon the commission full power to issue subpoenas; requiring the commission, if possible, to make a report of its findings to the present session of the General Assembly, together with its recommendations as to such legislation as may be necessary or desirable, otherwise, to make such report and recommendations to the Governor; authorizing the commission to employ counsel and employes; and making an appropriation," and its amendments, together with its actions, proceedings, expenses, and expenditures.

Referred to the Committee on Judiciary General.

By Mr. JOHN A. SMITH. HOUSE BILL No. 60.

An Act making an appropriation to the Supreme Court for the air-conditioning of Chambers located in the Main Capitol Building.

Referred to the Committee on Appropriations.

COMMUNICATION

The SPEAKER laid before the House a communication which was read by the Clerk as follows:

A Resolution from the United Electrical, Radio and Machine Workers of America, East Pittsburgh, Pa., favoring the passage of House Bill No. 17, and endorsing special session for making investigation of public officials.

Referred to the Committee on State Government.

SENATE MESSAGE

AMENDED SENATE BILL NON-CONCURRED IN BY SENATE.

The Clerk of the Senate being introduced, informed that the Senate has non-concurred in the amendments made by the House of Representatives to Senate Bills numbered and entitled as follows:

SENATE BILL No. 16.

An Act authorizing the Commonwealth or any of its agencies or instrumentalities of Government including the General State Authority to contract with and to lease or acquire from any housing authority any area acquired or about to be acquired by such housing authority for slum clearance purposes.

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 16.

Mr. DICKINSON. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

The SPEAKER. The Chair appoints as a Committee of Conference on the part of the House, Messrs. Dickinson, Spengler and Habbyshaw.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED SENATE BILL NON-CONCURRED IN BY SENATE.

The Clerk of the Senate being introduced, informed that the Senate has non-concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows:

SENATE BILL No. 17.

An Act authorizing housing authorities to contract with and to lease or convey to the Commonwealth or any of its agencies or instrumentalities of Government including the General State Authority any area acquired or about to be acquired for slum clearance purposes.

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL NO. 17.

Mr. DICKINSON. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

The SPEAKER. The Chair appoints as a Committee of Conference on the part of the House, Messrs. Dickinson, Spengler and Habbyshaw.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE.

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, August 15, 1938.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Tuesday evening, September 6, at 8 o'clock, Eastern Standard Time; and when the House of Represenatives adjourns this week it reconvenes on Tuesday evening, September 6, at 8 o'clock, Eastern Standard Time.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

Mr. WOODSIDE. Mr. Speaker, I would like to interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman from York, Mr. Cohen, permit himself to be interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. WOODSIDE. As I understand this resolution, when the House adjourns this week it will recess for two weeks, reconvening on the day after Labor Day. I would like to ask the gentleman from York, Mr. Cohen, whether that is correct?

Mr. HERBERT B. COHEN. That is correct, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I would also like to ask the gentleman from York, Mr. Cohen, whether or not the majority membership of this House has made up its mind as to when we will recess this week.

Mr. HERBERT B. COHEN. They have, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, will the gentleman from York, Mr. Cohen, kindly inform me whether he is now at liberty to make public that date?

Mr. HERBERT B. COHEN. I am, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, will the gentleman inform us when it is?

Mr. HERBERT B. COHEN. It is or will be, Mr. Speaker? I will say that it is contemplated that we will adjourn today, to reconvene September 6th at 8 o'clock Eastern Standard Time.

Mr. WOODSIDE. Mr. Speaker, I would like the gentleman from York to inform me whether the Governor at the present time is in the Commonwealth or not.

Mr. HERBERT B. COHEN. Mr. Speaker, the gentleman from Dauphin is a very learned member of the Dauphin County Bar and he would know that any testimony I would give on that point would be merely hearsay, and under the circumstances since these proceedings are conducted according to law, I am not at liberty to give that testimony.

Mr. WOODSIDE. Mr. Speaker, I would like to know from the gentleman from York whether the Governor had informed the majority floor leader of this House prior to the supposed leaving of the Governor of this Commonwealth, that he intended to leave the Commonwealth.

Mr. HERBERT B. COHEN. Mr. Speaker, I am advised by counsel that in order to maintain the integrity of the three various constitutional functions of government performed by the Executive, Legislative and Judicial, that there was no conference between the executive and the legislative body relative to his leaving the confines of the Commonwealth.

Mr. WOODSIDE. Mr. Speaker, I would like to know from the gentleman from York whether he has any official information, or if not, whether he has any unofficial information as to when the Governor expects to return to the Commonwealth.

Mr. HERBERT B. COHEN. Mr. Speaker, I imagine that the Governor will be back in the Commonwealth at least by August 27, when the Democrats will initiate their campaign, which will result in a sweeping victory for the entire Democratic ticket.

Mr. WOODSIDE. Mr. Speaker, the gentleman should have added to that his usual phrase, "we hope." I gather from that that the Governor did not inform his majority floor leader of the House when he does expect to return.

Mr. HERBERT B. COHEN. I beg to differ, Mr. Speaker. I am not the Governor's majority floor leader. I am the floor leader for the members of this House, but in order not to evade the question, I will say that the Governor did not indicate to me, officially or unofficially, the exact date of his return. I will restrict my answer to what I have already stated to the gentleman from Dauphin, that I surely think the Governor will be back by August 27.

Mr. WOODSIDE. Mr. Speaker, does the gentleman from York feel that the Governor is more interested in the opening of the campaign than he is in this session of the Legislature?

Mr. HERBERT B. COHEN. Mr. Speaker, I feel that the Governor realizes that the campaign and the successful prosecution of that campaign is of utmost importance to the people of the Commonwealth of Pennsylvania, because it will again give the people of the Commonwealth of

Pennsylvania a liberal House and a liberal Senate and a liberal administration.

Mr. WOODSIDE. Mr. Speaker, I think the campaign is over. Mr. Speaker, does the gentleman from York have any knowledge of any arrangements that may have been made between the leaders of the Legislature or any of the officials of the Legislature and the Governor concerning any action that may be taken by the Legislature at this time or at any other time during the absence of the Governor from the Commonwealth?

Mr. HERBERT B. COHEN. Mr. Speaker, I know of no such arrangement, and in view of the fact that the House, as well as the Senate, contemplates recessing until September 6th, I can see that if the House adjourned until that time and the Senate is adjourned until that time, there will be no official acts, insofar as the House and the Senate are concerned, in relation to the Governor, which will require his presence here.

Mr. WOODSIDE. So that any act that would have been passed this week would have had to be acted on by the Governor within ten days, or it would have become a law without his action, is that right?

Mr. HERBERT B. COHEN. That is correct. If we would have pased any bills, they would have become law, but I feel that neither this House nor the Senate would pass any bills that they did not contemplate would become law.

Mr. WOODSIDE. Bills are frequently recalled from the Governor however and no opportunity would exist to do that.

Mr. HERBERT B. COHEN. We are not making any mistakes any more. The printer has been instructed not to make any printing errors, so there is no necessity for recalling any more bills from the Governor.

Mr. WOODSIDE. I am glad that the Democrats do not make any more errors in the bills.

On the question recurring,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE.

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, August 16, 1938.

Whereas, Among the subjects designated by the Governor of the Commonwealth for legislation at the present Extraordinary Session of the General Assembly is one, "Providing for the abatement of tax penalties and interest on taxes imposed by the various political subdivisions, poor districts and school districts of the Commonwealth;" and

Whereas, Bills on this subject, including, as a necessary incident thereto, provision for the staying of tax sales, have been introduced and are pending before the General Assembly, but cannot be enacted into law prior to a proposed recess of the General Assembly; and

Whereas, Tax sales are at present scheduled to be held at times prior to the time said legislation can be enacted into law, and if such tax sales are held as scheduled, taxpayers will be deprived of the right and opportunity of availing themselves of the benefits which the General Assembly intends to grant; therefore be it

Resolved (if the House of Representatives concur), That all tax sales scheduled to be held at any time prior to the 30th day of September, 1938, be adjourned for a period of 30 days; and all sheriffs and county treasurers are hereby authorized and directed to maks such adjournments; and be it further

Resolved, That the General Assembly hereby undertakes to enact legislation providing for the abatement of tax penalties and interest, with provisions for the stay of tax sales, and the ratification and validation of all adjournments of tax sales pursuant to these resolutions; and he it further

Resolved, That certified copies of these resolutions be forwarded, by the Secretary of the Senate, to each sheriff and to each county treasurer in this Commonwealth.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

Mr. HERBERT B. COHEN. Mr. Speaker, I ask unanimous consent of the House for the immediate consideration of the resolution.

The SPEAKER. Will the House give unanimous consent for the immediate consideration of the resolution? Is there objection?

Mr. WOODSIDE. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. LONG asked and obtained permission for the Committee on State Boards to meet during the session of the House.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess for fifteen minutes. Are there objections? The Chair hears none and declares a recess for fifteen minutes.

COMMITTEE MEETINGS

The Republican members will caucus immediately in the House Caucus Room.

The Committee on Rules will meet immediately in the Speaker's Office.

AFTER RECESS

The time of recess having expired the House was called to order.

The SPEAKER, (Roy E. Furman), in the Chair.

CONCURRENCE IN SENATE RESOLUTION

Mr. WOODSIDE. Mr. Speaker, I withdraw my objection to the immediate consideration of the Senate Resolution.

On the question recurring,

Will the House concur in the resolution?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILL INTRODUCED AND REFERRED

By Mr. FALKENSTEIN. HOUSE BILL No. 61.

A Joint Resolution proposing an amendment to section two, article five of the Constitution of the Commonwealth of Pennsylvania, by reducing the term of office of Supreme Court judges from twenty-one years to six years, and making them eligible for re-election.

Referred to the Committee on Constitutional Amendments.

SENATE MESSAGES

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 16

The Clerk of the Senate being introduced, informed that the Senate insists on its non-concurrence in the amendments made and insisted upon by the House of Representatives to Senate Bill No. 16, entitled:

An Act authorizing the Commonwealth or any of its agencies, or instrumentalities of Government including the General State Authority, to contract with, and to lease or acquire from any housing authority, any area acquired or about to be acquired by such housing authority for slum clearance purposes.

And has appointed Messrs. Kunkle, Jacobs and Pierson a Committee of Conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two Houses in relation to said bill.

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 17

The Clerk of the Senate being introduced, informed that the Senate insists on its non-concurrence in the amendments made and insisted upon by the House of Representatives to Senate Bill No. 17, entitled:

An Act authorizing housing authorities to contract with, and to lease or convey to the Commonwealth or any of its agencies, or instrumentalities of Government including the General State Authority, any area acquired or about to be acquired for slum clearance purposes.

And has appointed Messrs. Kunkle, Jacobs and Pierson a Committee of Conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two Houses in relation to said bill.

REPORTS FROM COMMITTEES

Mr. MELCHIORE, from the Committee on State Boards, reported as amended, House Bill No. 42, (Senate Bill No. 25), entitled:

An Act removing the remaining additional persons now serving as Pennsylvania members of the Delaware River Joint Commission by virtue of appointment by the General Assembly under the act approved June twelfth one thousand nine hundred and thirty-one (Pamphlet Laws five hundred seventy-five) and providing for the appointment of their successors.

Mr. COSTANZO, from the Committee on Public Health and Sanitation, reported as amended, House Bill No. 21, entitled:

An Act to prohibit the sale, offering or exposing for sale of fireworks; defining fireworks and to regulate the manner of using fireworks, and providing penalties.

Mr. SIMON, from the Committee on Rules, reported as committed House Resolution No. 6.

Mr. OMINSKY, from the Committee on Rules, reported as committed House Resolution No. 8.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 47, entitled:

An Act making a deficiency appropriation to the Anthracite Coal Industry Commission, created by the act, approved the eighth day of February, one thousand nine hundred and thirty-seven (Pamphlet Laws twenty-one), entitled "An act creating the Anthracite Coal Industry Commission, defining its powers and duties; and making an appropriation.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 57, entitled:

An Act to provide for the expenses of the Extraordinary Session of the Legislature, assembled July twenty-fifth, Anno Domini one thousand nine hundred thirty-eight, in pursuance of the proclamation of the Governor of the Commonwealth, dated July twenty-second, Anno Domini one thousand nine hundred thirty-eight, and the supplements thereto.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 54, (Senate Bill No. 14), entitled:

An Act providing for the adjournment and re-adjournment of county treasurers' sales of seated and unseated lands that were to have been held in the years one thousand nine hundred thirty-seven, or one thousand nine hundred thirty-eight, for nonpayment of taxes in counties except those of the first and second class, and preserving the lien of all taxes on such lands.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 49, (Senate Bill No. 10), entitled:

A supplement to the act approved the sixteenth day of June, one thousand nine hundred and thirty-six, (P. L. 16), entitled, "An act making an appropriation to the Department of Health to defray the cost of pumping the water from slate quarries and anthracite and bituminous coal mines which have been flooded, directly or indirectly, by the high waters during March, one thousand nine hundred thirty-six," by making a further appropriation to supply the deficiency incurred and needed under the provisions of said act.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 23, entitled:

An Act to amend paragraphs (d) and (e) of Section 202 paragraph (a) of Section 409 Section 412 paragraph (a) of Section 601 Sections 702 704 808 1201 and 1311 of the Public Utility Law (Act of May 28 1937 Pamphlet Laws 1053) entitled "An Act relating to the regulation of public uitilities defining as public utilities certain corporations companies associations and persons provising for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and

franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilites by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" by further defining and limiting exemptions the transfer and acquisition of property the crossing of facilities the issuance of securities relations between affiliated interests the imposition of costs of administering the act and otherwise clarifying and supplementing the provisions of the said sections of the act

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That paragraphs (d) and (e) of Section 202 paragraph (a) of Section 409 Section 412 paragraph (a) of Section 601 and Sections 702 704 808 1201 and 1311 of the Public Utility Law (Act relating to the regulation of public utilities defining as public utilites certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utiltes and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprsonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" are hereby amended to read as follows

Section 202 Enumeration of Acts Requiring Certificate Upon approval of the commission evidenced by its certificate of public convenience first had and obtained and upon compliance with existing laws and not otherwise it shall be lawful

(d) For any public utility to dissolve or to abandon or surrender in whole or in part any service right power franchise or privilege Provided [That the commission by regulation may exempt any class of service from the provisions of this paragraph And provided further] That the provisions of this paragraph shall not apply to discontinuance of service to a patron for non-payment of a bill or upon request of a patron

(e) [For any public utility to begin the construction installation or operation of any new plant or system or the construction or installation of any extension improvement or addition to its existing plant or system or to acquire from or transfer to any person or corporation including a municipal corporation by any method or device whatsoever (including among other things a consolidation merger sale or lease) the title to or the possession or use of any tangible or intangible property whatsoever Provided however That the commission may by regulation exempt any class of construction installation or improvement or any class of property from the provisions of this paragraph]

For any public utility to acquire from or to transfer to any person or corporation including a municipal corporation by any method or device whatsoever including a consolidation merger sale or lease the title to or the possession or use of any tangible or intangible property used or useful in the public service Provided however That such approval shall not be required (1) if the undepreciated book value of the property to be acquired or transferred does not exceed one thousand dollars or (2) if the undepreciated book value of the property to be acquired or transferred does not exceed the lesser of (a) two per centum of the undepreciated book value of all of the fixed assets of such public utility or (b) five thousand dollars in the case of personalty or fifty thousand dollars in the case of realty or (3) if the property to be acquired is to be installed new as a part of or consumed in the operation of the used and useful property of such public utility or (4) if the property to be transferred by such public utility is obsolete worn out or otherwise unserviceable

But exceptions (1) (2) (3) and (4) shall not be applicable and approval of the commission evidenced by a certificate of public convenience shall be required if any such acquisition or transfer of property involves a transfer of patrons

Section 409 Construction Improvement Protection and Abolition of Crossings Recording

(a) No public utility engaged in the transportation of passengers or property shall without prior order of the commission construct its facilities across the facilities of any other such public utility or across any highway at

grade or above or below grade or at the same or different levels and no highway without like order shall be so constructed across the facilities of any such public utility and without like order no such crossing heretofore or hereafter constructed shall be altered relocated or abolished [: Provided That the commission may by regulation exempt any class of crossings from the requirements of this paragraph]

Section 412 Standards of Service and Facilities [the] The commission may after reasonable notice and hearing upon its own motion or upon complaint prescribe as to service and facilities including the crossing of facilities just and reasonable standards classifications regulations and practices to be furnished imposed observed and followed by any or all public utilities prescribe adequate and reasonable standards for the measurement of quantity quality pressure initial voltage or other condition pertaining to the supply of the service of any all public utilities prescribe reasonable regulations for the examination and testing of such service and for the measurement thereof prescribe or approve reasonable rules regulations specifications and standards to secure the accuracy of all meters and appliances for mesurement and provide for the examination and testing of any and all appliances used for the measurement of any service of any public utility

Section 601 Registration of Securities to be Issued or Assumed

(a) Under such regulations as the commission may prescribe every public utility before it shall execute cause to be authenticated deliver or make any change or extension in any term [or], condition, or date of any stock certificate or other evidence of equitable interest in itself or any bond note trust certificate or other evidence of indebtedness of itself any or all of which acts are hereinafter included in the term "issuance of securities" shall have filed with the commission and shall have received from the commission notice of registration of a documents to be known as a securities certificate Provided [however That the commission by regulation or order may exempt public utilities from the requirements of this paragraph as to any class of securities And provided further] that neither (1) the execution authentication or delivery of securities to replace identical securities lost mutilated or destroyed while in the ownership of a bona fide holder-for-value who properly indemnifies the public utility therefor nor (2) the execution authentication or delivery of securities in exchange for the surrender of identical securities solely for the puspose of registering or facilitating changes in the ownership thereof between bona fide holders-for-value which surrendered securities are thereupon cancelled nor (3) the delivery from the treasury of the public utility of securities previously reacquired from bona fide holders-for-value and held alive shall be deemed an issuance of securities under this subsection [.] : And provided further That the requirements of this paragraph shall not apply to the issuance of (1) any evidence of indetedness the date of maturity of which is at a period of less than one year from the date of its execution (2) any evidence of indebtedness for which no date of maturity is fixed but which matures upon demand of the holder (3) any evidence of indebtedness in the nature of a contract between a public utility and a vender of equipment wherein the public utility promises to pay installments upon the purchase price of equipment acquired and which is not in the form of an equipment trust certificate or similar instrument readily marketable to the general public

Section 702 Other Contracts Donations

[(a) No public utility shall without the prior approval of the commission make effective or modify any contract with an affiliated interest other than a contract for services as referred to in section seven hundred one or by way of donation give to or receive from an affiliated interest any property] [money security right or thing Application for such approval shall be in writing and shall be in such form and contain such information as the commission may prescribe by its regulations The commission may exempt from the requirements of this section any class of contracts or donations Provided however That if the commission shall have granted its approval to any public utility to contract with an affiliated interest for the loan of sums of money at intervals or for any continuing or serial transactions the commission may after hearing and upon a finding of public interest withdraw its approval thereof and all portions of the contract made pursuant thereto then executory shall be void and all transactions thereunder other than payment by either party for value already received shall be unlawful]

No public utility shall without the prior approval of the commission make effective or modify any contract with an affiliated interest or by way of donation give to or receive from an affiliated interest any property money security right or thing Provided however That the requirements of this section shall not apply to (1) a contract for services as referred to in section seven hundred one of this act or (2) any single or isolated transaction involving a cash consideration not exceeding one thousand dollars or (3) any single or isolated transaction involving the purchase or sale of fixed assets materials or supplies used in rendering public service in which the monetary value of the consideration does not exceed one per centum of the undepreciated book value of the fixed assts of such public utility except that any such transaction involving more than fifty thousand dollars or involving any transfer of securities or loan of money shall not be included in these exemptions and shall be subject to the requirements of this section And Provided further That if the commission shall have granted its approval to any public utility to contract with an affiliated interest for the loan of sums of money at intervals or for any continuing or serial transactions the commission may after hearing and upon a finding of public interest withdraw its approval thereof and all portions of the contract made pursuant thereto then executory shall be void and all transactions thereunder other than payment by either party for value already received shall be unlawful

Application for such approval shall be in writing and shall be in such form and contain such information as the commission may prescribe by its regulations

Section 704 Existing Contracts to be Filed Within ninety days after the effective date of this act every public utility having a contract with an affiliated interest other than a contract for services as referred to in section seven hundred [and] one which was entered into before such date and was wholly or partially executory on such date shall file a copy of such contract or if oral a complete statement of the terms and conditions thereof with the commission [Provided however That the commission may exempt public utilities from the requirements of this section as to any class of such contracts]

Section 808 Regulation of Surety Bonds Etc. of Contract Carriers

[(a) Contract carriers by motor vehicle with respect to the issuance or assumption of securities shall be subject to the provisions of article six of this act Provided That the commission may exempt contract carriers by motor vehicle from any or all of the requirements of article six of this act as to any class of securities

(b) Contract carriers by motor vehicle with respect to the acquisition or transfer of tangible and intangible property shall be subject to the provisions of paragraph (e) of section two hundred two of the act]

[(c)] Contract carriers by motor vehicle shall be subject to the requirements of section nine hundred fifteen of this act with respect to surety bond insurance and qualifications as self insurers

Section 1201 Assessment of Regulatory Expenses Upon Public Utilities

[(a) All of the expenses of the commission incurred in connection with the administration and enforcement of this act or any other act and paid out of the General Fund of the State Treasury shall be assessed and charged to and paid by way of reimbursement by all persons and corporations subject to this act upon such reasonable basis and in such equitable amounts and at such times and in such manner as the commission shall by regulation or order prescribe in accordance with the provisions of this section Provided That due allowance and deduction shall be made from such ex-

penses equal to (1) the expenses attributable to the regulation of municipal corporations under this act (2) the fees] and special assessments collected by the commission under the provisions of this act and (3) equipment and office space expenditures]

(a) Whenever the commission in the performance of its duties under this act shall conduct an investigation of the affairs of any public utility involving an examination of the records or facilities thereof such public utility shall pay to the commision a sum equal to the salaries paid to commission employes while engaged in such examination together with such traveling and subsistence expenses of said employes as may be directly attributable to such examination provided however that the amount so paid by any public utility during any one calendar year shall not exceed one percentum of the gross intrastate operating revenues thereof during its next preceding fiscal year.

[(b) Whenever the commission in a proceeding upon its own motion on complaint or upon an application to it or in connection with a securities certificate filed with it shall deem it necessary to investigate the books records accounts practices and activities of or make appraisals of the property of or to render any engineering or accounting service to any person or corporation the salaries and traveling expenses of commission employes and office space expenditures specifically attributable to such investigation appraisal or service shall be charged to and and paid by such person or corporation and shall not be included in the expenses of the commission for the purpose of making assessments generally under this section but the amount so charged to and paid by any such person or corporation during any one calendar year shall not exceed one per centum of the gross operating revenues of such person or corporation during the next preceding fiscal year].

(b) Periodically the commission shall determine the aggregate of its expenditures less (1) amount assessable under paragraph (a) hereof (2) expenditures for equipment furniture and machinery (3) the estimated cost of regulating municipal corporations furnishing public service and (4) the estimated cost of regulating contract carriers by motor vehicle The remaining balance shall be so allocated to the groups of public utilities furnishing the various types of service that each group shall have allocated to it (1) an amount equal to the expenditures of the commission directly attributable to the regulation of that group and (2) an amount equal to such proportion of the expenditures of the commission not directly atributable to any group as the gross intrastate operating revenues of the group bear to the total gross intrastate operating revenues of all public utilities provided however that there shall be deducted from the allocations to each group an amount equal to the fees paid to the commission by the public utilities in such group under the provisions of section twelve hundred two and twelve hundred three of this act Every public utility shall then pay to the commission an amount equal to such proportion of the allocation to its group as the gross intrastate operating revenues of the public utility bear to the total gross intrastate operating revenues of the group.

Section 1311 Violation of Motor Carriers Common Carriers by Airplane or Brokers Any person or corporation operating as a motor carrier as a common carrier by airplane or as a broker without first having obtained a certificate of public convenience permit or license as required by this act shall upon conviction of a first offense in a summary proceeding before any person having the power of a committing magistrate be sentenced to pay the costs of prosecution and a fine of not less than twenty-five dollars nor more than three hundred dollars and any subsequent offense by such person or corporation shall constitute a misdemeanor and upon conviction thereof such person or corporation shall be sentenced to pay the costs of prosecution and a fine of not less than one hundred dollars nor more than five hundred dollars or undergo imprisonment not exceeding six months or both in the discretion of the court Whenever imprisonment is imposed under this section the term "person" or "corporation" as applied to assiciations shall mean the partners or members thereof and as applied to corporations the officers thereof

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 1, page 10, line 16 by inserting after the word "utility" and before the word "shall" the following: "except a common carrier by railroad or motor vehicle subject to part one or part two of the Interstate Commerce Act."

Amend section 1, page 11, line 28 by inserting at the end of the line the following: "Provided however That the requirements of this section shall not apply to a common carrier by railroad or motor vehicle subject to part one or part two of the Interstate Commerce Act."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend paragraphs (d) and (e) of Section 202, paragraph (a) of Section 409, Section 412, paragraph (a) of Section 601, Sections 702, 704, 808, 1201 and 1311 of the Public Utility Law (Act of May 28, 1937. P. L. 1053). entitled "An Act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, and cost of administering this act; prescribing and regulating practice and procedure before the commission

and procedure for review by the courts of commission action; giving the Court of Common Pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistest with this act," by further defining and limiting exemptions, the transfer and acquisitions of property, the crossing of facilities, the issuance of securities, relations between affiliated interests, the imposition of costs of administering the act, and otherwise clarifying and supplementing the provisions of the said sections of the act.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 40, entitled:

An Act to ratify confirm and make valid the actions proceedings expenses and expenditures of the commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth appointed pursuant to the joint resolution approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws five hundred forty) entitled "A joint resolution authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas requiring the commission to make a report of its findings to the Governor together with its recommendations as to such regulatory legislation as may be needful to correct any abuses and evils connected with such industry which are prejudical to the interests of the citizens of this Commonwealth authorizing the commission to employ counsel and employes and making an appropriation" and its amendment

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All actions proceedings expenses and expenditures (whether the same have been paid or remain unpaid) of the commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth appointed pursuant to the joint resolution approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws five hundred forty) entitled "A joint resolution authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas requiring the commission to make a report of its findings to the Governor together with its recommendations as to such regulatory legislation as may be needful to correct any abuses and evils connected with such industry which are prejudicial to the interests of the citizens of this Commonwealth authorizing the commission to employ counsel and employes and making an appropriation" as amended by the act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws two thousand seven hundred six) are hereby ratified confirmed and made valid notwithstanding the fact that said commission was created by legislation designated "a joint resolution" and notwithstanding any other defect or informality in substance form or language in said legislation creating said commission.

On the question,

Will the House agree to the section?

Mr. LEWIS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 3, line 2, by striking out the word "six" and inserting in lieu thereof: "four"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to ratify confirm and make valid the actions proceedings expenses and expenditures of the commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth appointed pursuant to the joint resolution approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws five hundred forty) entitled "A joint resolution authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas requiring the commission to make a report of its findings to the Governor together with its recommendations as to such regulatory legislation as may be needful to correct any abuses and evils connected with such industry which are prejudicial to the interests of the citizens of this Commonwealth authorizing the commission to employ counsel and employes and making an appropriation" and its amendment.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILLS PASSED OVER

There being no objection House Bill No. 30, Senate Bill No. 8, Printer's No. 30, was passed over at the request of Mr. ACHTERMAN.

There being no objection House Bill No. 29, Senate Bill No. 7, Printer's No. 29, was passed over at the request of Mr. ACHTERMAN.

There being no objection House Bill No. 10, Printer's No. 20, was passed over at the request of Mr. SCHOR.

There being no objection House Bill No. 38, Printer's No. 29, was passed over at the request of Mr. HERBERT B. COHEN.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 26 as follows:

An Act abating certain tax penalties and interest on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes prohibiting the sale of

real property for the non-payment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All penalties and interest imposed on delinquent county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes for the tax year one thousand nine hundred and thirty-four and all previous years and all penalties imposed on such taxes for the tax years one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven assessed and levied against any parcel or parcels of real estate and on delinquent poll taxes levied for any of such years are hereby abated without the necessity of further action by the authority levying the tax if said delinquent taxes are paid as hereinafter provided This section shall not be construed to abate the interest accrued on the taxes for the years of one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven but no further interest shall be imposed on such taxes after the payment of the first installment as hereafter provided so long as the taxpayer complies with the provisions of this act.

In order to receive the benefits of the installment system of payment provided by this act twenty per centum of the delinquent taxes due for the tax year one thousand nine hundred and thirty-seven and for all previous years and of the accrued interest due on the one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven taxes shall be paid on or before the thirty-first day of December one thousand nine hundred and thirty-eight twenty per centum on or before the thirty-first day of December one thousand nine hundred and thirty-nine twenty per centum on or before the thirty-first day of December one thousand nine hundred and forty twenty per centum on or before the thirty-first day of December one thousand nine hundred and forty-one and the final twenty per centum on or before the thirty-first day of December one thousand nine hundred and forty-two And provided That the respective current taxes (the institution district taxes in lieu of the poor taxes) on such parcel or parcels of real estate and on delinquent poll taxes levied for the years subsequent to the year one thousand nine hundred and thirty-eight during such installment periods assessed and levied by such taxing authority shall be paid before they become delinquent For the purposes of this act a tax shall be deemed to become delinquent on the date when a penalty attaches to the tax If and whenever any of the said current taxes or any of the said installments are not paid when due and payable as herein provided then and in that event there shall become due and payable for such year a sum equal to one-fifth of the total amount of the abated penalties and interest in addition to the other payments required to be paid under this act during that year which said additional sum shall be payable and must be paid at the next time the next succeeding installment payment becomes due under this act If such additional sum is not so paid then the total amount of the abated penalties and interest less the aggregate of any such additional sums theretofore paid shall be revived and added to the unpaid taxes with the same force and effect as if such abated penalties and interest or portion thereof had never been abated and the taxpayer shall not thereafter be entitled to any further benefits or privileges under this act

Section 2 Any taxpayer or owner having the right of redemption may anticipate the payment of such delinquent taxes for the tax year one thousand nine hundred and thirty-seven and previous years at any time on or before November first one thousand nine hundred and thirty-eight by paying the entire amount of such delinquent taxes and interest due on the one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven taxes and receive the benefit of this act and in such cases payment of the taxes assessed and levied for the year one thousand nine hundred and thirty-eight shall not be required at the time of such payment

Section 3 This act shall be construed to apply to all such taxes whether or not liens for such taxes had been returned for nonpayment or have been filed in the office of the prothonotary of the county or proceedings for the collection of such taxes have been instituted in any court in said county or where real property has been sold to a county city borough town township school district or poor district at a tax sale or on a tax lien and the period of redemption has not expired but this act shall not be construed to apply to cases where real property has been sold other than to a county city borough town township school district or poor district at a tax sale or on a tax lien and where the period of redemption has not expired The taxpayer shall be liable for the payment of all costs incurred except the solicitor's fees where liens for such taxes have been returned for nonpayment or have been filed in the office of the prothonotary or proceedings for the collection thereof have been instituted in any court.

Section 4 The benefits of this act shall extend to and accrue to any successful bidder or purchaser at sheriff's or other judicial sale grantee transferee mortgagee or owner having the right of redemption under a tax sale or other party in interest in the parcel or parcels of real estate against which the above mentioned taxes have been assessed and levied whether separated or not

Section 5 Any taxpayer or owner having the right of redemption shall have the right to pay the delinquent taxes assessed and levied against any parcel or parcels of real estate without being required to pay the delinquent taxes assessed and levied against any other parcel or parcels of real estate in the same ward district or other municipal subdivision

The county commissioners of each county may at their discretion and at the cost of the county cause to be published two times in not more than two newspapers of general circulation throughout the county a notice to the taxpayers giving a synopsis of the terms of this act setting forth the benefits provided by the act and the necessary conditions required by the taxpayers in order to receive the same Upon application either in person or in writing by any taxpayer or owner the tax levying authoritise the tax collector the receiver or receivers of taxes or the person or persons charged with the collection of such delinquent taxes or the person or persons in whose custody the records of such delinquent taxpayers or owner a statement of the delinquent taxes owed by him to such municipal subdivision showing the face amount the penalty if any the interest if any and any costs or other charges in detail against such real property as shown by the records in his custody.

Every collector of taxes whose duty it is to send to the respective taxpayers any notice or statement of their annual taxes shall include in each such notice or statement an additional notice of the date when the next installment payment is due under the provisions of this act.

Section 6 In order to enable the taxpayer or owner having the right of redemption under a tax sale to receive the full benefits of this act no real property shall be sold for non-payment of taxes before November first one thousand nine hundred and thirty-eight and any tax sale shall be adjourned or readjourned or right of redemption extended as often as may be necessary for this purpose If any tax sale is adjourned or readjourned or right of redemption extended after advertisement or sale no additional advertisement or notice shall be necessary for the adjourned or readjourned sale or right of redemption No such adjournment or readjournment or redemption failure to advertise or hold any such tax sale shall invalidate the lien of any tax due and unpaid or sale had subject to redemption but the lien of all such taxes shall be fully preserved during the entire installment period herein provided for if the taxpayer avails himself of the privileges or benefits of this act Provided however That in every case where a taxpayer avails himself of the privileges or benefits of this act the period during which payment of the said delinquent taxes is postponed or continued under this act shall not be included in computing and determining whether or not any right of the tax assessing and levying authority has been barred or lost by reason of the provisions of any statute or statutes now existing or hereafter enacted limiting the right of the said tax levying and as-

sessing authorities to file preserve or maintain the lien of the said taxes

Section 7 The provisions of this act are severable and if any of the provisions hereof are held to be unconstitutional the decision shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included herein.

Section 8 The act approved the first day of May one thousand nine hundred and thirty-five (Pamphlet Laws one hundred twenty-nine) as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred forty-four) the act approved the fourth day of June one thousand nine hundred and thirty-six (Pamphlet Laws ten) and the act approved the fourteenth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws three hundred and two) shall continue in full force and effect as to any and all taxpayers who have taken advantage of and are not in default in the provisions thereof All other acts and parts of acts general local and special inconsistent herewith be and the same are hereby suspended during the time this act shall be in effect.

Section 9 Nothing in this act shall be so construed as to prevent any taxpayer who has heretofore taken advantage and accepted the benefits of any of the acts referred to in section eight and who at the time this act becomes effective has lost all future rights benefits privileges and opportunities under such act from taking advantage and receiving the benefits of this act in the same manner as if such person had never attempted to comply with the provisions of such previous abatement act.

On the question,

Will the House agree to the bill on third reading?

MOTION TO RECOMMIT

Mr. CLIFF S. PATTERSON. Mr. Speaker, inasmuch as House Bill No. 26 is very controversial, and inasmuch as I have received from many organizations requests for a public hearing, I wish to move that this bill be referred back to the committee for the purpose of a public hearing.

There is nothing really to be gained by passing this bill today, because it cannot become a law or cannot be enacted into law before the time limitation, September 8th.

I feel that many of the members who have had time to deliberate over this bill and consider the amendments that were offered last evening, feel that this House made a mistake in not inserting those amendments. Those amendments last night, as you will recall, would have made it optional, and I think that that is a good feature. I therefore ask that this bill be referred back to the committee for the purpose of holding a hearing, and that hearing should be held either on the sixth or seventh of September, when we come back into session.

On the question,

Will the House agree to the motion?

Mr. O'CONNOR. Mr. Speaker and members of the House, as one of the co-sponsors of this bill, I rise to oppose this motion and ask the House to vote it down. It is officially known to every member of this House at this time that we will have three weeks time in which to deliberate upon this bill and get the sentiment from the citizens back home. Inasmuch as the bill in its present form must be amended in the Senate, it will be possible to insert the desired amendments in the Senate. I think it is our duty to get the bill through the House at this time, and I therefore ask you to vote down this motion.

Mr. SPROUL. Mr. Speaker and members of the House, I rise to second the motion made by the gentleman from Washington, Mr. Patterson.

Mr. O'Connor has called attention to the fact that we will have sufficient time to deliberate upon the terms of this bill, but he overlooks the fact that we have notified the Chairman of the committee and some of the members and the sponsors that we have had demands for a public hearing from a lot of associations, such as township associations, supervisors of counties, and so forth, and they have asked for a public hearing.

In some counties and in some municipal districts they feel that tax abatement has gone far enough, and they would like to regulate within their own districts their own affairs instead of leaving it every time to the State to regulate them. I ask the members of this House to support the motion to recommit this bill for a public hearing.

Mr. O'CONNOR. Mr. Speaker and members of the House, I would remind you that his Excellency, the Governor of the Commonwealth, in his call, set forth that one of the principal purposes of this Extraordinary Session is to pass a law abating tax penalties and interest, and I feel that since the majority party are in favor of the abatement of tax penalties, that this motion should be voted down and the bill passed I, therefore, ask you again to vote down the motion.

On the question recurring,

Will the House agree to the motion?

It was not agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. WILSON. Mr. Speaker, I rise to a question of information. There was so much noise.

The SPEAKER. The gentleman will state his question of information.

Mr. WILSON. Mr. Speaker, what bill has just been read?

The SPEAKER. House Bill No. 26, Printer's No. 28, at the bottom of page 5 of today's calendar.

Mr. WILSON. Mr. Speaker, I have thought of filing my reasons for voting against House Bill 26, Printer's No. 28, which is on third reading and final passage today. However, it seems to me best to make a statement so that the members here can determine whether there is anything in the thought which I advance. There is only one point that I wish to take up, and that is the question of 1938 taxes, and in arriving at the conclusion that I have come to, it is necessary to make this statement:

1. The bill provides for abatement of penalties and interest on all unpaid taxes up to and including the year 1934 and provides for the payment of accrued interest and penalties on the 1935, 1936 and 1937 taxes to the date of the enactment of the bill, but abates any additional interest and penalties in the last named years. The feature that has been very misleading in the practical working of the previous abatement acts, and which will result in the same thing in any of the present bills offered, is when the 1938 taxes should be paid and if there is any abatement of the penalty attached to it.

2. Some provision should be placed in this bill compelling the payment of the 1938 taxes if slow taxpayers are to be given this special benefit over those who pay promptly. It will be noted that as the abatement acts are at present and as the present bills are worded, the

1938 taxes would not need to be paid at any time in order to secure the favors and benefits of the abatements of all the prior years.

3. It should be kept in mind that all municipalities are now required to make and live up to budgets. If the 1938 taxes do not need to be paid when due and no penalty is to be assessed because of such failure to pay, it will be found that these municipalities will be greatly embassassed in their efforts to carry on their business. projects, etc. The psychological effects of the passage of this bill in its present form will be harmful to the extreme.

4. It is decidedly unfair to pass an act abating taxes which will encourage all taxpayers to delay payment of the taxes for the current year. This failure to provide for the prompt payment of the 1938 taxes in order to secure the abatement favors or privileges as to prior years is clearly a bid for the support of certain groups from a political standpoint and may be intended to weaken home rule. It is not fair to pass any law to discourage payment of local taxes or to embarrass tax collectors. It may be an indirect attempt to hold out to this State that tax collectors are a failure and that the system should be changed along the lines covered by House Bill No. 500 in the Session of 1937, which in my judgment was properly defeated.

I really want to say that I shall be very glad to support an abatement bill which is based upon the idea of paying 1938 taxes, so that the different municipalities of this Commonwealth may comply with the requirements of the budget bill which was also enacted by the Session of 1937.

On the question recurring,

Shall the bill pass finally?

BILL PASSED OVER

There being no objection House Bill No. 26, Printer's No. 28 was passed over at the request of Mr. SAMUEL A. WEISS.

RESOLUTION No. 6

Mr. OMINSKY. Mr. Speaker, I desire to call up at this time Resolution No. 6, which was recently reported from the Committee on Rules.

The resolution was read by the Clerk as follows:

In the House of Representatives, August 15, 1938.

Whereas Section one of Article five imposes upon the Magistrates' Courts a very important part of the judicial power of this Commonwealth and

Whereas Magistrates' Courts are constitutional courts and Section eleven of Article one provides that "all courts shall be open and every man for an injury done him in his lands goods person or reputation shall have remedy by due course of law and right and justice administered without sale denial or delay" and

Whereas It has been called to the attention of the General Assembly that the Magistrates' Courts of Philadelphia have not been open during the week-ends of this summer and

Whereas This is not only in violation of the Constitution of this Commonwealth but also in violation of the Magistrates' Act of one thousand nine hundred and thirty-seven section ten of which specifically provides "There shall be established a central police court in the city hall of the City of Philadelphia which shall be open with a magistrate continually present thereat during the entire twenty-four hours of each day and to which the mayor of the City of Philadelphia shall regularly assign from the body of magistrates a sufficient number of magistrates to hold the same for the period of one month Provided however That the same magistrate shall not be assigned for consecutive months and that no magistrate shall be assigned to said court more than once in every six months" and

Whereas There were only one or two magistrates available over the last few week-ends is inexcusable in that there are twenty-eight magistrates in Philadelphia and

Whereas Heretofore it was presumed that the reason that laxity existed in the Magistrates' Courts was that there was no supervising authority over the magistrates and accordingly under the act of one thousand nine hundred and thirty-seven such supervisory power and authority was given to the common pleas court of Philadelphia in section thirty-four of said act which provides as follows "The judges of the courts of common pleas shall have the power from time to time as they deem necessary to inquire into and consider any and all matters and things touching the administration of the business of the magistrates and the performance by them of their duties and for this purpose to issue out of any of the courts of common pleas writs of subpoena for the summoning of witnesses and the production of books papers and documents of the magistrates or others as may be relevant and proper to such inquiry and to take such lawful and proper action in the premises as the said judges may deem necessary" therefore be it

Resolved, (if the Senate concur), That the General Assembly of Pennsylvania respectfully requests the board of judges of the common pleas court of Philadelphia to convene in special session for the purpose of inquiring into the administration by the present magistrates of the Magistrates Courts of Philadelphia and do institute such proceedings as shall be necessary for the removal of those magistrates found guilty of violating the provisions of the said act and be it further

Resolved That a copy of this resolution be mailed to the secretary of the board of judges of the common pleas court of Philadelphia to the mayor the district attorney and the superintendent of police of the City of Philadelphia

Mr. OMINSKY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution.

The SPEAKER. Will the House give its unanimous consent for the immediate consideration of the resolution? Are there objections? The Chair hears none and consent is granted.

On the question,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. SIMON. (Concurrent) RESOLUTION No. 9.

In the House of Representatives, August 16, 1938.

Whereas, It is imperative that costly errors in legislative printing be completely eliminated; and

Whereas, It is imperative that a substantial reduction be made in the cost of legislative printing, particularly in the reduction of the number of reprints of various legislative bills; and

Whereas, It is imperative that the publication of the advance sheets and the Pamphlet Laws be substantially expedited; and

Whereas, The responsibility for the various mechanical steps in the production of bills, amendments, calendars, journals, histories, advance sheets and Pamphlet Laws is now divided among four or five officials and numerous clerks and

Whereas, A substantial reduction in the cost of the Commonwealth's printing is to be obtained by fixing in

one place the responsibility now scattered; therefore be it

Resolved, (if the Senate concur), That the preparation of copy, and the reading of all proof of bills, calendars, histories, journals, advance sheets and Pamphlet Laws, including the preparation of indices and chronological tables be made a function of the Legislative Reference Bureau, and that the Director of that Bureau be held responsible for the efficient and economical performance of these duties; and be it further

Resolved, That the Legislative Reference Bureau be given the authority and the necessary funds to augment the force of the Bureau to the extent required to properly discharge these responsibilities.

Referred to the Committee on Rules.

By Mr. ACHTERMAN. (Concurrent)

RESOLUTION No. 10.

In the House of Representatives, August 16, 1938.

Whereas, The space in the Capitol building at present occupied by the legislative branch of government, is less than was orginally allocated to that branch when the Capitol was first occupied thirty-four years ago; and

Whereas, The volume of bills introduced and the variety of subjects requiring consideration by the General Assembly have multiplied many times during the last thirty-four years; and

Whereas, The functions under the supervision of the Secretary of the Senate and Clerk of the House are located on various floors of the Capitol, not contiguous to the executive responsible for their administration, thus making it impossible for the efficient and economical discharge of the duties of these officials; and

Whereas, The rooms at present available for the use of the Senate and House committees are inadequate both in number and equipment, making it necessary to assign several committees to each room, restricting the time each committee may occupy the room, and thereby preventing orderly and adequate consideration of bills which have been referred to the committee, resulting in the reporting out of bills in such form that amendments on the floor are necessary to a far greater degree than would have been had proper facilities been available to the various committees; and

Whereas, The Legislative Reference Bureau, created to serve the Members of the Senate and House, to aid in drafting legislation and the preparation of amendments to bills introduced, to department heads in connection with legislation affecting their respective departments, etc., is located outside the Capitol building, thus substantially reducing it ability to perform its present functions, and making it quite impossible for it to discharge the added responsibility of assuring the accuracy of legislative documents; therefore be it

Resolved, (if the Senate concur), That the space in the Capitol building now occupied by the Departments of the State Treasury, Auditor General, State Police and Bureau of Standards, a indicated on the accompanying schedule, be set aside for the use of the legislative branch of our government and its related agencies, as ooon as the Finance Building is available for occupancy by the departments which are to be housed therein; and be it further

Resolved, That the vault at present in Room 140, be removed, and that such other minor alterations be made as are essential to the purposes for which these rooms will be used; and be it further

Resolved, That the Legislative Reference Bureau be moved to, and established in, the quarters in the main Capitotl building now occupied by the State Treasurer's Department.

SCHEDULE OF ROOMS TO BE SET ASIDE FOR USE OF LEGISLATIVE BRANCH OF GOVERNMENT

Room No.	Present Occupant
Basement	
6	State Treasury
8	State Treasury
9	State Treasury
9-x	State Treasury
First Floor	
110	State Treasury
113	State Treasury
115	State Treasury
129	Auditor General
140	State Treasury
149	State Police
150	State Police
151	State Police
152	State Police
153	State Police
Entrosole	
544	Bureau of Standards
545	Internal Affairs
547	Internal Affairs
Third Floor	
337	Revenue
337-A	Revenue

Referred to the Committee on Rules.

REESOLUTION No. 8

Mr. MOOMAW. Mr. Speaker, I desire to call up at this time Resolution No. 8.

The resolution was read by the Clerk as follows:

In the House of Representatives, August 15, 1938.

Whereas The Governor has assembled this Extraordinary Session for the purpose of considering among other things legislation making illegal the use of devices or methods of transmission of information or advices in furtherance of gambling and

Whereas It is essential that the General Assembly have a full disclosure of the facts pertaining to the use of machines or instruments and other devices that are used to furnish or obtain information to be used in gambling before proper legislation may be enacted with respect thereto therefore be it

Resolved, (if the Senate concur), That there is hereby created an investigating committee which shall be composed of three Senators to be appointed by the President Pro Tempore of the Senate one of whom shall be designated as Chairman and three Members of the House of Representatives to be appointed by the Speaker thereof whose duty it shall be to make a careful and thorough investigation of the existing practices means machines instruments and devices whereby information is knowingly gathered obtained disseminated and received in the furtherance of gambling for the purpose of reporting to this Extraordinary Session of the General Assembly as early as possible its findings and its recommendations as to such changes or improvements as it may find to be necessary or desirable to correct any imperfections insufficiencies or defects in existing laws relating to gambling to the end that the gambling evil may be more readily and more completely eliminated and

Resolved That the committee may employ and fix the compensation of such counsel experts clerks and asssistants if any as may be deemed necessary for the proper conduct of the work of the committee and

Resolved That the said committee shall have power to issue subpoenas under the hand and seal of its Chairman requiring and demanding any proper person or persons to appear before it and to answer such questions touching matters properly being inquired into by the committee and to produce such books papers records and documents relating to the subject of inquiry as the committee may deem necessary Each member of the said committee shall have power to administer oaths and confirma-

tions to witnesses appearing before the committee Any person woh shall wilfully refuse to appear or testify before said committee or to produce any books papers records or documents as aforesaid shall be subject to the penalties provided by the laws of this Commonwealth in such cases

Mr. MOOMAW. Mr. Speaker, I ask the unanimous consent for the immediate consideration of this resolution.

Mr. WOODSIDE. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman will state his question of information.

Mr. WOODSIDE. Mr. Speaker, is that resolution printed?

The SPEAKER. In answer to the inquiry of the gentleman from Dauphin the resolution is printed in blue but not in white.

The SPEAKER. Will the House give its unanimous consent to the immediate consideration of the resolution? Is there objection? The Chair hears none and consent is granted.

On the question,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL INTRODUCED AND REFERRED

By Mr. LEVY. HOUSE BILL No. 62.

An Act to ratify, confirm and make valid the joint legislative committee to investigate governmental costs of Philadelphia, Concurrent Resolution No. 2, approved the thirteenth day of January, one thousand nine hundred and thirty-seven, (P. L. 2869), which committee was provided with an appropriation under Appropriation Act No. 9-A, entitled "An act making an appropriation for the expenses of the joint legislative commission created by Senate Concurrent Resolution Serial Number 102, approved January thirteenth, one thousand nine hundred thirty-seven," together with its sections, proceedings, expenses and expenditures.

Referred to the Committee on Cities.

SENATE MESSAGES

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, August 15, 1938.

Whereas Section one of Article five imposes upon the Magistrates' Courts a very important part of the judicial power of this Commonwealth and

Whereas Magistrates' Courts are constitutional courts and Section eleven of Article one provides that "all courts shall be open and every man for an injury done him in his lands goods person or reputation shall have remedy by due course of law and right and justice administered without sale denial or delay" and

Whereas It has been called to the attention of the General Assembly that the Magistrates' Courts of Philadelphia have not been open during the week-ends of this summer and

Whereas This is not only in violation of the Constitution of this Commonwealth but also in violation of the Magistrates' Act of one thousand nine hundred and thirty-seven section ten of which specifically provides "There shall be estoblished a central police court in the city hall of the City of Philadelphia which shall be open with a magistrate continually present thereat during the entire twenty-four hours of each day and to which the mayor of the City of Philadelphia shall regularly assign from the body of magistrates a sufficient number of magistrates to hold the same for the period of one month Provided however That the same magistrate shall not be assigned for consecutive months and that no magistrate shall be assigned to said court more than once in every six months" and

Whereas There were only one or two magistrates available over the last few week-ends is inexcusable in that there are twenty-eight magistrates in Philadelphia and

Whereas Heretofore it was presumed that the reason that laxity existed in the Magistrates' Courts was that there was no supervising authority over the magistrates and accordingly under the act of one thousand nine hundred and thirty-seven such supervisory power and authority was given to the common pleas court of Philadelphia in section thirty-four of said act which provides as follows "The judges of the courts of common pleas shall have the power from time to time as they deem necessary to inquire into and consider any and all matters and things touching the administration of the business of the magistrates and the performance by them of their duties and for this purpose to issue out of any of the courts of common pleas writs of subpoena for the summoning of witnesses and the production of books papers and documents of the magistrates or others as may be relevant and proper to such inquiry and to take such lawful andp roper action in the premises as the said judges may deem necessary" therefore be it

Resolved (if the Senate concur) That the General Assembly of Pennsylvania respectfully requests the board of judges of the common pleas court of Philadelphia to convene in special session for the purpose of inquiring into the administration by the present magistrates of the Magistrates' Courts of Philadelphia and to institute such proceedings as shall be necessary for the removal of those magistrates found guilty of violating the provisions of the said act and be it further

Resolved That a copy of this resolution be mailed to the secretary of the board of judges of the common pleas court of Philadelphia to the mayor the district attorney and the superintendent of police of the City of Philadelphia.

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, August 15, 1938.

Whereas The Governor has assembled this Extraordinary Session for the purpose of considering among other things legislation making illegal the use of devices or methods of transmission of information or advices in furtherance of gambling and

Whereas It is essential that the General Assembly have a full disclosure of the facts pertaining to the use of machines or instruments and other devices that are used to furnish or obtain information to be used in gambling before proper legislation may be enacted with respect thereto therefore be it

Resolved, (if the Senate concur), That there is hereby created an investigating committee which shall be composed of three Senators to be appointed by the President Pro Tempore of the Senate one of whom shall be designated as Chairman and three Members of the House of Representatives to be appointed by the Speaker thereof whose duty it shall be to make a careful and thorough investigation of the existing practices means machines instruments and devices whereby information is knowingly gathered obtained disseminated and received in the furtherance of gambling for the purpose of reporting to this Extraordinary Session of the General Assembly as early as possible its findings and its recommendations as to such changes or improvements as it may find to be necessary or desirable to correct any imperfections insufficiencies or defects in existing laws relating to gambling to the end that the gambling evil may be more readily and more completely eliminated and

Resolved That the committee may employ and fix the compensation of such counsel experts clerks and assistants

if any as may be deemed necessary for the proper conduct of the work of the committee and

Resolved That the said committee shall have power to issue subpoenas under the hand and seal of its Chairman requiring and demanding any proper person or persons to appear before it and to answer such questions touching matters properly being inquired into by the committee and to produce such books papers records and documents relating to the subject of inquiry as the committee may deem necessary Each member of the said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee Any person who shall wilfully refuse to appear or testify before said committee or to produce any books papers records or documents as aforesaid shall be subject to the penalties provided by the laws of this Commonwealth in such cases

COMMITTEE MEETING

The Special Investigating Committee of the House will hold an executive meeting immediately after this session in Room 147.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. There will be a caucus of the Democratic members of the House immediately following adjournment in the House Caucus Room.

ADJOURNMENT

Mr. COAKLEY. Mr. Speaker, I move that this House do now adjourn until Tuesday, September 6, 1938, at 8:00 p. m.

The motion was agreed to, and (at 5:32 p. m.) the House adjourned until Tuesday, September 6, 1938, at 8:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1938

Vol. 22. HARRISBURG, PA., TUESDAY, SEPTEMBER 6, 1938. No. 14.

SENATE

TUESDAY, SEPTEMBER 6, 1938.

The Senate met at 8:00 o'clock P. M., (E. S. T.).

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, LL.D., offered the following prayer:

O Lord of Hosts once again we call upon Thy holy name and we would come to Thee in humility and reverence to seek Thy blessing upon us. As we think of Thy ways and Thy works, we know that wisdom and power are Thine. Above all we know that Thou art love. Earth and sea and sky tell us that Thou art the Creator of all and we Thy creatures be; but the urge of the inner life impels our outcry, Abba, Father.

Our Father, quicken within our hearts a consciousness of brotherhood, to the glory of him who would break down the middle walls of partition between races and nations and castes; and in the sunlight of Thy truth, may we see only the human race.

Intensify we pray Thee, our sensitiveness to persecution in Germany, to confusion in Spain, the hateful new autocracy in Russia and the heartless brutality in peace loving China.

In our own beloved land grant that we may go on from freedom to freedom, receiving from Thee, and mediating to the world the blessings of justice, equality and democracy. May Thy kingdom come, Thy will be done, in the whole world, as it is in heaven. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when on motion of Mr. RICE, the further reading was dispensed with, and the Journal was approved.

QUESTION OF PERSONAL PRIVILEGE

Mr. THOMPSON. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Centre, Mr. Thompson, will state his question of personal privilege.

Mr. THOMPSON. Mr. President, in an address at the Grange Picnic at Center Hall, Pennsylvania, last Wednesday night, August 31st, I commented generally upon the conditions of the Commonwealth's Tubercular sanitoriums and Insane Asylums.

Particularly, I said these institutions have been pitiably inadequate in the past few years to meet the requirements of a State the size of Pennsylvania, and I laid the responsibility for this inadequacy to the twenty-five years of neglect of these institutions, by successive Republican administrations.

To support these remarks I cited the death from Tuberculosis of a brilliant young man, a resident of Centre County, and a brother-in-law of a Democratic Committeeman. I said the over-crowded conditions in the sanitoriums in this State made impossible the hospitalization that he so urgently needed.

Accordingly I laid his death in the lap of the Republican party on the ground that proper hospitalization provisions by previous administrations could have prevented it.

The senior United States Senator from Pennsylvania was in that audience and he heard my remarks. The following day at a picnic at Williams Grove, Mr. Davis quoted me as saying that only 100 per cent New Dealers were admitted to the Tubercular sanitoriums in Pennsylvania.

Senator Davis' statement is a wilful and malicious falsehood. To me it is indicative of the emptyness of his candidacy—a candidacy apparently based on falsehood and misrepresentation with nothing to offer the thinking voters of Pennsylvania.

I also want to go on record here to say that the present administration through the Department of Health has raised the standard of these institutions high above the level of any preceding administration, and at no other time in the history of Pennsylvania has the Pennsylvania Department of Health ever rendered a better service to all of the people than it has in the last four years.

LEAVES OF ABSENCE

Mr. Gilson asked and obtained leave of absence for the Senator from Armstrong, Mr. SIPE.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, nominating for the advice and consent of the Senate persons for appointment as Notaries Public, which were laid on the table.

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

MEMBER REGISTRATION COMMISSION IN AND FOR CITY OF PHILADELPHIA

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, September 6, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

Francis S. Cantrell, Jr., (Republican) 309 West School Lane, Philadelphia, for appointment as a member of the Registration Commission in and for the City of Philadelphia, until the first Monday of January, 1941, and until his successor is duly appointed and qualified, vice Edward J. Hunter, deceased.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, September 6, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law I have the honor to nominate for the advice and consent of the Senate the following:

MEMBER HUNTINGDON COUNTY BOARD OF ASSISTANCE

Dr. G. A. Parker, (Democrat) 907 Mifflin Street, Huntingdon, Huntingdon County, for appointment as a member of the Huntingdon County Board of Assistance, for the term ending December 31, 1940, vice Dr. John M. Keichline, resigned.

JUSTICES OF THE PEACE

Joseph J. Buczek, Box 93, Rigby, Lawrence County, for appointment as Justice of the Peace in the Borough of South New Castle, Lawrence County, vice Charles W. Lynn, resigned, until the first Monday in January, 1940

Arthur L Saxe, Noxen, Wyoming County, for appointment as Justice of the Peace in the Township of Noxen, Wyoming County, vice E. J. Miller, deceased, until the first Monday in January, 1940.

Thomas J. Gallagher, Aldwyn Lane, Villanova, Delaware County, for appointment as Justice of the Peace in the Township of Radnor, Delaware County, vice Frank McCann, Sr., deceased, until the first Monday in January, 1940.

COMMISSIONER OF DEEDS

Wilbur Zimmerman, 215 Guarantee Trust Building, Atlantic City, New Jersey, for re-appointment as Commissioner of Deeds for the Commonwealth of Pennsylvania with residence in the State of New Jersey, for the term of five years to compute from October 1, 1938.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, September 6, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

MEMBER ARMSTRONG COUNTY BOARD OF ASSISTANCE

Samuel Hockenberry, (Democrat) Edmon, Armstrong County, for appointment as a member of the Armstrong County Board of Assistance, for the term ending December 31, 1940, vice Glen T. Black, resigned.

MEMBER BOARD OF TRUSTEES OF WARREN STATE HOSPITAL

Wade D. Mertz, Sharpsville, Mercer County, for appointment as a member of the Board of Trustees of Warren State Hospital, for the term of four years and until his successor is duly appointed and qualified, to fill a vacancy.

JUSTICE OF THE PEACE

William A. Rumsey, R. F. D., East Springfield, Erie County, for appointment as Justice of the Peace in the Township of Springfield, Erie County, vice Herbert S. Hopkins, resigned, until the first Monday in January, 1940.

GEORGE H. EARLE.

COMMUNICATIONS FROM THE GOVERNOR

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows:

APPROVAL OF RESOLUTION AUTHORIZING ADJOURNMENT OF TAX SALES

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, August 22, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the Senate and House of Representatives providing that all tax sales scheduled to be held at any time prior to September 30, 1938, be adjourned for a period of thirty days, and authorizing and directing all sheriffs and county treasurers to make such adjournments, etc.

GEORGE H. EARLE.

NOMINATION RECALLED

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, September 6, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination made to your Honorable Body on July 25, 1938, for the appointment of Glen T. Black, Kittanning, Armstrong County, as a member of the Armstrong County Board of Assistance, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified, this appointee having resigned.

GEORGE H. EARLE.

CONSIDERATION OF EXECUTIVE NOMINATION

Mr. RICE. Mr. President, I move that the Senate do now proceed to the consideration of the nomination of Glen T. Black for appointment as member of the Armstrong County Board of Assistance sent to the Senate July 25th by His Excellency, the Governor of the Commonwealth which was laid on the table.

Mr. DiSILVESTRO. Mr. President, I second the motion.

The motion was agreed to.

The communication was read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 25, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following:

Glen T. Black, Kittanning, Armstrong County, for appointment as a member of the Armstrong County Board of Assistance, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

GEORGE H. EARLE.

Mr. RICE. Mr. President, I move that at the request of His Excellency, the Governor the foregoing nomination for appointment as member of the Armstrong County Board of Assistance, be returned to the Governor.

Mr. DiSILVESTRO. Mr. President, I second the motion.

The motion was agreed to.

APPOINTMENT OF COMMITTEE TO INVESTIGATE GAMBLING DEVICES PURSUANT TO HOUSE RESOLUTION NO. 8.

The PRESIDENT: The President Pro Tempore an-

nounces the appointment of Honorable Edward Jackson Thompson, Philipsburg, Centre County, Honorable Walter S. Pytko, Philadelphia and Honorable George Woodward, Philadelphia, designating Senator Thompson as Chairman, to serve as the Senator members of the Joint Legislative Committee to Investigate Gambling Devices pursuant to House Resolution No. 8, Serial No. 203, Printer's No. 36, adopted by the Senate, August 16, 1938.

COMMUNICATION RELATIVE TO TEXTS ON EARLY PENNSYLVANIA HISTORY

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC INSTRUCTION
HARRISBURG
August 19, 1938.

Honorable John C. Morlock
Secretary of the Senate
Harrisburg, Pennsylvania

Dear Mr. Morlock:

This will acknowledge your letter of August 17 together with a copy of the resolution adopted by the Senate of Pennsylvania August 16, 1938.

Under date of May 11, 1937 we transmitted to the publishing firms listed below a copy of the resolution adopted by the Senate on May 3, 1937 relative to texts on American History and the sale of such textbooks in our public schools:

The MacMillan Publishing Company
60-62 Fifth Avenue, New York City
Ginn & Company
70 Fifth Avenue, New York City
Rand McNally & Company
270 Madison Avenue, New York City
Iroquois Publishing Company
358 Fifth Avenue, New York City
The John C. Winston Company
1006-1016 Arch Street, Philadelphia, Pennsylvania

Pursuant to the resolution adopted by the Senate on August 16, 1938 I am enclosing copies of all replies received in the Department of Public Instruction to date from said publishers relative to this matter.

Respectfully submitted

LESTER K. ADE

THE MACMILLAN COMPANY
Publishers

SIXTY FIFTH AVENUE NEW YORK
May 12, 1937.

Dr. Lester K. Ade.
Department of Public Instruction,
Harrisburg, Pa.

Dear Dr. Ade:

In reply to your letter of May 11th, urging in behalf of the Senate of the Commonwealth of Pennsylvania that more adequate attention be given in school textbooks to early Swedish settlements on the Delaware River and Bay, I may say that we are always grateful for such suggestions and disposed to give them careful consideration when preparing manuscripts for publication. In future American histories, whether national or local, we shall be glad to consider the feasibility of introducing material of suitable length and emphasis on the topic indicated in your letter, of course bearing in mind the necessity for treating each topic in a manner consistent with its importance in relation to other topics. Toward this end we shall be glad to retain the statement by Mr. Dutton in our files for reference when needed.

Sincerely yours,

P. A. Knowlton, Editor
Educational Department

PAK:H

GINN AND COMPANY
Publishers

15 Ashburton Place, Boston.
May 17, 1937.

Mr. Lester K. Ade.
Superintendent of Public Instruction
Commonwealth of Pennsylvania
Harrisburg, Pennsylvania.

Dear Sir,

We thank you heartily for your letter of May 11 addressed to our New York office, and shall immediately canvass the best method of complying. Quite possibly an additional sheet for the books in question may be the best solution of the problem at the present moment.

Verly truly yours,

E. N. Stevens

RAND McNALLY & COMPANY
Publishers

536 South Clark Street,
CHICAGO.
June 4, 1937.

Mr. Lester K. Ade
Superintendent of Public Schools.
Commonwealth of Pennsylvania
Harrisburg, Pennsylvania.

Dear Mr. Ade:

Your recent letter concerning the inclusion of historical information about the early Swedish settlements in Delaware, New Jersey, and Pennsylvania in future textbooks has been received. In reply I am pleased to advise that we shall be glad to cooperate with you in this matter. To this end we are filing the short statement of the first white settlement in Pennsylvania, prepared by Charles J. Dutton, and shall draw upon the same when the occasion demands.

Very truly yours,

Rand McNally & Company,
C. B. Ulery
Editor

CBU:ES

IROQUOIS PUBLISHING COMPANY, INC.,
SCHOOL TEXT BOOKS
Home Office

SYRACUSE, NEW YORK
June 7, 1937.

Mr. Lester K. Ade
Superintendent of Schools,
Harrisburg, Pennsylvania

Dear Mr. Ade:

Your letter of May 11 regarding the establishment by the Swedes, of the first permanent seat of white civilization in what is now Pennsylvania, is at hand.

Our printing on the fall requirements of our histories had been completed prior to the receipt of your letters. However, we shall make note of your recommendations and, at the next printing of these titles, we shall give same our very careful consideration.

Thank you for bringing this matter to our attention.

Sincerely yours,

Iroquois Publishing Company, Inc.,
By G. M. Bloss

GMB

THE JOHN C. WINSTON COMPANY
Publishers
PHILADELPHIA

William G. Kimmel
Associate Editor

May 14, 1937.

Dr. Lester K. Ade, Superintendent
State Department of Public Instruction
Harrisburg, Pennsylvania

My dear Dr. Ade:

This letter will acknowledge yours of May 11 together with the inclosure.

This material will be filed for future reference in connection with revisions and new books. We shall make an effort to meet the intent and purpose of the resolution.

As you know, textbooks are published for a national, not a state, market. If one or more groups in every state — a current tendency clamor for the introduction of particularized facts and details, and all such demands are met, then the textbook tends to be encyclopedic and particularized. Scholarly authors and schools of education have spent years in trying to break down such a tendency and tradition.

At the same time, there is always the necessity of a nice balance in the selection and organization of material, particularly to keep it within the confines of a good textbook. I suppose no publishing company places itself in the position, aside from insistence upon scholarly competence and interpretation, of attempting unduly to influence authors with respect to the selection of materials, or on particular emphases to be given to materials included in their volumes.

In this connection, I am reminded of Miss Lucy Salmon's "Why History is Rewritten." We are faced, as you know, on the one hand by the new findings of scholarly research, changing bases of selection and organization of materials, and changing patterns of interpretation, and on the other by the desires of the many different groups which have been fused into the fabric of what we call American culture and civilization. Our problem and that of our authors is how to weave these different elements into the pattern of a textbook.

Naturally, we have every desire to meet every reasonable request for a consideration of materials in connection with textbooks in history insofar as these are in accord with the best findings of historical scholarship and research and with current modes of interpretation.

Sincerely yours,

William G. Kimmel

The PRESIDENT. In view of the fact that the foregoing communications were furnished the Senate in response to a special resolution adopted by the Senate, the Chair rules that the letters be noted in the Journal of today's session for the information of the Senate.

REPORTS FROM COMMITTEES

Mr. BARTHOLD, from the Committee on Education, reported as committed, Senate Bill No. 39, entitled:

An Act to amend and re-enact Section five hundred and twenty-four of an act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws, three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof; that are or may be inconsistent therewith," as amended by limiting and prescribing the method of fixing the levy of school taxes in school districts of the first class.

Mr. WOLFENDEN, from the Committee on Education reported as committed, Senate Bill No. 40, entitled:

An Act to amend Sections one hundred eight, five hundred six, five hundred seven, eight hundred thirteen, eight hundred fourteen, and one thousand one hundred thirty-three of the act approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, by providing for the merger of certain school districts with other districts; redefining indebtedness to school districts; empowering the county boards of school directors to employ an attorney and fix his compensation; increasing the salaries of members of the county board of school directors; and providing for limitations on the appointment of district superintendents.

with the understanding that it be recommitted to the Committee on Education after second reading.

Mr. KUNKEL presented to the Senate the report of the Committee of Conference on Senate Bill No. 16, entitled:

An Act authorizing the Commonwealth or any of its agencies or instrumentalities of Government including the General State Authority to contract with and to lease or acquire from any housing authority any area acquired or about to be acquired by such housing authority for slum clearance purposes.

He also presented to the Senate the report of the Committee of Conference on Senate Bill No. 17, entitled:

An Act authorizing housing authorities to contract with and to lease or convey to the Commonwealth or any of its agencies or instrumentalities of Government including the General State Authority any area acquired or about to be acquired for slum clearance purposes.

The PRESIDENT. The Conference Committee reports will be noted on the Calendar.

TIME OF NEXT MEETING

Mr. FREY offered the following resolution which was twice read, considered, and agreed to:

In the Senate, September 6, 1938.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, September 12, at 8 o'clock, Eastern Standard Time; and when the House of Representatives adjourns this week it reconvene on Monday evening, September 12, at 8 o'clock Eastern Standard Time.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

EMPLOYE OF THE SENATE

Mr. JACOBS offered the following resolution which was twice read, considered, and agreed to:

In the Senate, September 6, 1938.

Resolved, That Adam Keller be elected Page to the Senate, vice Collins Keller, Jr., resigned.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 5, entitled:

An Act to amend Section two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws two thousand fifty-one) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of

Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to co-operate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" by re-defining "assistance" so as to provide for medical care in place of services.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barthold,	Frey,	Kunkel,	Reed,
Buckman,	Gelder,	Lanius,	Rice,
Cavalcante,	Gilson,	Law,	Rupp,
Chapman,	Haluska,	Mallery,	Ruth,
Dando,	Henney,	McCreesh,	Salus,
Deitrick,	Heyburn,	McGinnis,	Scarlett,
Dent,	Howell,	Owlett,	Stiefel,
DiSilvestro,	Jacobs,	Pierson,	Thompson,
Ealy,	Jaspan,	Pytko,	Wolfenden,
Eroe,	Kilgallen,	Rankin,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 36, (House Bill No. 8), entitled:

An Act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed by such department with the General State Authority for the use and occupancy by the Commonwealth of various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects.

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

BILL OVER IN ORDER

Mr. BUCKMAN. Mr. President, this bill appropriates two million dollars from the State fund for the payment of rent for properties built by the State Authority or to be built by the State Authority under Senator Thompson's bill, which has not yet reached the Governor's desk. In other words it is a sort of mother-in-law to the Thompson bill and until the Thompson bill passes I ask unanimous consent that the bill go over in its order.

Mr. THOMPSON. Mr. President, I concur in the request of my colleague from Bucks County that the bill go over in order but for an entirely different reason. But I would like to call his attention to the fact that this appropriation has nothing to do with the Thompson bill which has already passed both houses and has been signed by the Governor.

The PRESIDENT. The Chair understands that both Senators agree that the bill go over in order.

Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 37, (House Bill No. 11), entitled:

A Supplement to the act approved the twenty-fourth day of June one thousand nine hundred thirty-seven (Appropriation Acts page forty-five) entitled "An act making an appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two years beginning June first one thousand nine hundred thirty-seven and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first, one thousand nine hundred thirty-seven"

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. BUCKMAN. Mr. President, in considering this bill I do not want to be understood as opposing an appropriation for relief but I do want to point out to the present administration the legal aspect that this bill will place the State in. I understand that this bill appropriates twenty-five million dollars out of the General Fund to make up a deficit or an expected deficiency in the relief fund for the present biennium. I further understand that all the revenue for the present biennium has been pledged as collateral security for tax anticipation notes which have not been paid.

I therefore submit and call attention to the present administration that if this bill is passed in its present form it may close our hospitals and our homes just as was done under the first Talbot Act passed in 1932, I believe. That case came before the Supreme Court of Pennsylvania in the case of Commonwealth ex rel. Schnader vs. Liveright, 308 Pennsylvania, page 38.

In the course of its opinion in that case the Supreme Court ruled that an appropriation made for specific purpose such as relief came ahead of other appropriations and if it were necessary, if the money were not there in the State Treasury with which to pay the appropriations, other appropriations would have to abate proportionately or accordingly.

I cannot see how this Legislature, this special session, can pass an appropriation act of twenty-five million dollars and expect to pay it out of funds which are already pledged as security without abating the appropriations for hospitals, homes, colleges, etc. If the bill comes to passage at this time I expect to vote for it but I want to call the attention of those in charge of the State government to the situation in which they are liable to find themselves in connection with the passage of this bill. The Supreme Court in the case stated has ruled that a budget of the Commonwealth is on a biennial basis. The budget was estimated at the regular session of 1937 and runs until the first of June, 1939. I am told that the fiscal officers, or some of them, feel that the revenues from the revenue acts that were passed at that session are likely to exceed

the budget, but I cannot see how this Legislature without providing the funds, can appropriate money which is not in the Treasury and may never be there.

Mr. THOMPSON. Mr. President, I would like to interrogate the Senator from Bucks, Mr. Buckman.

The PRESIDENT. Will the Senator from Bucks, Mr. Buckman, permit himself to be interrogated?

Mr. BUCKMAN. Mr. President, very gladly, sir.

Mr. THOMPSON. Mr. President, if the Senator believes that the passage of this bill is an illegal measure and is unconstitutional as he has just stated, how can the Senator then reconcile his declaration that he will vote for the bill, if he believes the bill is improper.

Mr. BUCKMAN. Mr. President, the Senator is just as much in error here as when he spoke at those picnics. I did not say that the bill was unconstitutional. All I said was I felt the effect of the bill would be to reduce the appropriation for the hospitals. If I thought it was unconstitutional I would not vote for it for I have not been in the habit of voting for unconstitutional legislation as some of my colleagues on the other side have been.

Mr. THOMPSON. Mr. President, does the Senator believe that the bill should be passed?

Mr. BUCKMAN. Mr. President, I do not.

Mr. THOMPSON. Mr. President, how does the Senator reconcile his declaration that the Senate should not pass the bill with his avowed intention to vote for the bill?

Mr. BUCKMAN. Mr. President, the bill should not pass the Senate until provisions have been made to meet the appropriations made in the bill.

Mr. THOMPSON. Mr. President, the Senator from Bucks has of course been in the Senate so long that he is probably not used to the conditions which prevail in this Commonwealth at the present time. When the case of the Commonwealth ex rel. Schnader vs. Liveright was decided under a Republican administration, an entirely different fiscal picture prevailed in this Commonwealth than prevails now. We know that the preceding Republican administration never at any time practically, had money enough to meet its obligations. We know that the preceding Republican administration when it left this government four years ago, left it in hock to the extent of almost one hundred and sixty-eight millions of dollars that we have had to wrestle with before we could take care of our own current expenses.

When the Commonwealth ex rel. Schnader vs. Liveright was decided by the Supreme Court the preceding Republican administration had squandered its funds and was so far in the red that there was not money enough to meet any of their current bills at that time. An entirely different fiscal picture prevails under this Democratic administration. Not only do we have funds to meet all the current appropriations of the State government in this State at the present time but we have in this State today an excess of approximately twenty-five million dollars which is unappropriated by State budgetary requirements and it is this unappropriated twenty-five million dollars that is being taken for relief purposes, Mr. President, and this unappropriated twenty-five million dollars was not within the terms of the bill creating the tax anticipation notes, because only anticipated revenues were pledged by those notes, Mr. President, and not this surplus revenue which we have.

I think the Senator from Bucks has brought before the public of this State by his remarks one of the liveliest issues in this State today, namely the difference in efficient, thorough, conscientious and effective financial administration of the State government under a Democratic administration, and the inefficient, squandering, administration of the preceding Republican administration, which was always in debt and never had money enough to pay any of its bills. There is no reason, Mr. President, why the Senate should not pass this bill.

Mr. BUCKMAN. Mr. President, I would like to interrogate the Senator from Centre, Mr. Thompson.

The PRESIDENT. Will the Senator from Centre, Mr. Thompson, permit himself to be interrogated?

Mr. THOMPSON. Mr. President, I will.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator from Centre County, Mr. Thompson, if it is not a fact that the revenues out of which this appropriation is to be paid have already been pledged on the anticipation notes which have been sold to the brokers.

Mr. THOMPSON. Mr. President, that is not a fact. The fact is that these tax anticipation notes have pledged the anticipated revenues of the Commonwealth during the biennium. The funds which were appropriated by this bill are the unanticipated revenues.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator where in this bill it mentions anything of that kind. As I read the English language it says "The sum of twenty-five million dollars or as much thereof as may be necessary is hereby specifically appropriated to the Department of Public Assistance for the same purposes and under the same provisions as set forth in the act to which this is a supplement. This act shall become effective immediately, etc." I would like to ask the Senator if this twenty-five million dollars is now in the State treasury, over and above the revenue covered by the anticipation notes.

Mr. THOMPSON. Mr. President, the money is in the State treasury.

Mr. BUCKMAN. Mr. President, where did it come from?

Mr. THOMPSON. Mr. President, this money came from taxes which the Senator from Bucks, Mr. Buckman, voted for.

Mr. BUCKMAN. Mr. President, does the Senator say that this is still not pledged on the anticipation notes?

Mr. THOMPSON. Mr. President, for the further enlightenment of the Senator from Bucks, Mr. Buckman, I will still persist that from the very name of the instrument, ex-hypothesis, as the Senator from Bucks himself would say, tax anticipation notes pledge only anticipated revenue and not unanticipated revenue, such as this bill represents. I might go further in my answer, Mr. President, and say this: We have seen throughout the length and breadth of this State in the last few weeks a deliberate attempt by the Republican party to strike down the structure of the administration of relief in Pennsylvania. This is only one expression of this same attempt that is being voiced not only by the head of their ticket and their candidate for governor but by everyone who voices an expression in the Republican campaign this year.

I marvel at what must be called the hypocrisy of the Senator from Bucks when he stands up here and says that this bill should pot pass this Senate and goes on to say that he will vote for this bill, and I repeat again to you, Mr. President, this is only one more attempt upon the part of the Republican Party in this State to strike at our structure for the administration of relief to the needy of Pennsylvania.

Mr. BUCKMAN. Mr. President, I do not intend to make a campaign speech, for unlike the Senator from Centre, I am not a candidate for reelection. I am not a candidate for election to any office, and I want to say to you, Mr. President, to the Senate, and to the people of Pennsylvania, that in handing the people on relief or in need of relief in Pennsylvania this bill—I want to serve notice now to the effect that you are handing them a gold brick, for they will not get what is anticipated by the bill and if they do the other insitutions who need relief probably worse than the recipients of relief will suffer thereby.

Mr. THOMPSON. Mr. President, I would like to interrogate the Senator from Bucks, Mr. Buckman.

The PRESIDENT. Will the Senator from Bucks, Mr. Buckman, permit himself to be interrogated?

Mr. BUCKMAN. Mr. President, I will be delighted.

Mr. THOMPSON. Mr. President, I have no personal knowledge in this circumstance. I read in the newspapers within the last few days of an understanding existing between the Republican party and certain members of the Supreme Court of Pennsylvania with respect to other legislative measures. I would like to ask the Senator from Bucks, Mr. Buckman, if the Republican party has any understanding with the Supreme Court on this measure.

Mr. BUCKMAN. Mr. President, no I do not have any understanding with the Supreme Court or any other court. I have practiced law for a good many years and I have always been able to go into court and fight my own case and win or lose my own battle. I do not have any understanding with any court. I do not know whether the Democrats do or not. I sometimes think it looks that way.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barthold,	Frey,	Kunkel,	Reed,
Buckman,	Gelder,	Lanius,	Rice,
Cavalcante,	Gilson,	Law,	Rupp,
Chapman,	Haluska,	Mallery,	Ruth,
Dando,	Henney,	McCreesh,	Salus,
Dettrick,	Heyburn,	McGinnis,	Scarlett,
Dent,	Howell,	Owlett,	*Stiefel,
DiSilvestro,	Jacobs,	Pierson,	Thompson,
Ealy,	Jaspan,	Pytko,	Wolfenden,
Eroe,	Kilgallen,	Rankin,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS POSTPONED

Mr. WOODWARD. Mr. President, I move that further consideration of Senate Bill No. 2 on second reading, entitled:

A Joint Resolution proposing an amendment to Section four Article nine of the Constitution of the Commonwealth of Pennsylvania.

be postponed for the present.

Mr. BUCKMAN. Mr. President, I second the motion.

The motion was agreed to.

Mr. WOODWARD. Mr. President, I move that further consideration of Senate Bill No. 3 on Second reading, entitled:

A Joint Resolution proposing an amendment to Article twelve of the Constitution of the Commonwealth of Pennsylvania.

be postponed for the present.

Mr. BUCKMAN. Mr. President, I second the motion.

The motion was agreed to.

Mr. WOODWARD. Mr. President, I move that further consideration of Senate Bill No. 4 on second reading, entitled:

A Joint Resolution proposing an amendment to Section one Article nine of the Constitution of the Commonwealth of Pennsylvania.

be postponed for the present.

Mr. BUCKMAN. Mr. President, I second the motion.

The motion was agreed to.

Mr. WOODWARD. Mr. President, I asked that these bills, Senate Nos. 2, 3 and 4, be placed on the postponed calendar in order to save time for an argument on Mr. Reed's bill, Senate No. 12, and to give me an opportunity for debate with Mr. Shapiro on the question of constitutionality.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 12, as follows:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding section One-A.

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That Article nine be amended by adding thereto Section One-A as follows

Section 1-A The General Assembly may also by general law exempt from taxation a uniform value in money of the total taxable value of each person's real property in any one municipality or township

And said bill having been read at length the second time.

On the question,

Will the Senate agree to the bill?

MOTION TO POSTPONE

Mr. SHAPIRO. Mr. President, I do not like to take issue with my colleague, Mr. Reed, but in fairness to the Senator from Philadelphia, I think we ought to be consistent and if we are going to take any position in this matter, I understand that this is a constitutional amendment and is subject to the same argument that was raised against the amendments suggested by Senator Dr. Woodward. I would like to make the motion, and I hope that Senator Reed will not object, that this bill be also placed on the postponed calendar.

Mr. LAW. Mr. President, I second the motion.

On the question,
Will the Senate agree to the motion?

Mr. REED. Mr. President, as I understand it these bills were placed on the postponed calendar in order to determine whether they are rightfully and legally on the calendar at this time. That question was raised before the senatorial recess and since that time I have looked into the legal aspect of the question and I have found a case of the Supreme Court, in Volume 196, page 396, which discusses the question under controversy here, and in order to save time I will just read the parts of this decision that bear on the question at issue.

"It is not absolutely necessary that the publication of an amendment shall be made three months before the general election which follows next after the amendment was agreed to by the two houses. The provision in Article XVIII as to the publication of a proposed amendment three months before the next general election should be regarded as merely a directing provision where strict compliance with time limits is not essential."

Now if it is solely for the purpose of having this legal question decided, then I object to these various resolutions going over in order. We might as well determine this question now and get the bills off the calendar in a legal manner. I believe that this Senate under the law can pass these resolutions at this time and such passage will be in strict accordance with the law of this Commonwealth and I offer this case decided by the Supreme Court of Pennsylvania as my authority. I think that we should pass this Joint Resolution No. 12, on second reading, at this time.

Mr. SHAPIRO. Mr. President, if the gentleman from Washington, Mr. Reed, will read a little further on in the books of Pennsylvania, he will find a subsequent case in which this very question was raised, where the Supreme Court reiterated that the provision of the Constitution was mandatory but got around the situation in this case by suggesting that the Secretary had forwarded the advertisement to the newspapers for publication and there was no evidence that the Secretary had not forwarded it. But they reiterated in a case much later than that, I think some ten or twelve years ago, that this is a mandatory provision. The gentleman from Philadelphia, Dr. Woodward, and I think the Senator from Bucks, Mr. Buckman, consulted whom I might say is the Republican Oracle, on the constitutional question here last week and I think everybody was in accord and agreement on the fact that these bills cannot legally be passed now unless the Supreme Court should wink its eye.

The reason for placing these bills on the postponed calendar is that the suggestion has been made that we may continue in session until after the November election and if that is so then these bills can very well be passed without any question as to their constitutionality. Because of that suggestion from Dr. Woodward and the consensus of opinion that we got on the question of constitutionality, the motion to postpone these bills was made, and that is the reason I made the motion to postpone the bill that Senator Reed has introduced. I do not think that any harm has been done. I am quite sure that the general opinion that the Senator will get from those who know more about constitutional law than I do will convince him that there is no sense in passing these bills at this time.

And the question recurring,
Will the Senate agree to the motion?

The yeas and nays were required by Mr. Reed and were as follows, viz:

YEAS—21.

Barthold,	Jaspan,	McCreesh,	Rice,
DiSilvestro,	Kahle,	McGinnis,	Ruth,
Ealy,	Kilgallen,	Mundy,	Shapiro,
Frey,	Kunkel,	Pytko,	Stiefel,
Gilson,	Law,	Rankin,	Thompson,
Jacobs,			

NAYS—23.

Buckman,	Gelder,	Mallery,	Salus,
Cavalcante,	Haluska,	Owlett,	Scarlett,
Chapman,	Henney,	Pierson,	Sones,
Dando,	Heyburn,	Reed,	Wolfenden,
Deitrick,	Howell,	Rodgers,	Woodward,
Eroe,	Lanius,	Rupp,	

So the question was determined in the negative.
And the question recurring,
Will the Senate agree to the bill on second reading?

MOTION TO CONSIDER SENATE BILL NO. 2.

Mr. SHAPIRO. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 2 entitled: A Joint Resolution proposing an amendment to Section four, Article nine of the Constitution of the Commonwealth of Pennsylvania.

The PRESIDENT. The call is out of order. We are now discussing Senate Bill No. 12. Senate Bill No. 12 is under discussion.

Mr. SHAPIRO. Mr. President, I said No. 2.

The PRESIDENT. Did you call up No. 2?

Mr. SHAPIRO. Mr. President, that is right.

The PRESIDENT. Senate Bill No. 12 is now under discussion.

An the question recurring,
Will the Senate agree to the bill on second reading?

Mr. EALY. Mr. President, as I understand the Constitution, and the decisions with reference to resolutions for amendment of the Constitution, there is really no advantage in passing these resolutions at this session because they have to be advertised three months before an election takes place; and therefore, the advertisement could not become effective until the fall of 1939. Therefore, we could not again pass this resolution at the 1939 session of the Legislature and it will have to lie over for the 1941 session of the Legislature, after the election of members of the Legislature in 1940, so that while the resolution might properly be passed at this session, we are gaining no time by it because it will not be until the 1941 session of the Legislature that it could be passed and thereafter submitted to the people.

Mr. CAVALCANTE. Mr. President, as in all questions involving constitutional construction, sometimes considerable confusion may be caused when we try to give the provisions of the Constitution an unreasonable construction. I do not fully agree with the gentleman from Somerset in his analysis, for the power of this Legislative Assembly to pass a resolution of this kind is not affected by the other provision of the Constitution which requires the Secretary of the Commonwealth to advertise the amendments before they become part of the organic law.

The sensible construction of the Constitution in this case would dictate that where it says the next general election, it means the next available general election, and if the Assembly now in session should pass a joint resolution of this kind it stands to reason it cannot be ad-

vertised three months before the general election, but that does not kill the resolution. The text of the Constitution requiring the advertisement is no restraint, is no infringement upon the power of the Assembly to pass the resolution; to give the section of the Constitution the construction advocated by the gentleman from Philadelphia, Mr. Shapiro, and the gentleman from Somerset, Mr. Ealy, reduces that section of the Constitution to absurdity and gives it a construction which acts as a limitation upon the power of the General Assembly to pass resolutions of this character.

If this Assembly passes this resolution, then the Secretary of the Commonwealth under the Constitution must advertise it three months before the next available general election. Common sense tells us that the next general election is in November, and we are now in September, which would make that general election unavailable for advertising, but the Secretary would advertise at the next succeeding general election, and when this resolution is again acted upon by the General Assembly of 1939, then the Legislative duty will be finished, and it will be the duty of the Secretary of the Commonwealth, after it has been advertised the first time, to readvertise it for the next available general election so as to make the vote of the people on the amendment constitutional.

Mr. LAW. Mr. President, I regret very much that I cannot agree with my colleague from Fayette, Senator Cavalcante, as to the meaning of the language in the Constitution. The Constitutional language is and may be and usually is a restriction upon the power of the Legislature. And we are bound by that language. For that reason I cannot see where we may in any way stretch the language or change it to insert the word "available" before the word "election." To do that would be to change the language of the Constitution itself and that is something that neither the Supreme Court nor the Legislature can do.

I agree heartily with my colleague the gentleman from Somerset, that this is not properly before us for passage at this time, and that this should wait until the next Legislature, because it cannot be advertised at this General Election and there is no advantage in waiting until after it. Of course, if it were to pass finally after the election were over, then it might be passable as has been suggested here, that it would be proper, but there would be no advantage in passing it at this time which is within ninety days before the general election.

Mr. REED. Mr. President, I think the Senator from Mercer was speaking extemporaneously on the whole, and I wish he would take time tomorrow to investigate the decisions of the Supreme Court, the decisions cited down to the present time, and I think he will find the law as I stated it, to be the law today.

REQUEST TO PUT BILL OVER IN ORDER

Mr. RICE. Mr. President, in view of the fact that there seems to be some disagreement on the decisions among attorneys, I ask unanimous consent that this bill go over in order until tomorrow.

Mr. REED. Mr. President, I object.

The PRESIDENT. The Chair hears objection.

And the question recurring,

Will the Senate agree to the bill on second reading?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for third reading.

MOTION TO CONSIDER SENATE BILL NO. 2

Mr SHAPIRO. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 2. on second reading, entitled:

A Joint Resolution proposing an amendment to Section four Article nine of the Constitution of the Commonwealth of Pennsylvania.

POINT OF ORDER

Mr. BUCKMAN. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Bucks, Mr. Buckman will state his point of order.

Mr. BUCKMAN. Mr. President, Senate Bill No. 2, by vote of this Senate has been postponed for the present.

The PRESIDENT. The point of order is well taken.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 30, as follows:

An Act authorizing the compromise of delinquent taxes on lands and the penalties interest and costs due thereon before a tax sale of such lands and providing the procedure in such case

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever taxes upon lands have become delinquent and have been returned to the county commissioners or have been entered as liens in the office of the prothonotary and such delinquent taxes and the penalties interest and costs due thereon exceed in the opinion of the county commissioners the net amount which could be realized at a tax sale of such lands and are more than the owner of such lands is able to pay and keep such lands in production it shall be lawful for the commissioners before a tax sale of such lands if the court of common pleas of the county shall first have consented thereto to accept in compromise of such delinquent taxes penalties interest and costs any sum less than the whole amount due and to enter satisfaction of all such taxes on the record

Section 2 Upon the presentation of the petition of the county commissioners to the court of common pleas of the county setting forth a description of the lands on which such taxes are delinquent the amount of delinquent taxes penalties interest and costs due segregated by years showing also the total amount due to each taxing district the amount offered in compromise thereof the division of the compromise settlement between the taxing districts interested and such other information as may be deemed of information to the court the court shall fix a day not more than ten days thereafter for a hearing thereon At least five days' notice of such hearing shall be given to each taxing au hority having an interest in such delinquent taxes

Section 3 If after such hearing the court is satisfied that the proposed compromise is proper and to the advantage of the county and other taxing authorities interested and that it will enable the owner to keep such lands in production it shall enter a decree approving such compromise settlement or such other settlement as the court may find proper and just The proceeds of such compromise shall be distributed to the respective taxing authorities in proportion to their claims

Section 4 Nothing contained in this act shall be construed as authorizing a compromise of taxes of any tax-

ing district which has issued bonds or other obligations against such delinquent tax but in such cases the delinquent taxes of other taxing districts may nevertheless be compromised in accordance with this act

Section 5 All acts and parts of acts inconsistent with this act are hereby repealed

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for third reading.

BILL OVER IN ORDER

Mr. RICE, Mr. President, I ask unanimous consent that Senate Bill No. 32, on second reading, entitled:

An Act to amend Sections two and five of, and to add Section three and one-tenth to the act, approved the first day of July, one thousand nine hundred and nineteen (P. L. 717), entitled "An act fixing the number, compensation, mileage, and duties of the officers and employes of the General Assembly, and providing for their election or appointment, term of office, and manner of filling vacancies;" further regulating the term of office of such officers and employes and the compensation of certain officers and employes.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 34, entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto Section twenty.

The first section of the bill was read as follows:

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That Article nine of the Constitution be amended by adding thereto Section twenty as follows

Section 20 All motor vehicle registration fees operators' license fees gasoline excise taxes and other similar special taxes fees dutes and excises on motor vehicles and trailers and the owners and operators thereof and on liquid or motor fuels which by laws in force at the date of the adoption of this provision of the Constitution are dedicated and appropriated to pay for the cost of laying out constructing re-constructing maintaining repairing improving and policing the public highways and bridges for the costs of administration in connection therewith and for the payment of the interest and principal of any State and local debt incurred for highway and bridge purposes shall not to the extent of such dedication be hereafter used for any other purpose whatever

On the question,

Will the Senate agree to the section?

Mr. RUPP. Mr. President, I move to amend Section 1, page 2, line 3 by inserting after the word "excises" the following "imposed by law"; amend Section 1, page 2, lines 5, 6, and 7 by striking out the following: "which by laws in force at the date of the adoption of this provision of the Constitution are dedicated and appropriated," and insert in lieu thereof "shall after June 1, one thousand nine hundred and forty-one, be appropriated and used only"; amend Section 1, page 2, lines 13 and 14 by striking out the following: "shall not to the extent of such dedication be thereafter used for any" and insert in lieu thereof "and for no".

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to:

Proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section twenty

Whereas The Congress of the United States in Section twelve of the Hayden-Cartwright Act of June eighteenth one thousand nine hundred and thirty-four known as forty-eight Statute nine hundred ninety-three said "It is unfair and unjust to tax motor vehicle transportation unless the proceeds of such taxation are applied to the construction improvement or maintenance of highways" now therefore

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 35, (House Bill No. 22), entitled:

An Act to confirm and validate past tax levies or assessments made by school districts of the first class and liens filed thereon

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

Senate Bill No. 5 entitled:

An Act to amend Section two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws two thousand fifty-one) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and County boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" by redefining "assistance" so as to provide for medical care in place of services.

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

MOTION TO READ BILLS THE FIRST TIME

Mr. LAW. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 39, entitled:

An Act to amend and re-enact Section five hundred and twenty-four of an act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws, three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended by limiting and prescribing the method of fixing the levy of school taxes in school districts of the first class.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 40, entitled:

An Act to amend Sections one hundred eight, five hundred six, five hundred seven, eight hundred thirteen, eight hundred fourteen, and one thousand one hundred thirty-three of the act approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, by providing for the merger of certain school districts with other districts; redefining indebtedness of school districts; empowering the county boards of school directors to employ an attorney and fix his compensation; increasing the salaries of members of the county board of school directors; and providing for limitations on the appointment of district superintendents.

And said bill having read at length the first time,

Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn until Wednesday, September 7th, at eleven o'clock A. M. (Eastern Standard Time).

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 9:52 P. M. until Wednesday, September 7th, 11:00 A. M. o'clock (Eastern Standard Time).

HOUSE OF REPRESENTATIVES

TUESDAY, September 6, 1938.

The House met at 8:00 p. m.

The SPEAKER, (Roy E. Furman), in the Chair.

PRAYER

The Chaplain, Rev. EPHRAIM Z. GALLAHER, offered the following prayer.

We approach Thee, heavenly Father, with humble hearts and minds. We know that in ourselves we can do nothing that is abiding, but in Thy strength and Thy wisdom we may be instruments for good. Pour out Thy spirit upon us, that we may be co-workers with Thee. Bless our Commonwealth, the Governor of our State, all officers and members of the House, and whatever good is accomplished through all agencies of the Commonwealth, we will give Thee the praise and honor, through Christ, our Lord, Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Tuesday, August 16, 1938

The Clerk proceeded to read the Journal of Tuesday, August 16, 1938, when, on motion of Mr. PEARSON the further reading was dispensed with and the Journal approved.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency, the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 15.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, August 12, 1938.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 15, Printer's No. 24, entitled "An Act authorizing the appointment of a commission to make a thorough and impartial investigation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued requiring the commission to make a report of its findings and recommendations to the General Assembly or to the Governor and authorizing the commission to employ counsel and employes and making an appropriation."

GEORGE H EARLE.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency, the Governor, which was read as follows:

APPROVAL OF RESOLUTIONS.

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, August 22, 1938.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

A resolution of the House of Representatives and Senate to permit the immediate payment of mileage to the members of the General Assembly for the weeks such members

were in actual attendance at the present Extraordinary Session, etc.

House Resolution No 8, Printer's No. 36, creating a committee for the purpose of making a careful and thorough investigation of existing practices, means, machines, instruments and devices whereby information is knowingly gathered, obtained, disseminated and received in the furtherance of gambling, etc.

GEORGE H. EARLE.

REPORT OF BOARD OF JUDGES OF THE COURTS OF COMMON PLEAS OF PHILADELPHIA COUNTY

The SPEAKER laid before the House the report of the Board of Judges of the Courts of Common Pleas of Philadelphia County in compliance with House Resolution No. 6.

(For Report see Appendix.)

LEAVES OF ABSENCE

Mr. Gillette asked and obtained leave of absence for Mr. MERRELL, for the remainder of the week on account of illness.

Mr. Finnerty asked and obtained leave of absence for Mr. SHEPARD for the remainder of the week.

Mr. Holmes asked and obtained leave of absence for Mr. THOMPSON for tonight's session.

Mr. Welsh asked and obtained leave of absence for Mr. ARNOLD for tonight's session due to illness in the family.

Mr. Scanlon asked and obtained leave of absence for Mr. FITCH for the remainder of the week.

Mr. Corrigan asked and obtained leave of absence for Mr. McSHANE for the remainder of the week.

Mr. McGee asked and obtained leave of absence for Mr. HAGGERTY for tonight's session on account of the death of Mr. August Nungusser and Mr. John Hicks, members of the Executive Committee of the Twenty-eight Ward, Philadelphia.

The Speaker asked and obtained leave of absence for Mr. STACKPOLE for tonight's session.

COMMITTEE APPOINTED TO INVESTIGATE GAMBLING DEVICES.

The SPEAKER. In accordance with the provisions of House Concurrent Resolution No. 8, Printer's No. 36, creating a Joint Committee to make an investigation of gambling devices, the Chair has appointed Messrs. Moomaw, Ostroff and McDevitt as the Committee on the part of the House.

BILL SIGNED BY THE SPEAKER

Bill number and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SENATE BILL No. 9.

An Act making an appropriation to the Department of Public Instruction to pay rentals and expenses in connection with public school buildings constructed or improved by the General State Authority.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

COMMITTEE APPOINTED TO INVESTIGATE OIL INDUSTRY.

The SPEAKER. In accordance with the provisions of House Bill No. 15, Printer's No. 24, Act No. 5 of the Extraordinary Session of the General Assembly of 1938, authorizing the appointment of a commission to make a thorough and impartial investigation into the operations of the oil industry in this Commonwealth, the Chair appoints the gentleman from Cambria, Mr. Chervenak to serve on the part of the House.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 42, (Senate Bill No. 25), entitled:

An Act relating to and removing the remaining additional persons now serving as Pennsylvania members of the Delaware River Joint Commission by virtue of appointment by the General Assembly under the act approved June twelfth one thousand nine hundred and thirty-one (P. L. 575) entitled "An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River and the improvement of the facilities for transportation across the river; authorizing the Governor for these purposes to enter into an agreement with New Jersey creating The Delaware River Joint Commission and specifying the powers and duties thereof including the power to finance projects by the issuance of revenue bonds transferring to the new commission all the powers of the Delaware Bridge Joint Commission and making an appropriation" and providing for the appointment of their successors

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 21, entitled:

An Act to prohibit the sale offering or exposing for sale of fireworks defining fireworks and providing for licensing and regulation of the manner of using fireworks and providing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 47, as follows:

An Act making a deficiency appropriation to the Anthracite Coal Industry Commission created by the act approved the eighth day of February one thousand nine hundred and thirty-seven (P. L. 21) entitled "An act creating the Anthracite Coal Industry Commission defining its powers and duties and making an appropriation"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 The sum of twenty-six thousand five hundred dollars ($26,500.00) or so much thereof as may be necessary is hereby specifically appropriated to the Anthracite Coal Industry Commission created by the act approved the eighth day of February one thousand nine hundred and thirty-seven (P. L. 21) entitled "An act creating the Anthracite Coal Industry Commission defining its powers and duties and making an appropriation"

for the deficiency in the expenses of the commission incurred for any of the following purposes Payment of the compensation and expenses of the members officers and employes of the commission postage telegraph and telephone charges the use of automobiles witness fees allowed by the commission supplies and printing and all other expenses of the commission

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 57, as follows:

An Act to provide for the expenses of the extraordinary session of the Legislature assembled July twenty-fifth Anno Domini one thousand nine hundred thirty-eight in pursuance of the proclamation of the Governor of the Commonwealth dated July twenty-second Anno Domini one thousand nine hundred thirty-eight and the supplements thereto

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 The following sum or so much thereof as may be necessary be and the same are hereby specifically appropriated for the payment of the expenses of the Legislature assembled in extraordinary session the twenty-fifth day of July Anno Domini one thousand nine hundred thirty-eight in pursuance of the proclamation of the Governor dated the twenty-second day of July Anno Domini one thousand nine hundred thirty-eight and the supplements thereto

TO THE SENATE

The total sum of one hundred and twenty thousand sixty-six dollars ($120,066) or as much thereof as may be necessary to be paid in the manner prescribed by law

For the payment of the salaries of the Senators and extra compensation allowed by law to the President Pro Tempore of the Senate

For the payment of the mileage of the Senators

For the payment of the postage allowed by law to each Senator the sum of fifty dollars ($50)

To the Chief Clerk and assistants for the payment of postage the sum of seventy-five dollars ($75)

To the Chief Clerk for the payment of the postage on the Legislative Journal bills and calendars the sum of thirty-five hundred dollars ($3,500)

For the payment of the salaries of the officers and employes of the Senate during and for the completion of the work of the extraordinary session also for the payment of the mileage of the officers and employes of the Senate

For the payment of the expenses of the Committee on Appropriations of the Senate extraordinary session of one thousand nine hundred thirty-eight the sum of one thousand five hundred dollars ($1,500) or as much thereof as may be necessary to be paid on warrant of the Auditor General drawn in favor of the chairman of the committee on the presentation of his requisition for the same

For the contingent expenses including extra clerical and stenographic charges of the President Pro Tempore of the Senate during the period of the extraordinary session the sum of five hundred dollars ($500) or as much thereof as may be necessary and for the payment of the necessary expenses including extra labor in the office of the Chief Clerk during the extraordinary session the sum of six thousand six hundred seventy-five dollars ($6.675) or as much thereof as may be necessary

To the secretary of the Senate for the payment of extra services in connection with the compilation of the history of legislation in the Senate during the extraordinary session the sum of five hundred dollars ($500)

TO THE HOUSE OF REPRESENTATIVES

The total sum of two hundred and fifty-seven thousand eight hundred sixty-eight dollars and seventy-four cents ($257,868.74) or as much thereof as may be necessary to be paid in the manner prescribed by law

For the payment of the salaries of the Members of the House of Representatives and extra compensation allowed by law to the Speaker of the House

For the payment of mileage of the Members

For the postage allowed by law to each Member the sum of fifty dollars ($50)

To the Chief Clerk and assistants for the payment of postage the sum of seventy-five dollars ($75)

To the Chief Clerk for the payment of the postage on the Legislative Journal bills and calendars the sum of five thousand dollars ($5,000)

For the payment of the salaries of the officers and employes of the House of Representatives during and for the completion of the work of the extraordinary session also for the payment of the mileage of the officers and employes of the House of Representatives

For the payment of the expenses of the Committee on Appropriations of the House of Representatives extraordinary sssion of one thousand nine hundred thirty-eight the sum of three thousand six hundred dollars ($3.600) or as much thereof as may be necessary to be paid on warrant of the Auditor General drawn in favor of the chairman of the committee on the presentation of his requisition for the same

For the contingent expenses including extra clerical and stenographic charges of the Speaker of the House of Representatives during the period of the extraordinary session the sum of five hundred dollars ($500) or so much thereof as may be necessary and for the payment of the necessary expenses including extra labor in the office of the Chief Clerk during the extraordinary session the sum of ten thousand dollars ($10,000) or as much thereof as may be necessary

LEGISLATIVE JOURNAL

For the payment to the Chief Clerk of the Senate and Chief Clerk of the House of Representatives for making indices of the journal of each house for the extraordinary session the sum of two hundred fifty dollars ($250) each five hundred dollars ($500)

For the work of the Legislative Journal officials after the close of the extraordinary session on the Legislative Journal also proofreading of appendix and index thereto as provided by law the sum of one thousand five hundred dollars ($1,500)

For the payment of the person or persons appointed to index the Legislative Journal of the extraordinary session in accordance with the act establishing said journal the sum of five hundred dollars ($500)

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 54, (Senate Bill No. 14), entitled:

An Act providing for the adjournment and readjournment of county treasurers' sales of seated and unseated lands that were to have been held in the years one thousand nine hundred thirty-seven or one thousand nine hundred thirty-eight for non-payment of taxes in counties except those of the first and second class and preserving the lien of all taxes on such lands

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. SAMUEL A. WEISS. Mr. Speaker, I move that this bill be recommitted to the Committee on Municipal Corporations for the purpose of amendment and further study.

On the question,

Will the House agree to the motion?

Mr. JIROLANIO. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Weiss.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated ?

Mr. SAMUEL A. WEISS. I will, Mr. Speaker.

Mr. JIROLANIO. Mr. Speaker, I wou'd like to ask the gentleman from Allegheny whether or not this bill is known as the tax abatement bill?

Mr. SAMUEL A. WEISS. Mr. Speaker, this is not the tax abatement bill.

Mr. JIROLANIO. Mr. Speaker, this is the bill to adjourn and readjourn the County Treasurers' sales of seated and unseated lands?

Mr. SAMUEL A. WEISS. That is correct. Mr. Speaker.

Mr. JIROLANIO. Mr. Speaker, may I then ask the gentleman from Allegheny just what amendments he proposes to put into the bill?

Mr. SAMUEL A. WEISS. Mr. Speaker, in accordance with the customs of the various committees, the Municipal Corporations Committee by vote decided to put this bill out for two readings and then have it recommitted.

Mr. JIROLANIO. Mr. Speaker, the gentleman is not answering my question. I ask that the gentleman answer my question directly. Being an attorney I think he knows how.

I would again like to ask the gentleman from Allegheny what particular amendments he has in mind to put into this particular bill.

Mr. SAMUEL A. WEISS. Mr. President, I cannot speak for my committee, I am only its chairman. They decided to put it out for two readings and then recommit it for further study and amendment. I think that is fairly responsive.

Mr. JIROLANIO. Mr. Speaker, I do not think it is responsive at all, but since he made that promise to his committee I am willing to abide by that decision. I think, however, since the time is getting short and since some sales are about to take place something should be done at once and not wait until thereafter.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

BILL PASSED OVER

There being no objection House Bill No. 49, Senate Bill No. 10, Printer's No. 11 was passed over at the request of Mr. LOVETT.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House resumed the consideration on final passage of House Bill No. 30, (Senate No. 8), as follows:

An Act to amend article six of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by authorizing school districts singly or jointly with other districts to convey or lease property to the General State Authority to acquire additional property for such purposes and to contract with and lease property from said Authority authorizing the Commonwealth to join with school districts in such contracts and leases and in such cases defining the assistance to be rendered by the Commonwealth and authorizing the withholding of State appropriations in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article six of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended by adding thereto the following new sections

Section 636 Any school district shall have power and authority with the approval of the Department of Public Instruction to grant assign and convey to the General State Authority with or without consideration any lands easements or rights in lands together with any improvements buildings or structures therein or thereon now owned by such school district or hereafter acquired by it needed or convenient to carry out the purposes of these amendments or to lease to the Authority for a term not exceeding ninety-nine (99) years at a nominal or such other rental as may be determined any or all such lands easements or rights in lands together with any improvements structures or buildings therein or thereon

Section 637 Any school district shall have power and authority with the approval of the Department of Public Instruction and in the manner hereinbefore provided to acquire title in the name of the school district to any additional lands or interests in lands which may be required to carry out the purposes of these amendments

Section 638 Any school district shall have power and authority with the approval of the Department of Public Instruction to enter into contracts with the General State Authority to lease as lessee from the Authority any school building or any improvement thereto and the furnishings and equipment thereof constructed by the Authority for a term not exceeding thirty (30) years at such rental or rentals as may be determined by the Authority and upon the completion of such school buildings or improvements and the furnishings and equipment thereof the school district shall have power and authority to lease the same as lessee for a term not exceeding thirty (30) years at such rental or rentals as may be determined by the Authority

Section 639 The Department of Public Instruction shall have power and authority with the approval of the Governor to join with any school district in entering into any of the contracts and leases with the General State Authority authorized by the preceding section of this act Under all such contracts the Commonwealth shall pay to the Authority the following proportional parts of the rental or rentals agreed upon In the case of school districts which have a true valuation per teacher of assessable property of twenty-five thousand dollars ($25,000) or less seventy per centum (70%) of such rental or rentals in the case of districts which have a true valuation per teacher of assessable property of more than twenty-five thousand dollars ($25,000) and not more than fifty thousand dollars ($50,000) sixty per centum (60%) of such rental or rentals in the case of districts which have a true valuation per teacher of assessable property of more than fifty thousand dollars (($50,000) and not more than seventy-five thousand dollars ($75,000) fifty per centum (50%) of such rental or rentals in the case of districts which have a true

valuation per teacher of assessable property of more than seventy-five thousand dollars ($75,000) and not more than one hundred thousand dollars ($100,000) forty per centum (40%) of such rental or rentals in the case of districts which have a true valuation per teacher of assessable property of more than one hundred thousand dollars ($100,000) and not more than one hundred and fifty thousand dollars ($150,000) thirty per centum (30%) of such rental or rentals in the case of districts which have a true valuation per teacher of assessable property of more than one hundred and fifty thousand dollars ($150,000) and not more than two hundred thousand dollars ($200,000) twenty per centum (20%) of such rental or rentals and in the case of districts which have a true valuation per teacher of assessable property of more than two hundred thousand dollars ($200,000) ten per centum (10%) of such rental or rentals Provided That in the case of financially distressed school districts the Commonwealth shall pay all or such additional part of the rental or rentals as the Department of Public Instruction shall from time to time determine

Section 640 In all cases where an audit under the direction of the State Superintendent of Public Instruction reveals that the board of directors of any school district has failed to pay or to provide for the payment of any rental or rentals due the General State Authority for any period in accordance with the terms of any lease entered into under the terms of these amendments the State Superintendent of Public Instruction shall notify such board of school directors of its obligation and may withhold out of any State appropriation due such school district an amount equal to the amount of the rental or rentals owing by such school district to the General State Authority until such time as he is officially advised that all obligations of such school district with reference to any such rental or rentals past due have been met and paid in full or arrangements to pay same have been made in a satisfactory manner and approved by him

Section 641 With the approval of the Department of Public Instruction and of the county board of school directors any two or more school districts may jointly enter into contracts and leases with the General State Authority for the construction or improvement of a school building and the furnishings and equipment thereof for the joint use of such school district and may either jointly or individually convey or lease as hereinbefore provided to the Authority any lands and improvements now owned or hereafter acquired by any one or more of such school districts The sharing of the cost of such land and improvements and of the rental or rentals payable to the Authority and the maintenance government and control of the school shall be agreed upon by the boards of directors of such districts so joining in such manner and in such proportions as they may agree upon All schools established under the provisions of this section shall be maintained governed and controlled as other public schools under the laws of this Commonwealth

Section 2. The provisions of this act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Mr. WILSON. Mr. Speaker and members of the House, it was my first intention merely to file my reasons for voting against Senate Bill No. 8, also Senate Bill No. 7. These two bills should be considered together and I ask the indulgence of the House just once with regard to them. They are on final passage at this time. Inasmuch as not a single person in my county or a person in the State anywhere or any member of the General Assembly or any official in this Commonwealth has spoken a word in my presence or has written a word which I might read, that would fully explain these bills, I feel that I would not be fair to my constituency or myself if I would permit these bills to be passed at this time without saying as an experienced lawyer, as an experienced schoolman in the past, an ex-teacher and director, as a member of the General Assembly for a number of sessions at various times, I say I feel it to be my duty to put my objections on record at this time so they will be known to every one at home and to those who take an interest therein. I believe no one has explained the effects of these bills. I have briefly analyzed them. I feel that every member of this House should know in advance what a lawyer who has paid attention to these things thinks of them.

The following are my reasons for voting "no" on Senate Bills No. 7 and 8, House Bills No. 29 and 30 on final passage today.

1. It is my belief we should not by our support of these measures place the stamp of approval upon the expenditure of large sums of money without having the plans concerning the proposals better worked out and more fully understood by the general public. No one has yet attempted to inform us as to the total costs to the Commonwealth to carry out its proposed plans.

2. These bills would further encroach upon "home rule" and give advantages to certain districts over other districts.

3. I am opposed to the giving of these extraordinary powers to any officials without submitting same to the people. These bills are apt to encourage districts to act in haste. Many costly mistakes will be made because of such haste. There's no need for such haste, as no emergency exists.

4. Senate Bill No. 8, on its face, as amended, prevents action by any school districts upon a number of questions without "* * * the approval of the Department of Public Instruction." That means the further limiting of "home rule."

5. The extraordinary powers given to school districts, "with the approval of the Department of Public Instruction," are sure to prove expensive and contrary to good public policy in times of economic stress, such as the Commonwealth is undergoing at this time.

6. It is my belief the State and Nation should economize and be slow to increase expenditures and costs of government, whatever may be the reasons advanced. It is my judgment that the true cost of education in our Commonwealth will be learned by following out the plans proposed by these measures. All such proposals should be considered at a regular session of the legislature and should be free from any appearance of having been advanced for "political reasons," or to be plain, to bring about unusual expenditures of money to make temporary employment for groups.

7. It is my belief there should be less, not more, of regulation and control of the local districts by the State officials. The home districts should be encouraged to manage their own affairs and be responsible therefor. All should be on the same basis.

8. Senate Bill No. 7, which increases the power of the General State Authority by proposing to give it power to acquire property from school districts and the leasing of property by the Authority to school districts, has apparently been loosely and hastily prepared. For example, in Section 5, Paragraph D, the General State Authority is given the power to purchase or lease property (real or personal) from any school district. This would include lands, buildings and all other improvements thereon. But, by Section 9.2 the General State Authority is only given the power to enter into contracts with school districts to lease to the school districts the school building and fur-

nishings and equipment thereof. So, it will be noted that there is no authority given therein to the General State Authority to lease to the school district the real estate purchased from it and there is no provision giving the General State Authority any power whatever relative to such holdings after the termination of the leases with the school districts. In other words; the school districts will sell all of their lands, buildings and improvements therein, but will only get back by way of lease a tenancy in the buildings and equipment. They cannot lease the land itself. This might prove embarrassing in the case of playgrounds and when the school districts have paid their share of the cost of constructing or improving the school buildings, the General State Authority has no power to give to the school districts deeds for their lands, buildings and improvements. In other words, such school districts would never, as the bill now stand, acquire legal title to lands, buildings and improvements which would have been paid for in full. This would leave such districts without any title of any kind in such school properties at the expiration of their leases with the General State Authority.

9. Senate Bill No. 8, Section 636, gives the school districts power to grant, assign and convey to the General State Authority, with or without consideration, any lands, easements or rights in lands, together with any improvements, buildings or structures therein or thereon, now owned or hereafter acquired. However, Section 638, only empowers the school districts to lease from the General State Authority the buildings or any improvements thereto and the furnishings and equipment thereof. They have no power to lease as lessees from the General State Authority the lands up which such buildings stand and other lands connected therewith which they conveyed to the Authority. The question arises: Why this discrepancy?

10. Section 639, provides for certain payments to be made by the Commonwealth when it joins any school district in entering into any contracts and leases with the General State Authority, but does not provide a specific method whereby the Commonwealth is to obtain such funds. Such creation of debt against the Commonwealth without a proper and legal provision for the raising of funds to pay same, would seem to be contrary to the provisions of our Constitution.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I did not intend to speak upon these bills, because I was under the impression that the discussion of the school program had been so well attended to by all factions of the House that every one was acquainted with the intent and purposes of these bills.

These bills will very easily make it possible for school districts throughout the entire Commonwealth of Pennsylvania to avail themselves of the moneys, forty-five per cent being furnished by the Federal Government, and the balance, fifty-five per cent, being paid equally in some instances, or being paid in the same ratio that the State contributes to the payment of teachers' salaries, partly by the Commonwealth of Pennsylvania and partly by the local school district.

These moneys will be utilized in the erection of schools in the various districts throughout the Commonwealth and will be accomplished in some instances by not more than ten or fifteen per cent to be borne by the local tax payers. In reality this is a great step forward that we are taking in order to relieve the local real estate taxpayers from the burden of maintaining the capital resources of our expanded school system in the Commonwealth, and I feel sure that all parties ought to realize that this is a great step forward and one that we should all take, in order to relieve the already overburdened real estate taxpayer. With the culmination of this program it will be possible to have erected in all school districts buildings that will comply with the advanced ideas of school construction, buildings that will comply with the requirements as to health and sanitation. It will also enable the school districts to immediately avail themselves of Federal funds and will not impose upon the Commonwealth of Pennsylvania any increased debt. The Supreme Court decided that in the first General State Authority case quite adequately, and I feel sure that the gentleman from Jefferson knows well that that decision imposed no increased debt upon the Commonwealth as such.

These bills are divided into two parts, one the amendment to the school code and the other giving authority to the General State Authority to avail itself of Federal funds. I feel sure that the fears which have been expressed by the gentleman who has just spoken are not well founded, and I heartily commend these bills as a very admirable solution to a very vexatious problem.

Mr. WILSON. Mr. Speaker, I desire to interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman from York, Mr. Cohen permit himself to be interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. WILSON. Mr. Speaker, I desire to ask the gentleman from York, Mr. Cohen, if there is any section or provision in this bill that in leasing real estate from the General State Authority back to the school board so that they actually would have under the terms of the lease real estate or any part of that property other than the buildings and equipment, and is it not a fact in that respect that these bills are loosely drawn, and technically they would have no right of possession or right to use any of the land upon which the building stands, or any land in connection therewith?

Mr. HERBERT B. COHEN. Yes, Mr. Speaker. The question is somewhat involved and I have not definitely read the bill but I am reading from the title in which it is indicated that the leasing of property to the school district is covered by the act. I also understand that this matter has been passed upon by the counsel for the General State Authority as well as by the Attorney General, and in the opinion of both of these high law officers they feel that the lands which have been acquired by the General State Authority would be susceptible to be leased to the local school district, and the moneys received from the local district, plus the moneys contributed by the Commonwealth of Pennsylvania will amortize the bonds that will be issued against the school buildings and relieve local real estate taxpayers of the necessity of amortization of the entire bond issue.

Mr. WILSON. Mr. Speaker, I desire to ask the gentleman from York if he can point out to me any provision, or any section in this bill whereby, when the State Authority leases back the property to the district that the land upon which the buildings stand goes with it, or the land used for playgrounds or the land in connection therewith might be legally included in such lease.

Mr. HERBERT B. COHEN. Mr. Speaker, that will be

surely determined by the nature of the lease, and the real title of the property will be transferred to the school district upon completion of the contractural obligations and the payment of all rentals due under the lease.

Mr. WILSON. Mr. Speaker, the sufficiency of that answer may be left to the judgment of the House. However, I would like to have the gentleman from York point out any provision in this bill that would authorize the General State Authority after the respective districts have paid back in full all they are supposed to pay under the lease, to convey the title back to the district.

Mr. HERBERT B. COHEN. Mr. Speaker, I might say for the edification of the gentleman from Jefferson that the General State Authority has already negotiated with various districts of the Commonwealth leases in the amount of fifty-five million dollars under a similar act, and in all instances the leases provide that upon the completion of the lease the real title to the property shall be reconveyed to the Commonwealth of Pennsylvania, which will then receive the real title to the land after the completion of the lease.

Mr. WILSON. Mr. Speaker, I asked the gentleman from York if there was a provision in the bills whereby we might reasonably expect or have assurance when all of the things required by the districts have been complied with, that the title would come back to the district or is it left to the good wishes or good intentions of some authority or some set of men that in due time, in twenty-five or thirty years, or whatever the period of time may be the title will come back.

Mr. HERBERT B. COHEN. Mr. Speaker, I think that that problem is adequately covered by the original State Authority Act which provides for the reconveyance of the property to the agency for which it had been built by the General State Authority.

Mr. WILSON. Mr. Speaker, I wish to inquire if there is a mandatory provision anywhere in these bills whereby after all these various provisions have been taken care of by respective districts, that they shall convey the land back to the district.

Mr. HERBERT B. COHEN. Mr. Speaker, in the General State Authority the reconveyance of the land by the General State Authority to the agent for which the General State Authority acted as building agent, there is a mandatory provision in the act.

Mr. WILSON. Mr. Speaker, I wish to thank the gentleman from York, Mr. Cohen, for his answers to my questions, and in conclusion I want to say this: for my part I do not want to depend upon any other act, I do not want to depend upon any other authority, I do not want to depend upon any other authorization when I am writing a bill or taking part in the writing of a bill, to have a provision in it that should be in it. Therefore, I say these bills are loosely drawn in the respects which I have mentioned. Not only in these bills, but in other bills, some of which I have pointed out in the session of 1937, and others that I have refrained from pointing out because I felt it would not be listened to. They have neglected to do the things that should be done. They are neglecting and passing over the important business of the Commonwealth, they are neglecting to provide a specific provision which would thoroughly explain the matter. I desire to point out the looselessness with which this bill is drawn and the infringement of the home rule idea in this bill.

Mr. KANE. Mr. Speaker and members of the House, the bill before you now is not a partisan measure, and as one of the members on the Republican side who intends to vote for this bill, I would like to explain to my colleagues and those on the other side my reasons for so voting.

I am sorry to disagree with my good friend and colleague, the gentleman from Jefferson, Mr. Wilson, who is a keen scholar of legislation, to a degree which I do not hope to approach. I am looking at this bill from the standpoint of my constituency, and from a highly practical viewpoint. The members of the House do not always have the opportunity unfortunately to choose between a perfect piece of legislation, perfectly drawn at the leisure of master minds, but must vote "aye" or "nay" on a specific piece of legislation when it comes out of committee and goes through the House.

My reason for voting "aye" on this bill primarily is because I believe we should do everything in our power, particularly the members of the country districts, to assure the young men and women of our communities an opportunity for equal education with that which is given in the best schools of any of our larger cities or larger communities. So far the community from which I come has not been given the opportunity, the opportunity has not been made available to the children of that community because primarily of the inadequate school building in my own community. A building project under this act is under contemplation. And there is a great deal of interest in it.

Members of the Assembly when we are considering the expenditure of public funds especially under bills which are designed as this one is, to relieve the unemployed and to end the depression, I think we can find two methods of spending public funds for the purpose of ending depression and ending unemployment. One is to spend public moneys for materials, for trained labor, for building worth while projects, which will be of use to the citizens of the Commonwealth for a long time to come. The other method is to squander public funds, paying half wages for worthless projects, such as raking of leaves, which is a waste of money and a waste of time. This method seems to be much preferable to the other. It is more progressive. It is good business to spend money for erecting school buildings and other public projects, so that if we come out of the depression at least we will become possessors of a better community. It seems to me that every dollar spent for brick, steel or cement is better than one spent for the raking of leaves, for the double purpose of improving the educational facilities of our country and helping to relieve the depression in a business like way. I am voting "aye" on this bill and I am urging my colleagues on this side and my opponents on that side to do likewise. I thank you.

Mr. VAN ALLSBURG. Mr. Speaker and members of the House, I had not planned on making any remarks about these bills, but I wish to explain my attitude before we go to bat in voting on these two bills.

I look upon the building program as proposed in these two bills as one of the most momentous pieces of legislation that has confronted the Legislature of Pennsylvania in a number of years. It seems to me by observation that a great many of us failed to grasp that fact. We are all, I believe, in favor of the poorer school districts, and the

financially distressed school districts of this State, receiving help in erecting new buildings. As Abraham Lincoln said, "Be sure that you are right before you go ahead." The chief objection that I have to these bills is my fear that because of the way these bills are worded, it is going to mean the biggest step and the longest step in the direction of centralization of schools in Pennsylvania, of any piece of legislation that has ever confronted us. Why do I think so? I think so for this reason: there is no provision, regardless of the remarks that have been made by the able floor leader on the other side, there is, gentlemen, no provision in these two bills anywhere to assure the district, after its contract has been completed, that that school district school building will be theirs, that they will own it when the contract is consummated, whether they pay for it in part or whether the State in some of the school districts according to law assumes all of the obligation. There is no provision, and I defy any one to show me one sentence to give me that assurance. You will notice in reading the bill that in the event the school district fails to pay any obligations that are due year by year, they may be penalized by forfeiting the rental deducted from the teachers appropriation. How is that going to help out a poor school district? Secondly, the State can pay an additional amount of rentals or they can pay all of them. There is nothing to the contrary in this bill. If a school district becomes hard pressed financially, and a lot of them will, if I am here in the Legislature in years to come, three or four or five years, I know what is going to happen, in a lot of school districts who are getting this money there is going to be a hard situation for them to meet. The Legislature will be confronted year after year with extra appropriation for school districts. It will have to send an investigator out every two years to find out what their financial condition is, and we have very poor means to ascertain the financial ability of the school districts. I would like the State of Pennsylvania to lend a helping hand to these various school districts, especially those in financial distress. Provision is made in the bill looking forward to a situation, where they will take over many of the buildings, which will be the biggest and longest step we have ever taken in the Legislature, toward the centralization of the schools.

I would like to have some one explain to me what is the meaning of the ninety-nine year clause in these bills? What is the significance of that? Why should the district have the authority to lease this property for ninety-nine years instead of thirty, as the term of the contract? Will some one please explain that? With that question I will cease.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, if you will please refer to the file of the Senate, Printer's No. 29, you will see that we have before us Senate Bill No. 7, an Act to further amend and to add a section to the previously enacted General State Authority Act. You will see that section one of that Act and section four amend sections of the General State Authority Act. You will see that section two of the act provides for an entirely new paragraph to the General State Authority,—9.2. Section three of Senate Bill No. 7 provides a new section, namely an immediate effective clause. Those are the only sections of the General State Authority act required to be amended, in order to enable the General State Authority to extend its powers and functions to the building of schools for the various school districts throughout the Commonwealth of Pennsylvania.

I dare say that neither the gentleman from Jefferson nor the gentleman from Erie have read Senate Bill No. 7, in conjunction with the General State Authority Act. I dare say had they so done they would have both seen the answer to all of their fears relative to the fact that the Commonwealth of Pennsylvania desires to retain the buildings after the school districts have complied with the lease and have paid the rentals. It is very peculiar and it is very significant that there should arise a fear similar to the fear of the "Greeks bearing gifts," because in this instance we are bearing gifts to the school districts of Pennsylvania, and by the enactment of these bills we are making it possible for school districts that are financially handicapped to avail themselves of Federal Funds and State Funds, to the end that the children in those school districts may have available modern equipment, the necessary buildings and the necessary ground that has made education the great bulwark of the democracy of this nation. By these bills we are making it possible for the school districts of this Commonwealth, for school districts that are burdened up to the hilt, we are making it possible for school districts that cannot raise a single copper, to provide the necessary conveniences to the school children. We are putting those districts in a position whereby the children, the ultimate recipients of these enactments, may have the benefit of a modern, up-to-date and efficient school system. There is no attempt on the part of the Commonwealth to assert any authority over the local district, except to see that the school districts comply with the rental obligations, small as it is. I feel sure that the school districts who are in such a financial position that they cannot find the necessary funds to make these small rental payments, I feel sure that those districts could become the recipients of borrowings, or advances from the Commonwealth of Pennsylvania, such as the appropriation we made in the 1933 session of ten million dollars to financially handicapped school districts, and in the 1935 session of five million dollars to financially handicapped school districts. I defy any man in this House to show where the Commonwealth of Pennsylvania or the Department of Public Instruction exercised any influence over those districts that had become the recipients of the Commonwealth's advances, other than the Commonwealth advising them how to manage their local districts, so that they would not be the recipients of further borrowing.

I commend these bills to the membership of the House. I realize, just as the gentleman from Erie realizes, that this is a great step forward. I assure you all that this is a great step forward. For the first time in the history of the Commonwealth of Pennsylvania, during the slightly more than one hundred years since the institution of free education in the Commonwealth, for the first time in the history of the Commonwealth of Pennsylvania of one hundred and five years of that free educational system, the Commonwealth is actually assuming its burden of responsibility in the erection and construction of these school buildings, and the ultimate beneficiaries of this will be two classes, the local real estate taxpayer and the children who are going to participate in the standing monuments that this Legislature will erect by the enactment of this legislation.

Mr. WILSON. Mr. Speaker and members of the House, in view of the statement of the gentleman from York, I would like permission, if he will give it, to have him answer just three questions and then I will have done.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. WILSON. Mr. Speaker, I desire to ask the gentleman from York whether this bill does not provide for the sale of real estate by the school district to the State Authority?

Mr. HERBERT B. COHEN. Mr. Speaker, it does most assuredly. If the gentleman has all the attainments that I heard him enunciate to this House, he surely must realize that the General State Authority could not issue bonds on a school building unless the General State Authority had title to the land that was going to be the security behind the issue of bonds. If the gentleman from Jefferson has any other solution as to how that particular problem can be solved, I assure you that we of the majority will listen to his solution with a great deal of concern.

Mr. WILSON. Mr. Speaker, I thank the gentleman for his complimentary remarks. I only want to ask him three questions. It is not a question of any solution which I might have. It does not seem to me that it is up to me to provide the solution. A group of people have proposed a solution to the problem. I am asking the gentleman from York three questions, the first he has answered with a supplemental explanation which can be very well understood by the House.

The second question is, does not the bill provide only for the leasing of the building and the furnishing and equipment?

Mr. HERBERT B. COHEN. That is correct, Mr. Speaker.

Mr. WILSON. Mr. Speaker, those two questions having been answered in the affirmative, will the gentleman answer this question: how then can the lease which only covers the building provide for the reconveying of the real estate to the school district, when the real estate is not a part thereof?

Mr. HERBERT B. COHEN. Mr. Speaker, has the gentleman read the remaining sections of the General State Authority Act, enacted in the 1935 session?

Mr. WILSON. Mr. Speaker, will the gentleman please answer my question responsively? I asked him—

Mr. HERBERT B. COHEN. Mr. Speaker, I beg the gentleman's pardon. I will say that the original General State Authority Act, contains the provisions whereby the real estate secured from the local school district will be reconveyed as all real estate is or will be conveyed to the agency for which the General State Authority acts as the agent. The original General State Authority Act contains a provision for the reconveyance of real estate to the school district after the completion of the lease.

Mr. WILSON. Mr. Speaker, is it not the intention then, when that real estate has been paid for by the school district, that the title thereto will be given back to it under the authority contained in this bill.

Mr. HERBERT B. COHEN. Mr. Speaker, that is the intention and it is the expressed enactment in the General State Authority Act, that the agency in the Commonwealth for which the State Authority has erected the building, when they have completed the rental obligation, the General State Authdrity Act specifically provides for a reconveyance of the title to the land to the particular governmental body for which the General State Authority Act acted as the agent.

Mr. WILSON. The final question: is there any objection then to having in this bill, which relates to real estate, coming back to the school district, putting in there the point that will cover the real estate? Is there any objection to having it read real estate as well as the buildings and furnishings?

Mr. HERBERT B. COHEN. Mr. Speaker, there is no objection there with the exception that it is already contained in the original act, and I feel if the gentleman from Jefferson will read the provisions of the original General State Authority Act, enacted by this House in 1935, the fear that he has relative to the fact that the Commonwealth wishes to obtain the land from the school district and not reconvey it would be abolished.

Mr. WILSON. Then, Mr. Speaker, may I ask the gentleman if there is any objection to having put in this section the word "real estate" along with the buildings?

Mr. HERBERT B. COHEN. I have no objection, Mr. Speaker, except that the bill had met the requirements of counsel for the General State Authority as well as the Attorney General. The fears of the gentleman will be satisfied by a reading of the General State Authority Act, and, as I said before, if he had read this amendment to the General State Authority Act in conjunction with the General State Authority Act, he would not have subjected me to this interrogation.

Mr. WILSON. Mr. Speaker, I thank the gentleman for his explanation, and also suggest that it might be well to think about what this bill provides. This bill provides for the leasing back to the districts of land, the very land that they leased and which they have a right to expect.

Mr. JOHN A. SMITH. Mr. Speaker and members of the House, I feel that the apprehensions of the opposition are indeed farfetched. In Pennsylvania we have been attempting for many, many years to secure a greater measure of State-aid for the maintenance of schools. Here is an opportunity for us to secure a greater portion of Federal and State funds for the maintenance of rural and city schools. I believe that these fears and apprehensions are not well founded but are farfetched, because in this plan we are merely dealing with a new type of financing.

The gentleman from Erie raised the question as to what is going to happen in the districts, when the districts are hard pressed for funds, who is going to provide this money. I might say that the conditions will be no better than they are at present, where the financing of these schools is carried on through private means of financing, except that through this plan the Federal government will bear a greater portion of this expense and the interest payments will be much lower in the amortization of the rental schedule, if carried out along this line. Even if the State of Pennsylvania or the State Authority acquired the land in such a way that they would arbitrarily hold the buildings after the lease or rental had expired, that is covered by the General State Authority Act. Does the gentleman from Erie, or does the gentleman from Jefferson attempt to impune the motives of this body thirty years hence? The conscience of those people will be just as acute as the conscience of the members of this

body today. I believe in the integrity of the members of the House thirty years hence, that the rental shall be paid under those conditions, and the integrity of this House will dictate to the conscience of the membership of this House to give to the district the remainder of the property for which they paid. We have been trying for many years to secure Federal and State-aid for the benefit of the schools. One hundred years ago a free school system was established in Pennsylvania, and from that time until the present time the State of Pennsylvania has given more and more money towards the upkeep of the public schools. We are reaching forward for a modern instrument of financing to give to the children of Pennsylvania and to the rural and city taxpayers of Pennsylvania, the benefits we have promised them and the benefits they have been asking for. I believe that we should not "strain at a gnat and swallow a camel" in a situation of this kind, but that we should go forward toward a common objective in an attempt to give to the school children of Pennsylvania what they deserve and an attempt to give to the taxpayer of Pennsylvania what we have promised him for some years.

Mr. ALEXANDER. Mr. Speaker and members of the House, I wonder if the House and our visitors would object to a bit of personal experience of one who has studied in the rural schools, and then later in high school. At the age of thirteen, believe it or not, I passed the high school entrance examinations. At that time my parents, understanding the makeup of their boy, said he was entirely too young to go six miles away from home to high school. It therefore delayed the completion of a higher education for three years. For three years I studied the same branches that I had passed on a final and successful examination. It is surprising to me to know that there is any objection to the passage of these bills.

The most shocking experience I had when I came here as a member of the House in 1935, was to learn in one of my first meetings of the Committee on Education that the State of Pennsylvania paid no more than fifteen per cent of the educational cost in the State. I was wondering what had taken place in the Legislatures which had gathered here for the purpose of passing progressive legislation in the hundred years which had passed, when legislation should by all means have been passed that should have given those rural districts and those children from those rural districts an opportunity that seemingly existed in the schools of the larger populated cities. We should not be proud to belong to a legislature that has allowed that condition to exist. I understand at the present time after four years of hard work along this particular line we have increased the State's amount of money two per cent. Even at that rate of going for another one hundred years we would have made some progress. I am thinking of the children that will be hampered just as I was in those rural schools. I think it is absolutely our duty as legislators to take a step forward for these children who tonight are suffering the same backset in education that I did, I am sure there is not any one of us that wants to take an adverse stand on a proposition that will have a tendency to at least move toward better rural education.

Mr. WILSON. Mr. Speaker, I would like to interrogate Mr. Smith, of Cumberland, or Mr. Alexander of Mifflin, which ever one of them would like to answer.

The SPEAKER. Which gentleman does the gentleman from Jefferson desire to interrogate?

Mr. WILSON. The gentleman from Cumberland, Mr. Smith, Mr. Speaker.

Mr. JOHN A. SMITH. Mr. Speaker, I yield to the gentleman from Mifflin, Mr. Alexander.

The SPEAKER. Will the gentleman from Mifflin permit himself to be interrogated?

Mr. ALEXANDER. I will, Mr. Speaker.

Mr. WILSON. Mr. Speaker, section 636 provides for the conveyance of lands, easements or rights from the school district to the General State Authority. Section 638 provides for the leasing back the school buildings, the improvements thereto and the furnishings and equipment thereof. Why not have in that section the land and real estate, the same as section 636? It is obvious that even without any legal right, they have the right to use any land in connection therewith.

Mr. ALEXANDER. Mr. Speaker, not being an attorney I will not be able to answer in a legal way the question which the gentleman from Jefferson has just raised. I would like to refer the question to the gentleman from York, Mr. Cohen, who is legally trained to answer it, but before he attempts to answer the question I want to say, for the benefit of the gentleman from Jefferson and for the benefit of the members and visitors here this evening, that in Bradford Township in Mifflin County recently, the land seemingly had never been given through legal procedure to the school district.

This will be interesting: when the consolidated school was opened and dedicated Saturday two weeks ago in this particular township, it created quite a lot of interest among the taxpayers in that particular district, but it seems there was an order and a form had been presented to the school board of this particular district in which the Department of Public Instruction demanded, that the school building vacated should be destroyed. One of the investigators,—this might be enlightening to the members of the House, as I am sure it will be to the Department of Public Instruction,—one of the investigators came along asking the school board to carry out the program which they had signed for in accepting this consolidated building, and said if they could find no other way to destroy this building they could blow it up with dynamite. It happened that that one particular building had just been completed not more than four or five years ago. The order seemed to be official and there was left nothing for us to do to save those buildings except that we put on the premises or land which contained the school buildings trespass notices, in order that those authorized to go in and destroy the building would not be allowed to trespass upon the land. We could not have done that had the land been given to the school board, along with the school building. They did that. It went so far that injunctions were threatened, after they saw the Department of Public Instruction and those in authority, and the result was that the decision was reversed and those school buildings were allowed to be given back to the school board to dispose of in the best way that they knew how. Those buildings should not belong to a private individual, and in one particular case a church or organization conducting church and Sunday school for five or six years bought that particular building and today they are allowed to continue to hold their services in this rural

school building. If that is any advantage at all, I still will vote for the bill and will ask my friend from Jefferson to vote for the bill because some day that same thing may occur in his particular county, and he can look back and say that he voted for the bill just as it was written, which would at this time or in the future have proven to be a good act.

Mr. TURNER. Mr. Speaker and members of the House, I had not intended to say anything on this bill. I believe that the object of the bill is meritorious and I would like to see the program carried out in Pennsylvania if it is possible, but we have wandered so far afield, we have gotten into Mifflin County and down into York County until I hardly know just exactly what we are debating at this time. Certainly, it reminds me of the young chap who was arguing a case before the Supreme Court one day on the question of real property and after talking for an hour, he noticed that the judge was nodding and he paused. The judge shook himself, sat up and opened his eyes and the young man went on for another hour and the judge was nodding again. The young man said, "Your Honor, do you follow me?" The judge said, "I have tried to so far, but I think, if I could find my way back, I would quit right now."

There have been so many statements made here that are not exactly correct, that I think we ought to try to correct the record, at least, to get a clear understanding of what is before us. My concern is to see a good bill.

Some of my friends on the other side seem to think that because we argue about this bill we are opposed in principle to the thing that is before the House. We are not. However, much as we may be in favor of securing something for school districts—and I take out the word "distressed" school districts, because I do not see how a distressed school district can enter into a lease with the State Authority and pay money upon rentals and amortize the indebtedness, even in the small sum of thirty or twenty-five percent of the actual cost, you have got to deal here with the school districts that have a sufficient income and unless you can show that there is sufficient income you will never get the contracts past the Supreme Court of Pennsylvania. I have looked through the State Authority Act, and I am not going to interrogate my friend on the other side, Mr. Cohen, and ask him where in the State Authority Act appears the provision which he said was there that they had to reconvey. I had been of the impression that the State Authority Act, like the Municipal Authority Act, provided that the State Auhority may convey, when all its indebtedness has been paid for the property, to the municipalities or the school districts or whatever it may be, but I find no such provision in the Act of 1935. If I am in error in that I would ask the gentleman from York to call my attention to the specific provision of the Act of 1935. Therefore, in that respect, the gentleman from Jefferson and the gentleman from Erie are correct when they say that there is nothing in the act and nothing in the bills before the Legislature that would provide for the reconveyance of the property. I think the gentleman from York said that that will appear in the leases. The gentleman from York has perhaps forgotten the first State Authority case in which the lease did provide for the reconveyance of the property leased by the Authority to the state. And it was on that basis that the Supreme Court held that the first State Authority Act was unconstitutional and was an increase in the indebtedness. It was voided in the second State Authority case by taking out of the lease any such provision, so that there could be no provision in the lease between the state authority and the school districts for the return of the property. Now there is a distinction here under the State Authority Act. The members of the State Authority are officers of the state government, they are appointees of the state government and they are subject, therefore, to the control of the state government, and it is, therefore, very reasonable to suppose if the rentals have all been paid and the bonds have been amortized that have been used for raising the money for the property that has been built, it is reasonable to suppose that the Legislature can exercise its powers to do away with the State Authority and to bring the property under the control of the state government. The difference between the local school districts and the buildings which the State Authority is building for the State of Pennsylvania is this, that the local school districts have no control over the State Authority, over its personnel, its makeup, its appointments. While the gentleman from Cumberland talked about the conscience of the legislature—and as a member of the legislature, so long as the legislature was dominated by the Republicans, and if I could be sure of that in the future, I would be certain that there would be a conscience here to see that the thing was carried out, but having sat through this special session I am somewhat skeptical about the conscience on the part of the legislature, and therefore, I have thought that there is a question whether, in the future, some thirty years from now, the legislature might not use the very power which it had in the control of the school buildings and bring those school districts under the control of the Commonwealth, and I feel that the point raised by the gentleman from Erie is a very sound one. I believe that we ought to lay aside all talk about the poor and the oppressed, and the many things that were said about the children who should have an opportunity to secure education. We all agree on that. That is something that is so fundamental and so usual that we do not need to debate it. What we should think of however is this, that what we are doing here may result in the placing of burdens upon school districts and upon the very taxpayers that you say should be relieved, the small home owners. If there is any great care used in this building program I raised that question in the Appropriations Committee, I do not speak improperly in saying that, I raised that very question whether there ought not to be some system of check upon the school districts to see that in the great scurrying for this pile of money that is pouring from the Federal government the school districts do not overreach themselves and undertake to erect buildings and make leases which they cannot hope to meet in the future and which will throw burdens upon the school districts. That is the first concern that we have, and I think that we ought to charge the Department of Public Instruction to most carefully weigh the ability of school districts to meet the contracts, not only today but in the future.

The second thing is that we are giving a blank check in this instance. We have nothing to guide us as to what will be the expenditures of the Commonwealth of Pennsylvania for its share of the rental payments in the years to come. I would roughly estimate, on the program of the Senator from Centre County, that in the next biennial we would have to expend at least five million dollars. We have got to add five million dollars to an already over-

burden budget, a budget that is struggling to meet the needs of the unemployed and the aged. Perhaps we will have to face in this biennium some very serious problem to take care of many of our institutions in the state of Pennsylvania, and herefore it seems to me that we ought to approach this program most carefully to know just exactly how much it is going to cost us in the next biennium. If we are going to take $5,000,000 as the usual amount of our share of the rentals, and then if we are to add to that the money which distressed school districts cannot pay and add to that again the money which the distressed school districts cannot raise to take care of their schools, we are going to add not five million dollars but we may add fifteen or twenty millions of dollars on additional expenditures in the next biennium.

I think that the idea is meritorious and I am going to vote for these bills in the hope that they will be soundly administered, that they will be carefully administered, that we will be able to get them by the constitutional restrictions, which I want to say to you, from a lot of experience in this matter, I know are very imminent and very difficult to get past.

Mr. JOHN A. SMITH. Mr. Speaker and members of the House, the provisions of this bill are so vital that I believe we are justified in carrying on the debate in a rather prolonged fashion. I think there are points that everyone wants to take into consideration.

I think that the gentleman from Delaware has lent considerable light to this subject in his legal training, by revealing to the members of this House that under the decision of the Supreme Court, in the first State Authority Act, the question of rentals was the question upon which the whole constitutional authority hinged. I feel that if we depart from that question of rentals and return to the question of the repossession of the real estate or the buildings on the part of the local districts, we are treading upon very dangerous constitutional ground. I do not say that because I have any constitutional knowledge but I say that as a member of the sub-committee that studied these bills and conferred with the Senator from Centre, Mr. Thompson, when that question was brought up. We must adhere to the rental features of this bill in order to bring it within proper constitutional limitations, and I am thinking very much about the broad scope of these bills. We have, throughout and length and breadth of Pennsylvania, a great number of small schools that at one time, in the days of our youth, housed anywhere from twenty to forty and sometimes from fifty to sixty children that have now depleted to the point of five or six because of the movement of the population from the rural centers into the city centers. It is, therefore, becoming an expensive proposition for those people in the rural districts to maintain these small schools, and if, by means of federal and state grants, it is going to become an easy matter for these rural districts to finance buildings that will accommodate a larger number of children, it is going to redound to the benefit of the people of these communities. I do not doubt that the contribution in the next biennial may increase. If that be true, that is what we have been striving for; the taxpayers of Pennsylvania have been striving for years for a greater share of state appropriations to public schools, and if we are going to have better and more economical schools, if we are going to have a more efficient system than it is at present through the aid of state and federal funds, then education is no longer a rural problem. I remember in my youth, we had a small class of seven in the rural high school. Out of that small class of seven people, one of the class went to Seattle, Washington, another to Philadelphia, another to Ohio, and another to within thirty miles of my home, so that out of the whole group, just three of those seven stayed in that particular community and that rural high school, in the education of seven people, received the benefit from only three while four out of those seven spread their influence from coast to coast. Why, therefore, should not education become the legal burden of the entire state and the entire union who join in the benefits of this school system because of its widespread influence. Should these small schools, for the sake of economy, be closed.

This whole scheme is a voluntary scheme. We do not take authority from the local districts. The local districts accept this or reject it as they see fit, therefore there is no erasure of home rule in these provisions. We are giving the people of Pennsylvania the right to accept this plan if the interests of those small districts so dictates. We have before us a great system, as I said before. Hundreds of years ago we inaugurated this school system, and in the inauguration of this school system the name of Thaddeus Stevens has gone down in history as the great advocate of the public schools.

As we depart from the general procedure in providing legislation for schools and launch a new venture in a new direction, may we now think in the future and feel that forty or fifty and maybe a hundred years from now we may extol the virtues of the Senator from Centre and refer to him in like respect to Thaddeus Stevens.

On the question recurring.

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—173

Achterman,	Elpern,	Lyons,	Scanlon,
Alexander,	Falkenstein,	Mallen,	Schor,
Allen,	Finnerty,	Marino,	Schrock,
Allmond,	Fiss,	Matthews, H. T.,	Schrope,
Atkins,	Flanagan,	Matthews, J. F.	Serrill,
Aukerman,	Flannery,	McArdle,	Shaw,
Baine,	Flinchbaugh,	McCullough,	Shoemaker,
Baker,	Ganser,	McDermott,	Shugarts,
Balthaser,	Gerard,	McDevitt,	Siegel,
Bierly,	Gillette,	McElroy,	Simon,
blank,	Gorski,	McFall,	Skale,
Bohn,	Habbyshaw,	McGee,	Smith, James A.,
Bois,	Haberlen,	Melchiorre,	Smith, John A.,
Boltz,	Hall,	Mellott,	Snyder,
Boose,	Hamilton, F. P.,	Mihm,	Spengler,
Boyer	Harkins,	Moomaw,	Sproul,
Bradley	Harmuth,	Mooney,	Stank,
Brancato,	Hays,	Moran,	Stewart,
Brigerman,	Hering,	Moul,	Terry,
Broad,	Hess,	Murrin,	Tronzo,
Brown,	Hetrick,	Nagel,	Tumelty,
Burrows,	Hindman,	O'Brien,	Turner,
Cadwalader,	Hirsch,	O'Connor,	VanSickle,
Caesar,	Holland,	O'Keefe,	Vogt,
Caputo,	Holmes,	Ominsky,	Wagner,
Chervenak,	Holstrom,	O'Neill,	Wall,
Coakley,	Hontz,	Ostroff,	Walsh,
Cohen, H. B.,	Horting,	Patterson, C. S.,	Watkins,
Cohen, R. E.,	Huntley,	Patterson, J. W.,	Weiss, D. H.,
Coleman,	Imbrie,	Peale,	Weiss, S. A.,
Coolahan,	Jirolanio,	Pearson,	Welliver,
Corrigan,	Kane,	Pershing,	Welsh,
Costanzo,	Keenan,	Piole,	Westrick,
Davies,	Kelso,	Powers,	Whalen,
Decker,	Kilroy,	Preston,	Whitenight,
DeNote,	Kline,	Readinger,	Winner,

Dickinson,	Kroll,	Reese,	Woodside,
Donohoe,	LaRue,	Reising,	Wright,
Dougherty,	Levy,	Robinson,	Yanoshat,
Downey,	Lewis,	Rothenberger,	Yeakel,
Dubbs,	Long,	Ruffennach,	Yourishin,
Dyson,	Lopresti,	Rush,	Zappala,
Eckels,	Lovett,	Sarraf,	Furman,

NAYS—11

Leisey,	Perry,	Sloan,	Webster,
McKinney,	Royer,	Trout,	Wilson,
Muir,	Schumacher,	VanAllsburg,	Wood,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House resumed the consideration on final passage of House Bill No. 29, (Senate Bill No. 7), as follows:

An Act to further amend section four of and to add section 9.2 to the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred fifty-two) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" by providing for additional projects the acquisition of property from school districts and the leasing of projects by the Authority to school districts imposing duties upon the Department of Property and Supplies the Department of Labor and Industry and all departments having an interest in certain projects and authorizing the Department of Public Instruction and school districts to contract with and lease from the Authority.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred fifty-two) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" as amended by section one of the act approved the eighteenth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws six hundred seventy-six) is hereby further amended to read as follows

Section 4 Purposes and Powers General The Authority is created for the purpose of constructing improving maintaining and operating sewers sewer systems and sewage treatment works for State institutions of every kind and character (heretofore or hereafter constructed) public buildings for the use of the Commonwealth State arsenals armories and military reserves State airports and landing fields State institutions of every kind and character (heretofore or hereafter constructed) additions and improvements to land grant colleges school buildings and the furnishings and equipment thereof for the use of the public schools State highways and bridges tunnels and traffic circles on State highways swimming pools and lakes on State land and dams and improvements to river embankments (any and all the foregoing being herein called "projects") and the Authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes including but without limiting the generality of the foregoing the following rights and powers

(a) To have perpetual existence as a corporation

(b) To sue and be sued implead and be impleaded complain and defend in all courts

(c) To adopt use and alter at will a corporate seal

(d) To acquire purchase hold lease as lessee and use any property real personal or mixed tangible or intangible or any interest therein necessary or desirable for carrying out the purposes of the Authority and (without limitation of the foregoing) to lease from the department or from any school district any property real personal or mixed or any interest therein now owned or hereafter acquired by the Commonwealth of Pennsylvania with the approval of the Governor or now owned or hereafter acquired by such school district for a term not exceeding ninety-nine years at a nominal rental or at such annual rental as may be determined and with the approval of the Governor to lease as lessor to the Commonwealth of Pennsylvania and any city county school district or other political subdivision or any agency department or public body of the Commonwealth or land grant college any project at any time constructed by the Authority and any property real personal or mixed tangible or intangible or any interest therein at any time acquired by the Authority

(e) To acquire by purchase lease or otherwise and to construct improve maintain repair and operate projects

(f) To make by-laws for the management and regulation of its affairs

(g) To appoint officers agents employes and servants to prescribe their duties and to fix their compensation

(h) To fix alter charge and collect rates rentals and other charges for the use of the facilities of or for the services rendered by the Authority or projects thereof at reasonable rates to be determined by it for the purpose of providing for the payment of the expenses of the Authority the construction improvement repair maintenance and operation of its facilities and properties the payment of the principal of and interest on its obligations and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations

(i) To borrow money make and issue negotiable notes bonds and other evidences of indebtedness or obligations (herein called "bonds") of the Authority and to secure the payment of such bonds or any part thereof by pledge or deed of trust of all or any of its revenues rentals and receipts and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds whether issued or to be issued as the Authority shall deem advisable and in general to provide for the security for said bonds and the rights of the holders thereof

(j) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business

(k) Without limitation of the foregoing to borrow money and accept grants from and to enter into contracts leases or other transactions with any Federal agency

(l) To have the power of eminent domain

(m) To pledge hypothecate or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority

(n) To do all acts and things necessary or convenient to carry out the powers granted to it by this act or any other acts

Provided however when projects are to be constructed

improved maintained repaired or operated for the use of any department of the Commonwealth as hereinbefore listed in this section no plans or specifications therefor shall be presented for quotations or bids until such plans and specifications shall have been submitted to and approved by the department of the Commonwealth which shall use such project the Department of Property and Supplies the Department of Labor and Industry and any other department of the Commonwealth having any jurisdiction over the projects so that the project will conform to such standards established by these departments

Provided [however] further That the authority shall have no power at any time or in any manner to pledge the credit or taxing power of the Commonwealth or any of its cities counties school districts or other political subdivisions nor shall any of its obligations or debts be deemed to be obligations of the Commonwealth or any of its cities counties school districts or political subdivisions nor shall the Commonwealth or any city county school district or political subdivision thereof be liable for the payment of principal of or interest on such obligations

Section 2 Said act is hereby amended by adding thereto Section 9.2 to read as follows

Section 9.2 Contracts to Lease and Leases by Department of Public Instruction and School Districts from Authority The Department of Public Instruction and any school district shall have power and authority with the approval of the Governor to enter into contracts with the Authority to lease as lessee from the Authority any school building and the furnishings and equipment thereof constructed or improved by the Authority for a term with respect to each not exceeding thirty (30) years at such rental or rentals as may be determined by the Authority and upon the completion of said school building and the furnishings and equipment thereof the department and school district shall have power and authority with the approval of the Governor to lease as lessee any school building and the furnishings and equipment thereof completed by the Authority for a term with respect to each not exceeding thirty (30) years at such rental or rentals as may be determined by the authority

Section 3 The provisions of this act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—172

Achterman,	Elpern,	Lovett	Schor,
Alexander,	Falkenstein,	Lyons,	Schrock,
Allen,	Finnerty,	Mallen,	Schrope,
Allmond,	Fiss,	Marino,	Serrill,
Atkins,	Flanagan,	Matthews, H. T.,	Shaw,
Aukerman,	Flannery,	Matthews, J. F.,	Shoemaker,
Baine,	Flinchbaugh,	McArdle,	Shugarts,
Baker,	Ganser,	McCullough,	Siegel,
Balthaser,	Gerard,	McDermott,	Simon,
Bierly,	Gillette,	McDevitt,	Skale,
Blank,	Gorski,	McElroy,	Smith, James A.,
Bohn,	Habbyshaw,	McFall,	Smith, John A.,
Boles,	Haberlen,	McGee,	Snyder,
Boltz,	Hall,	Melchiorre,	Spengler,
Boose,	Hamilton, F. P.,	Mellott,	Sproul,
Boyer,	Harkins,	Moomaw,	Stank,
Bradley,	Harmuth,	Mooney,	Stewart,
Brancato,	Hays,	Moran,	Terry,
Brigerman,	Hering,	Moul,	Tronzo,
Broad,	Hess,	Nagel,	Tumelty,
Brown,	Hetrick,	O'Brien,	Turner,
Burrows,	Hindman,	O'Connor,	Van Sickle,
Cadwalader,	Hirsch,	O'Keefe,	Vogt,
Caesar,	Holland,	Ominsky,	Wagner,
Caputo,	Holmes,	O'Neill,	Wall,
Chervenak,	Holstrom,	Ostroff,	Walsh,
Coakley,	Hontz,	Patterson, C. S.,	Watkins,
Cohen, H. B.,	Horting,	Patterson, J. W.,	Weiss, D. H.,
Cohen, R. E.,	Huntley,	Peale,	Weiss, S. A.,
Coleman,	Imbrie,	Pearson,	Welliver,
Coolahan,	Jirolanio,	Pershing,	Welsh,
Corrigan,	Kane,	Piole,	Westrick,
Costanzo,	Keenan,	Powers,	Whalen,
Davies,	Kelso,	Preston,	Whitenight,
Decker,	Kilroy,	Readinger,	Winner,
DeNote,	Kline,	Reese,	Woodside,
Dickinson,	Kroll,	Reising,	Wright,
Donohoe,	LaRue,	Robinson,	Yanoshat,
Dougherty,	Leisey,	Rothenberger,	Yeakel,
Downey,	Levy,	Ruffennach,	Yourishin,
Dubbs,	Lewis,	Rush,	Zappala,
Dyson,	Long,	Sarraf,	Furman,
Eckels,	Lopresti,	Scanlon,	

NAYS—9

McKinney,	Royer,	Trout,	Wilson,
Muir,	Schumacher,	Van Allsburg,	Wood,
Perry,	Sloan,	Webster,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

BILLS PASSED OVER

There being no objection House Bill No. 26, Printer's No. 28, was passed over at the request of Mr. SAMUEL A. WEISS.

There being no objection House Bill No. 10, Printer's No. 20, was passed over at the request of Mr. SCHOR.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 38, as follows:

An Act making an appropriation for the expenses of the special committee appointed by the Speaker of the House of Representatives on the second day of August one thousand nine hundred thirty-eight pursuant to a resolution adopted by the House of Representatives on the thirtieth day of July one thousand nine hundred thirty-eight by authority of the act approved the thirtieth day of July one thousand nine hundred thirty-eight (Act No. 2) entitled "An act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment authorizing the Speaker of the House to appoint a special committee for any such investigation authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated providing for the summoning of witnesses and for the punishment of persons refusing to appear produce evidence or testify and authorizing the employment and compensation of counsel and other assistants"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of fifty thousand dollars ($50,000) or so much thereof as may be necessary is hereby specifically appropriated to the special committee appointed by the Speaker of the House of Representatives on the second day of August one thousand nine hundred thirty-eight pursuant to a resolution adopted by the House of Representatives on the thirtieth day of July one thousand nine hundred thirty-eight by authority of the act approved the thirtieth day of July one thousand nine hundred thirty-eight (Act No. 2) entitled "An act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment authorizing the Speaker of the House to appoint a special committee for any such investigation authorizing the presentation of evidence by the Attorney General and other counsel and the officers

investigated providing for the summoning of witnesses and for the punishment of persons refusing to appear produce evidence or testify and authorizing the employment and compensation of counsel and other assistants" for the payment of the expenses of such investigations by such committee including the compensation of counsel investigators stenographers reporters and other employes as may be necessary for the conduct of its work postage telegraph and telephone the cost of subpoenaing and attachment of witnesses witness fees supplies and printing and any other expense of every kind and description which may be authorized by a majority of the committee in connection with the conduct of its work

Section 2 All such expenses heretofore incurred by such committee shall be paid from the appropriation created by this act

Section 3 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HUNTLEY. I cannot support this bill, because I believe it is class legislation such as we are not justified in passing. I do not believe we are justified in appropriating money that is not used for the benefit of the state and I cannot see how the state can be a party to this procedure. The state has not been accused of any crime. The state is not the subject of investigation. Only certain state officials have been charged with wrongdoing and why should the taxpayers foot the bill in freeing them. The committee is not proceeding with any investigation and nobody knows when it ever will. It seems to me time enough to provide for the expenses after the committee functions. We may be establishing a precedent for other bills of like nature to follow, for much larger amounts. It does not seem consistent to hire lawyers at a great expense to represent the state when the Attorney General and his competent staff should do it. I do not think that the committee needs any extra legal advice, because it is already composed largely of lawyers, and why harpoon the taxpayers to pay two ordinary lawyers to advise four extraordinary lawyers now on the committee. The expense of this extra session is not our creature, because we are summoned here by the Governor and the expense is his baby, but if we deliberately pass this bill it will be our baby and we will have a hard time getting the taxpayers to adopt this child in the next election.

On the question recurring.

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—135

Achterman,	Eipern,	Lovett	Ruffennach,
Alexander,	Falkenstein,	Marino,	Rush,
Allen,	Finnerty,	Matthews, H. T.,	Sarraf,
Allmond,	Flanagan,	McArdle,	Scanlon,
Aukerman,	Flannery,	McCullough,	Schor,
Baine,	Flinchbaugh,	McDermott,	Schrope,
Baker,	Ganser,	McElroy,	Shaw,
Balthaser,	Gerard,	McFall,	Shoemaker,
Bierly,	Gorski,	McGee,	Shugarts,
Blank,	Habbyshaw,	Mellott,	Siegel,
Bohn,	Haberlen,	Mihm,	Simon,
Boies,	Hamilton, F. P.,	Moomaw,	Skale,
Boltz,	Harkins,	Mooney,	Smith, James A.,
Bradley,	Harmuth,	Moran,	Smith, John A.,
Brancato,	Hays,	Moul,	Spengler,
Brigerman,	Hering,	Nagel,	Stank,
Broad,	Hess,	O'Brien,	Tronzo,
Burrows,	Hetrick,	O'Connor,	Tumelty,
Caesar,	Hindman,	O'Keefe,	Van Sickle,
Caputo,	Hirsch,	Ominsky,	Vogt,
Chervenak,	Holland,	O'Neill,	Wagner,
Coakley,	Holmes,	Ostroff,	Walsh,
Cohen, H. B.,	Holstrom,	Patterson, C. S.,	Weiss, D. H.,
Cohen, R. E.,	Hontz,	Patterson, J. W.,	Weiss, S. A.,
Coleman,	Horting,	Pearson,	Welliver,
Coolahan,	Jirolanio,	Pershing,	Welsh,
Corrigan,	Keenan,	Piole,	Westrick,
Costanzo,	Kelso,	Powers,	Whalen,
DeNote,	Kilroy,	Preston,	Whitenight,
Dickinson,	LaRue,	Readinger,	Woodside,
Donohoe,	Levy,	Reese,	Yanoshat,
Dougherty,	Lewis,	Reising,	Yourishin,
Downey,	Long,	Robinson,	Zappala,
Dubbs,	Lopresti,	Rothenberger,	Furman,

NAYS—36

Atkins,	Huntley,	Peale,	Stewart,
Boose,	Imbrie,	Perry,	Terry,
Boyer,	Kane,	Royer,	Trout,
Brown,	Kline,	Schrock,	Wall,
Cadwalader,	Leisey,	Schumacher,	Watkins,
Eckels,	Lyons,	Serrill,	Webster,
Fiss,	McDevitt,	Sloan,	Wilson,
Gillette,	McKinney,	Snyder,	Winner,
Hall,	Muir,	Sproul,	Wood,
Hamilton, R. S.,	Murrin,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 23 as follows:

An Act to amend paragraphs (d) and (e) of Section 202 paragraph (a) of Section 409 Section 412 paragraph (a) of Section 601 Sections 702 704 808 1201 and 1311 of the Public Utility Law (Act of May 28 1937 Pamphlet Laws 1053) entitled "An Act relating to the regulation of public uitilities defining as public utilities certain corporations companies associations and persons provising for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilites by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and

regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" by further defining and limiting exemptions the transfer and acquisition of property the crossing of facilities the issuance of securities relations between affiliated interests the imposition of costs of administering the act and otherwise clarifying and supplementing the provisions of the said sections of the act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That paragraphs (d) and (e) of Section 202 paragraph (a) of Section 409 Section 412 paragraph (a) of Section 601 and Sections 702 704 808 1201 and 1311 of the Public Utility Law (Act relating to the regulation of public utilities defining as public utilites certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utiltes and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprsonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" are hereby amended to read as follows

Section 202 Enumeration of Acts Requiring Certificate Upon approval of the commission evidenced by its certificate of public convenience first had and obtained and upon compliance with existing laws and not otherwise it shall be lawful

(d) For any public utility to dissolve or to abandon or surrender in whole or in part any service right power franchise or privilege Provided [That the commission by regulation may exempt any class of service from the provisions of this paragraph And provided further] That the provisions of this paragraph shall not apply to discontinuance of service to a patron for non-payment of a bill or upon request of a patron

(e) [For any public utility to begin the construction installation or operation of any new plant or system or the construction or installation of any extension improvement or addition to its existing plant or system or to acquire from or transfer to any person or corporation including a municipal corporation by any method or device whatsoever (including among other things a consolidation merger sale or lease) the title to or the possession or use of any tangible or intangible property whatsoever Provided however That the commission may by regulation exempt any class of construction installation or improvement or any class of property from the provisions of this paragraph]

For any public utility to acquire from or to transfer to any person or corporation including a municipal corporation by any method or device whatsoever including a consolidation merger sale or lease the title to or the possession or use of any tangible or intangible property used or useful in the public service Provided however That such approval shall not be required (1) if the undepreciated book value of the property to be acquired or transferred does not exceed one thousand dollars or (2) if the undepreciated book value of the property to be acquired or transferred does not exceed the lesser of (a) two per centum of the undepreciated book value of all of the fixed assets of such public utility or (b) five thousand dollars in the case of personalty or fifty thousand dollars in the case of realty or (3) if the property to be acquired is to be installed new as a part of or consumed in the operation of the used and useful property of such public utility or (4) if the property to be transferred by such public utility is obsolete worn out or otherwise unserviceable

But exceptions (1) (2) (3) and (4) shall not be applicable and approval of the commission evidenced by a certificate of public convenience shall be required if any such acquisition or transfer of property involves a transfer of patrons

Section 409 Construction Improvement Protection and Abolition of Crossings Recording

(a) No public utility engaged in the transportation of passengers or property shall without prior order of the commission construct its facilities across the facilities of any other such public utility or across any highway at grade or above or below grade or at the same or different levels and no highway without like order shall be so constructed across the facilities of any such public utility and without like order no such crossing heretofore or hereafter constructed shall be altered relocated or abolished [: Provided That the commission may by regulation exempt any class of crossings from the requirements of this paragraph].

Section 412 Standards of Service and Facilities [the] The commission may after reasonable notice and hearing upon its own motion or upon complaint prescribe as to service and facilities including the crossing of facilities just and reasonable standards classifications regulations and practices to be furnished imposed observed and followed by any or all public utilities prescribe adequate and reasonable standards for the measurement of quantity quality pressure initial voltage or other condition pertaining to the supply of the service of any all public utilities prescribe reasonable regulations for the examination and testing of such service and for the measurement thereof prescribe or approve reasonable rules regulations specifications and standards to secure the accuracy of all meters and appliances for mesurement and provide for the examination and testing of any and all appliances used for the measurement of any service of any public utility

Section 601 Registration of Securities to be Issued or Assumed

(a) Under such regulations as the commission may prescribe every public utility before it shall execute cause to be authenticated deliver or make any change or extension in any term [or], condition, or date of any

stock certificate or other evidence of equitable interest in itself or any bond note trust certificate or other evidence of indebtedness of itself any or all of which acts are hereinafter included in the term "issuance of securities" shall have filed with the commission and shall have received from the commission notice of registration of a documents to be known as a securities certificate Provided [however That the commission by regulation or order may exempt public utilities from the requirements of this paragraph as to any class of securities And provided further] that neither (1) the execution authentication or delivery of securities to replace identical securities lost mutilated or destroyed while in the ownership of a bona fide holder-for-value who properly indemnifies the public utility therefor nor (2) the execution authentication or delivery of securities in exchange for the surrender of identical securities solely for the puspose of registering or facilitating changes in the ownership thereof between bona fide holders-for-value which surrendered securities are thereupon cancelled nor (3) the delivery from the treasury of the public utility of securities previously reacquired from bona fide holders-for-value and held alive shall be deemed an issuance of securities under this subsection [.] : And provided further That the requirements of this paragraph shall not apply to the issuance of (1) any evidence of indetedness the date of maturity of which is at a period of less than one year from the date of its execution (2) any evidence of indebtedness for which no date of maturity is fixed but which matures upon demand of the holder (3) any evidence of indebtedness in the nature of a contract between a public utility and a vender of equipment wherein the public utility promises to pay installments upon the purchase price of equipment acquired and which is not in the form of an equipment trust certificate or similar instrument readily marketable to the general public

Section 702 Other Contracts Donations

[(a) No public utility shall without the prior approval of the commission make effective or modify any contract with an affiliated interest other than a contract for services as referred to in section seven hundred one or by way of donation give to or receive from an affiliated interest any property money security right or thing Application for such approval shall be in writing and shall be in such form and contain such information as the commission may prescribe by its regulations The commission may exempt from the requirements of this section any class of contracts or donations Provided however That if the commission shall have granted its approval to any public utility to contract with an affiliated interest for the loan of sums of money at intervals or for any continuing or serial transactions the commission may after hearing and upon a finding of public interest withdraw its approval thereof and all portions of the contract made pursuant thereto then executory shall be void and all transactions thereunder other than payment by either party for value already received shall be unlawful]

No public utility except a common carrier by railroad or motor vehicle subject to part one or part two of the Interstate Commerce Act shall without the prior approval of the commission make effective or modify any contract with an affiliated interest or by way of donation give to or receive from an affiliated interest any property money security right or thing Provided however That the requirements of this section shall not apply to (1) a contract for services as referred to in section seven hundred one of this act or (2) any single or isolated transaction involving a cash consideration not exceeding one thousand dollars or (3) any single or isolated transaction involving the purchase or sale of fixed assets materials or supplies used in rendering public service in which the monetary value of the consideration does not exceed one per centum of the undepreciated book value of the fixed assts of such public utility except that any such transaction involving more than fifty thousand dollars or involving any transfer of securities or loan of money shall not be included in these exemptions and shall be subject to the requirements of this section And Provided further That if the commission shall have granted its approval to any public utility to contract with an affiliated interest for the loan of sums of money at intervals or for any continuing or serial transactions the commission may after hearing and upon a finding of public interest withdraw its approval thereof and all portions of the contract made pursuant thereto then executory shall be void and all transactions thereunder other than payment by either party for value already received shall be unlawful

Application for such approval shall be in writing and shall be in such form and contain such information as the commission may prescribe by its regulations

Section 704 Existing Contracts to be Filed Within ninety days after the effective date of this act every public utility having a contract with an affiliated interest other than a contract for services as referred to in section seven hundred [and] one which was entered into before such date and was wholly or partially executory on such date shall file a copy of such contract or if oral a complete statement of the terms and conditions thereof with the commission [Provided however That the commission may exempt public utilities from the requirements of this section as to any class of such contracts] Provided however That the requirements of this section shall not apply to a common carrier by railroad or motor vehicle subject to part one or part two of the Interstate Commerce Act

Section 808 Regulation of Surety Bonds Etc. of Contract Carriers

[(a) Contract carriers by motor vehicle with respect to the issuance or assumption of securities shall be subject to the provisions of article six of this act Provided That the commission may exempt contract carriers by motor vehicle from any or all of the requirements of article six of this act as to any class of securities

(b) Contract carriers by motor vehicle with respect to the acquisition or transfer of tangible and intangible property shall be subject to the provisions of paragraph (e) of section two hundred two of the act]

[(c)] Contract carriers by motor vehicle shall be subject to the requirements of section nine hundred fifteen of this act with respect to surety bond insurance and qualifications as self insurers

Section 1201 Assessment of Regulatory Expenses Upon Public Utilities

[(a) All of the expenses of the commission incurred in connection with the administration and enforcement of this act or any other act and paid out of the General Fund of the State Treasury shall be assessed and charged to and paid by way of reimbursement by all persons and corporations subject to this act upon such reasonable basis and in such equitable amounts and at such times and in such manner as the commission shall by regulation or order prescribe in accordance with the provisions of this section Provided That due allowance and deduction shall be made from such expenses equal to (1) the expenses attributable to the regulation of municipal corporations under this act (2) the fees and special assessments collected by the commission under the provisions of this act and (3) equipment and office space expenditures]

(a) Whenever the commission in the performance of its duties under this act shall conduct an investigation of the affairs of any public utility involving an examination of the records or facilities thereof such public utility shall pay to the commision a sum equal to the salaries paid to commission employes while engaged in such examination together with such traveling and subsistence expenses of said employes as may be directly attributable to such examination provided however that the amount so paid by any public utility during any one calendar year shall not exceed one percentum of the gross intrastate operating revenues thereof during its next preceding fiscal year.

[(b) Whenever the commission in a proceeding upon its own motion on complaint or upon an application to it or in connection with a securities certificate filed with it shall deem it necessary to investigate the books records accounts practices and activities of or make appraisals of the property of or to render any engineering or accounting service to any person or corporation the salaries and traveling expenses of commission employes and office

space expenditures specifically attributable to such investigation appraisal or service shall be charged to and and paid by such person or corporation and shall not be included in the expenses of the commission for the purpose of making assessments generally under this section but the amount so charged to and paid by any such person or corporation during any one calendar year shall not exceed one per centum of the gross operating revenues of such person or corporation during the next preceding fiscal year].

(b) Periodically the commission shall determine the aggregate of its expenditures less (1) amount assessable under paragraph (a) hereof (2) expenditures for equipment furniture and machinery (3) the estimated cost of regulating municipal corporations furnishing public service and (4) the estimated cost of regulating contract carriers by motor vehicle The remaining balance shall be so allocated to the groups of public utilities furnishing the various types of service that each group shall have allocated to it (1) an amount equal to the expenditures of the commission directly attributable to the regulation of that group and (2) an amount equal to such proportion of the expenditures of the commission not directly atributable to any group as the gross intrastate operating revenues of the group bear to the total gross intrastate operating revenues of all public utilities provided however that there shall be deducted from the allocations to each group an amount equal to the fees paid to the commission by the public utilities in such group under the provisions of section twelve hundred two and twelve hundred three of this act Every public utility shall then pay to the commission an amount equal to such proportion of the allocation to its group as the gross intrastate operating revenues of the public utility bear to the total gross intrastate operating revenues of the group.

Section 1311 Violation of Motor Carriers Common Carriers by Airplane or Brokers Any person or corporation operating as a motor carrier as a common carrier by airplane or as a broker without first having obtained a certificate of public convenience permit or license as required by this act shall upon conviction of a first offense in a summary proceeding before any person having the power of a committing magistrate be sentenced to pay the costs of prosecution and a fine of not less than twenty-five dollars nor more than three hundred dollars and any subsequent offense by such person or corporation shall constitute a misdemeanor and upon conviction thereof such person or corporation shall be sentenced to pay the costs of prosecution and a fine of not less than one hundred dollars nor more than five hundred dollars or undergo imprisonment not exceeding six months or both in the discretion of the court Whenever imprisonment is imposed under this section the term "person" or "corporation" as applied to assiciations shall mean the partners or members thereof and as applied to corporations the officers thereof

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Flannery,	McDevitt,	Shea,
Alexander,	Flinchbaugh,	McElroy,	Shoemaker,
Allen,	Gerard,	McFall,	Shugarts,
Allmond,	Gillette,	McGee,	Siegel,
Aukerman,	Gorski,	McKinney,	Simon,
Baine,	Habbyshaw,	Melchiorre,	Skale,
Baker,	Haberlen,	Mellott,	Sloan,
Balthaser,	Hall,	Merrell,	Smith, James A.,
Bierly,	Hamilton, F. P.,	Mihm,	Smith, John A.,
Blank,	Hamilton, R. S.,	Moomaw,	Snyder,
Bohn,	Harkins,	Mooney,	Sollenberger,
Bois,	Harmuth,	Moran,	Spengler,
Boitz,	Hays,	Moul,	Sproul,
Boose,	Hering,	Muir,	Stank,
Boyer,	Hess,	Murrin,	Stewart,
Bradley,	Hetrick,	Nagel,	Terry,
Brancato,	Hindman,	O'Brien,	Thomas,
Brigerman,	Hirsch,	O'Connor,	Tronzo,
Broad,	Holland,	O'Keefe,	Trout,
Brown,	Holmes,	Ominsky,	Tumelty,
Burrows,	Holstrom,	O'Neill,	Turner,
Cadwalader,	Hontz,	Ostroff,	VanAllsburg,
Caesar,	Horting,	Patterson, C. S.,	VanSickle,
Caputo,	Huntley,	Patterson, J. W.,	Vogt,
Chervenak,	Imbrie,	Peale,	Wagner,
Coakley,	Jirolanio,	Pearson,	Wall,
Cohen, H. B.,	Keenan,	Perry,	Walsh,
Cohen, R. E.,	Kelso,	Pershing,	Wampole,
Coleman,	Kilroy,	Piole,	Watkins,
Coolahan,	Kline,	Powers,	Webster,
Corrigan,	Kroll,	Preston,	Weiss, D. H.,
Costanzo,	LaRue,	Readinger,	Weiss, S. A.,
Davies,	Leisey,	Reese,	Welliver,
Decker,	Levy,	Reising,	Welsh,
DeNote,	Lewis,	Robinson,	Westrick,
Dickinson,	Long,	Rothenberger,	Whalen,
Donohoe,	Longaker,	Royer,	Whitenight,
Dougherty,	Lopresti,	Ruffennach,	Wilson,
Downey,	Lovett,	Rush,	Winner,
Dubbs,	Lyons,	Sarraf,	Wood,
Dyson,	Mallen,	Scanlon,	Woodside,
Eckels,	Marino,	Schor,	Wright,
Eipern,	Matthews, H. T.	Schrock,	Yanoshat,
Falkenstein,	Matthews, J. F.	Schrope,	Yeakel,
Finnerty,	McArdle,	Schumacher,	Yourishin,
Fiss,	McCullough,	Serrill,	Zappala,
Flanagan,	McDermott,	Shaw,	Furman,

NAYS—3

Atkins,	Ganser,	Kane,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 40 as follows:

An Act to ratify confirm and make valid the actions proceedings expenses and expenditures of the commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth appointed pursuant to the joint resolution approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws five hundred forty) entitled "A joint resolution authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas requiring the commission to make a report of its findings to the Governor together with its recommendations as to such regulatory legislation as may be needful to correct any abuses and evils connected with such industry which are prejudical to the interests of the citizens of this Commonwealth authorizing the commission to employ counsel and employes and making an appropriation" and its amendment

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All actions proceedings expenses and expenditures (whether the same have been paid or remain unpaid) of the commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth appointed pursuant to the joint resolution approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws five hundred forty) entitled "A joint resolution authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil

industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas requiring the commission to make a report of its findings to the Governor together with its recommendations as to such regulatory legislation as may be needful to correct any abuses and evils connected with such industry which are prejudicial to the interests of the citizens of this Commonwealth authorizing the commission to employ counsel and employes and making an appropriation" as amended by the act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws two thousand seven hundred four are hereby ratified confirmed and made valid notwithstanding the fact that said commission was created by legislation designated "a joint resolution" and notwithstanding any other defect or informality in substance form or language in said legislation creating said commission.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. KANE. Mr. Speaker and members of the House, I oppose this bill because it is a bill to fix up and pay for the mistakes and illegal acts of a poorly constituted committee to begin with.

Most of you who are familiar with it will remember that this was a committee led by Judge Ralph Smith of Pittsburgh to investigate the oil industry. The House of Representatives has only one member on that committee whom I am pleased to see is scheduled for reappointment. I am very sorry, however, to note the reappointment of the Chairman of that committee, who, apparently, flies a variety of political flags. In my opinion, he is leading this oil investigaton for one purpose, and one purpose only, and that is to build himself up politically. He is not a member of the Democratic party in the ordinary sense of the word. He has been but is not any longer a member of our party. I understand that among the expenditures of this committee during its previous illegal existence, $15,000 was promised to the secretary of the committee. I think that amount, in view of the salaries of the legislators who are serving on that committee, for example, and of other people who are supposed to be in this thing for the benefit of the public, is excessive and unreasonable, and I object to it. I notice the name of only one man connected with this committee as it is composed, who could be considered to know absolutely anything about the oil industry. As a member of that industry, I am not here to protest against any investigation, I am here to protest against an investigation of the industry by a group of people who know nothing about the industry, headed by a political opportunist. I am against the people of this Commonwealth paying for the illegal acts and mistakes of an unconstitutional committee from the last session. If you wish to form a new committee to conduct a fair, impartial and reasonable investigation I will vote "aye" for that, but I am against taking care of the bad bills of this committee who accomplished absolutely nothing.

I wish to thank the Speaker for his courtesy in allowing me to oppose this bill after the roll call commenced.

Mr. LEWIS: Mr. Speaker and members of the House, I wish to differ with the gentleman from McKean, Mr. Kane. I have no objection to his coming here to oppose legislation as part of the industry. I do not know what his constituents' views on the subject are. He made a remark about some salary that had been promised to be paid from this fund to the secretary of the committee in the amount of $15,000. A copy of the expenses of the committee which I have at hand shows that the total salaries and wages did not exceed the sum that he has named, not for this particular individual but for all the employees of the committee since it has been in existence. I do not agree with him, or disagree with him as to the personnel of the committee or its make-up. I did not have any part in choosing the members of the committee. The committee was constituted by a majority of the members of the House in the Session of 1937, and I feel that we have an obligation to the members of that committee, although the Supreme Court has held it to be invalid, due to the fact that it was created by joint resolution, and there should be no question as to the expenditures of the funds, levied against the members of the House and Senate who are our representatives on that committee or anyone else who may be appointed by the Executive Branch of the government, and I therefore ask, for that reason, that we carry out our obligation to those who were on that committee, who served as our servants, and validate their acts and their expenditures as members of the committee.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—110

Achterman,	Dyson,	Mihm,	Schor,
Alexander,	Elpern,	Moomaw,	Schrope,
Allen,	Falkenstein,	Mooney,	Shugarts,
Allmond,	Finnerty,	Moran,	Siegel,
Aukerman,	Flanagan,	Murrin,	Simon,
Baker,	Flannery,	O'Brien,	Skale,
Balthaser,	Flinchbaugh,	O'Connor,	Smith, James A.,
Bierly,	Ganser,	O'Keefe,	Spengler,
Blank,	Gerard,	Ominsky,	Stank,
Boles,	Haberlen,	O'Neill,	Tronzo,
Boltz,	Hamilton, F. P.	Ostroff,	Tumelty,
Brancato,	Harkins,	Patterson, C. S.,	VanSickle,
Brigerman,	Hering,	Patterson, J. W.	Vogt,
Brown,	Hess,	Pearson,	Wagner,
Caesar,	Hindman,	Pershing,	Walsh,
Coakley,	Hirsch,	Piole,	Weiss, D. H.,
Cohen, H. B.,	Holland,	Powers,	Weiss, S. A.,
Cohen, R. E.,	Hontz,	Preston,	Welliver,
Coleman,	Horting,	Readinger,	Welsh,
Coolahan,	LaRue,	Reese,	Westrick,
Corrigan,	Lewis,	Reising,	Whalen,
Costanzo,	Long,	Robinson,	Whitenight,
DeNote,	Marino,	Rothenberger,	Wright,
Dickinson,	Matthews, H. T.,	Ruffennach,	Yanoshat,
Donohoe,	McArdle,	Rush,	Yourishin,
Dougherty,	McCullough,	Sarraf,	Zappala,
Downey,	McDermott,	Scanlon,	Furman,
Dubbs,	McElroy,		

NAYS—39

Atkins,	Hall,	Muir,	Turner,
Baine,	Harmuth,	Peale,	VanAllsburg,
Boose,	Hays,	Perry,	Wall,
Boyer,	Huntley,	Royer,	Watkins,
Cadwalader,	Imbrie,	Schrock,	Wilson,
Caputo,	Kline,	Serrill,	Winner,
Eckels,	Lyons,	Snyder,	Wood,
Fiss,	McDevitt,	Sproul,	Woodside,
Gillette,	McKinney,	Stewart,	Yeakel,
Habbyshaw,	Moul,	Trout,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

SENATE MESSAGES

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 5.

An Act to amend section two of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven, (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," by re-defining "assistance" so as to provide for medical care in place of services.

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 11.

A Supplement to the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (Appropriation Acts, page forty-five), entitled "An act making an appropriation to the Department of Public Assistance, for the purpose of carrying out the Public Assistance Law for the two years beginning June first, one thousand nine hundred thirty-seven, and for the payment of assistance and expenses accrued or incurred prior to, and remaining unpaid on, May thirty-first, one thousand nine hundred thirty-seven."

With the information that the Senate has passed the same without amendment.

COMMUNICATION

The SPEAKER laid before the House a communication which was read by the Clerk.

ABATEMENT OF TAX PENALTIES

A resolution from the Town Council of the Borough of Ridgway, protesting the passage of bills providing for compulsory abatement of penalty and/or interest on seated lands.

Referred to the Committee on Municipal Corporations.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 11.

A Supplement to the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (Appropriation Acts, page forty-five), entitled "An act making an appropriation to the Department of Public Assistance, for the purpose of carrying out the Public Assistance Law for the two years beginning June first, one thousand nine hundred thirty-seven, and for the payment of assistance and expenses accrued or incurred prior to, and remaining unpaid on, May thirty-first, one thousand nine hundred thirty-seven."

SENATE BILL No. 5.

An Act to amend section two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty seven (Pamphlet Laws two thousand fifty-one) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" by re-defining "assistance" so as to provide for medical care in place of services

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced, presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, September 6, 1938.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, September 12, at 8 o'clock, Eastern Standard Time, and that when the House of Representatives adjourns this week it reconvene on Monday evening September 12, at 8 o'clock, Eastern Standard Time.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

The SPEAKER. Concurrence in this resolution requires unanimous consent or a suspension of the Rules.

Will the House give its unanimous consent for concurrence in the resolution? Is there objection? The Chair hears none and the consent is granted.

On the question recurring,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMITTEE MEETING

The Committee on Mines and Mining will meet tomorrow, at twelve o'clock noon, in Room 323.

ADJOURNMENT

Mr. SIEGEL Mr. Speaker, I move that this House do now adjourn until tomorrow at 1:00 p. m.

The motion was agreed to, and (at 10:58 p. m) the House adjourned until Wednesday, September 7, 1938, at 1:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1938

Vol. 22 HARRISBURG, PA., WEDNESDAY, SEPTEMBER 7, 1938. No. 15.

SENATE

WEDNESDAY, SEPTEMBER 7, 1938.

The Senate met at 11:00 o'clock A. M. (E. S. T.).

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, LL.D., offered the following prayer:

Our gracious God and Father, in whom we live and move and have our being— Thou hast sustained the life which Thou has given, and brought us to the light of another day. Our voices resonant with grateful praise for blessings without number, we humbly pray for a continued bestowal of Thy Grace.

May Thy guiding Spirit attend these Senators, and all who labor here. Upon our Governor, and those in positions of leadership or special responsibility, may a double portion of Thy Spirit rest.

For steady hand, for firm and forward step, a faith which sees the invisible, a courage that turns not back— we need the food which human hands cannot provide. Feed our souls upon the Bread of Life, that we may be strong and sturdy and true. Amen.

JOURNAL APPROVED

The PRESIDENT—A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. RICE, the further reading was dispensed with, and the Journal was approved.

QUESTION OF PERSONAL PRIVILEGE

Mr. THOMPSON. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Centre, Mr. Thompson will state his question of personal privilege.

Mr. THOMPSON. Mr. President, the Salem Grange of Clearfield County has asked me to convey to this Senate this message. This is a resolution of the Salem Grange dated the 26th day of August, 1938, and reads as follows:

RESOLUTION

State Grange.
Salem Grange 964, August 26, 1938.

WHEREAS, We find in the Legislative Journal dated July 29th 1938 evidence of cheap politics practiced by one John H. Light as Secretary of State Grange, and

WHEREAS, Said Mr. Light the politician, has in the past as well as in this case used our collective influence and prestige to further his selfish political interests without any authority from the subordinate Granges, purporting to authorities that he is expressing our views, which is above the authority not granted him, and

WHEREAS, Mr. Light's actions in opposing farmers legislation, at same time working for other interests both selfish and opposed to our interests we state emphatically our confidence and support has been wantonly misused for interests alien to us and our families, and

WHEREAS, Our great fraternity in this State has been badly misled in past by men who can only measure up to the standard of "Peanut Politicians" and we as farmers have suffered accordingly.

THEREFORE BE IT RESOLVED, That we demand Mr. Light's resignation so that he may devote all his time to his political aspirations and not drag the fair name of our State Grange into the cesspool of low political dirt and filth, and

THAT, We Grangers all work together to rescue our fraternity from political leadership and elect only those who are unbiased and non-partisan in administering our affairs that by so doing we may regain our lost prestige before the public and our governmental authorities.

Approved this 26th day of August 1938 by Salem Grange 964.

ETHEL WOODS, Secretary,
DuBois Pa., R. D.

W. H. SETNER, Master,
Luthersburg, Pa.

The PRESIDENT. The resolution will be printed in the Journal.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

COMMUNICATION FROM THE GOVERNOR

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

REASONS FOR PARDONS

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 25, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to present herewith the reasons for pardons granted by me from January 5, 1937 to date.

GEORGE H. EARLE.

The PRESIDENT. The reasons for the pardons will be received by the Senate, noted in the Journal, and printed in the Appendix.

HOUSE MESSAGES

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House had concurred in Resolution from the Senate as follows:

In the Senate, September 7, 1938.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, September 12, at 8 o'clock, Eastern Standard Time; and when the House of Representatives adjourns this week it reconvene on Monday evening, September 12, at 8 o'clock, Eastern Standard Time.

HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence bills of the House of Representatives, as follows:

House Bill No. 23, (Senate Bill No. 45), entitled:

An Act to amend paragraphs (d) and (e) of Section 202, paragraph (a) of Section 409, Section 412, paragraph (a) of Section 601, Sections 702, 704, 808, 1201 and 1311 of the Public Utility Law (Act of May 28, 1937, P. L. 1053), entitled "Public Utility Law," by further defining and limiting exemptions, the transfer and acquisition of property, the crossing of facilities, the issuance of securities, relations between affiliated interests, the imposition of costs of administering the act, and otherwise clarifying and supplementing the provisions of the said sections of the act.

Which was committed to the Committee on Public Utilities.

House Bill No. 38 (Senate Bill No. 46), entitled:

An Act making an appropriation for the expenses of the special committee appointed by the Speaker of the House of Representatives on the day of , one thousand nine hundred thirty-eight, pursuant to a resolution adopted by the House of Representatives on the day of , one thousand nine hundred thirty-eight, by authority of the act approved the day of , one thousand nine hundred thirty-eight (Act No.), entitled "An act defining the procedure for, and regulating, the investigation by the House of Representatives, and its committees, of charges of, or involving, misdemeanor in office on the part of civil officers liable to impeachment authorizing the Speaker of the House to appoint a special committee for any such investigation; authorizing the presentation of evidence by the Attorney General and other counsel, and the officers investigated; providing for the summoning of witnesses and for the punishment of persons refusing to appear, produce evidence, or testify, and authorizing the employment and compensation of counsel and other assistants."

Which was committed to the Committee on Appropriations.

House Bill No. 40 (Senate Bill No. 47), entitled:

An Act to ratify confirm and make valid the actions proceedings expenses and expenditures of the commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth appointed pursuant to the joint resolution approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws five hundred forty) entitled "A joint resolution authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas requiring the commission to make a report of its findings to the Governor together with its recommendations as to such regulatory legislation as may be needful to correct any abuses and evils connected with such industry which are prejudicial to the interests of the citizens of this Commonwealth authorizing the commission to employ counsel and employes and making an appropriation" and its amendment.

Which was committed to the Committee on Judiciary General.

SENATE BILL NO. 7 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 7, entitled:

An Act to further amend Section four of and to add section 9.2 to the act approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (P. L. 452), entitled "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve and operate projects and to lease the same. and fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey, or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" by providing for additional projects the acquisition of property from school districts and the leasing of projects by the Authority to school districts imposing duties upon the Department of Property and Supplies the Department of Labor and Industry and all departments having an interest in certain projects and authorizing the Department of Public Instruction and school districts to contract with and lease from the Authority.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

SENATE BILL NO. 8 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 8, entitled:

An Act to amend Article six of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by authorizing school districts singly or jointly with other districts to convey or lease property to the General State Authority to acquire additional property for such purposes and to contract with and lease property from said Authority authorizing the Commonwealth to join with school districts in such contracts and leases and in such cases defining the assistance to be rendered by the Commonwealth and authorizing the withholding of State appropriations in certain cases.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. The bills will be noted on the Calendar.

BILL SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

Senate Bill No. 11, entitled:

A Supplement to the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (Appropriation Acts, page forty-five), entitled "An act making an appropriation to the Department of Public Assistance, for the purpose of carrying out the Public Assistance Law for the two years beginning June first, one thousand nine hundred thirty-seven, and for the payment of assistance and expenses accrued or incurred prior to, and remaining unpaid on, May thirty-first, one thousand nine hundred thirty-seven."

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

EMPLOYES OF THE SENATE

Mr. REED offered the following resolution which was twice read, considered, and agreed to:

In the Senate, September 7, 1938.

Resolved, That Robert J. Glennon be elected Sergeant-at-Arms of the Senate, vice John B. Smith resigned.

Mr. KUNKEL offered the following resolution which was twice read, considered and agreed to:

In the Senate, September 7, 1938.

Resolved, That Henry Fishkorn be elected Page to the Senate, vice Frank P. McQuade, resigned.

CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 16

Agreeably to order,

The Senate proceeded to the consideration of the report of the Committee of Conference on Senate Bill No. 16, entitled:

An Act authorizing the Commonwealth or any of its agencies or instrumentalities of Government including the General State Authority to contract with and to lease or acquire from any housing authority any area acquired or about to be acquired by such housing authority for slum clearance purposes

The report was read as follows:

REPORT OF THE COMMITTEE OF CONFERENCE ON SENATE BILL No. 16

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 16, entitled: "An Act authorizing the Commonwealth or any of its agencies or instrumentalities of Government, including the General State Authority to contract with and to lease or acquire from any housing authority any area acquired or about to be acquired by such housing authority for slum clearance purposes," respectfully submit the following bill as our report:

GEORGE KUNKEL,
ROBERT LEE JACOBS,
H. J. PIERSON,
(Committee on the part of the Senate.)

WILLIAM C. DICKINSON,
SAMUEL C. SPENGLER,
WM. E. HABBYSHAW,
(Committee on the part of the House of Representatives.)

An Act authorizing the Commonwealth or any of its agencies or instrumentalities of Government including the General State Authority to contract with and to lease or acquire from any housing authority any area acquired or about to be acquired by such housing authority for slum clearance purposes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following words as used in this act shall have the following meanings

"Housing Authority" Any housing authority created by the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 955) known as the "Housing Authorities Law"

"Project" Any work or undertaking to demolish clear or remove buildings from any slum area

"Slum" Any area in which there is a predominance of structures which by reason of dilapidation overcrowding faulty arrangement or design lack of ventilation light or sanitary facilities or any combination of these factors are detrimental to safety health and morals

Section 2 The Commonwealth of Pennsylvania by the Department of Property and Supplies with the approval of the Governor and any agency of the Commonwealth or instrumentality of Government including the General State Authority shall have the power and authority to enter into contracts with any Housing Authority either before said Housing Authority undertakes a project whereby it shall demolish clear or remove buildings from a slum area or after it has undertaken and completed such slum clearance project to lease from such Housing Authority as lessee for a term not to exceed ninety-nine years or to acquire from it as purchaser either the fee or such right title interest or easement as it may deem necessary in and to the slum area or area included in said project or any part thereof when or as cleared together with any improvements buildings or structures therein or thereon owned or about to be acquired by such Housing Authority needed by or convenient to the Commonwealth or any agency thereof or instrumentality of Government including the General State Authority for any public purpose or purposes including the creation of public parks and the erection on the lands contracted for of buildings improvements and structures deemed necessary for the use of the Commonwealth or needed or convenient for the corporate purposes of such agency or instrumentality of Government

Section 3 No such contract whereby the Commonwealth or any agency thereof or instrumentality of Government shall undertake to purchase or acquire any slum area entered into before the completion of the clearance of such slum shall be valid unless it shall impose a duty upon the Housing Authority to demolish clear or remove all such buildings from the slum area as shall be necessary to change the character of said area and remove the slums therefrom as promptly as circumstances shall permit

Section 4 The Commonwealth of Pennsylvania by the Department of Property and Supplies with the approval of the Governor and any agency of the Commonwealth or instrumentality of Government including the General State Authority shall have the power and authority after a Housing Authority has undertaken and completed a project whereby it shall have demolished cleared or removed buildings from a slum area to lease from such Housing Authority as lessee for a term not to exceed ninety-nine years or acquire from it as purchaser either the fee or such right title interest or easement as it may deem necessary in and to the slum area or any part thereof together with any improvements buildings or structures therein or thereon owned by such Housing Authority needed by or convenient to the Commonwealth or any agency thereof or instrumentality of Government including the General State Authority for any public purpose or purposes including the creation of public parks

and the erection on the lands so acquired of buildings improvements and structures deemed necessary for the use of the Commonwealth or needed or convenient for the corporate purposes of such agency or instrumentality of Government

Section 5 The powers rights and duties herein conferred or imposed upon the General State Authority are in furtherance of and in addition to those provided for in the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (P. L. 452) known as the "General State Authority Act of one thousand nine hundred and thirty-five" and its amendments

On the question,

Will the Senate agree to the report?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Barthold,	Frey,	Kilgallen,	Rice,
Buckman,	Gelder,	Kunkel,	Rodgers,
Cavalcante,	Gilson,	Lanius,	Rupp,
Chapman,	Haluska,	Law,	Ruth,
Dando	Henney,	Mallery,	Shapiro,
Deitrick,	Heyburn,	McGinnis,	Sipe,
Dent,	Huffman,	Pytko,	Sones,
DiSilvestro,	Jacobs,	Rankin,	Thompson,
Ealy,	Jaspan,	Reed,	Wolfenden,
Eroe,	Kahle,		

NAYS—1

Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 17

Agreeably to order,

The Senate proceeded to the consideration of the report of the Committee of Conference on Senate Bill No. 17, entitled:

An Act authorizing housing authorities to contract with and to lease or convey to the Commonwealth or any of its agencies or instrumentalities of Government including the General State Authority any area acquired or about to be acquired for slum clearance purposes.

The report was read as follows:

REPORT OF THE COMMITTEE OF CONFERENCE ON SENATE BILL NO. 17

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 17, entitled: "An Act authorizing housing authorities to contract with and to lease or convey to the Commonwealth or any of its agencies or instrumentalities of Government, including the General State Authority, any area acquired or about to be acquired for slum clearance purposes," respectfully submit the following bill as our report:

GEORGE KUNKEL,
ROBERT LEE JACOBS,
H. J. PIERSON,
(Committee on the part of the Senate.)

WILLIAM C. DICKINSON,
SAMUEL C. SPENGLER,
WM. E. HABBYSHAW,
(Committee on the part of the House of Representatives.)

An Act authorizing housing authorities to contract with and to lease or convey to the Commonwealth or any of its agencies or instrumentalities of Government including the General State Authority any area acquired or about to be acquired for slum clearance purposes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following words as used in this act shall have the following meanings

"Housing Authority" Any housing authority created by the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws nine hundred fifty-five) known as the "Housing Authorities Law"

"Project" Any work or undertaking to demolish clear or remove buildings from any slum area

"Slum" Any area in which there is a predominance of structures which by reason of dilapidation over-crowding faulty arrangement or design lack of ventilation light or sanitary facilities or any combination of these factors are detrimental to safety health and morals

Section 2 Any housing authority shall have the power and authority either before it undertakes a project whereby it shall demolish clear or remove buildings from a slum area or after it has undertaken and completed such slum clearance project to enter into contracts with the Commonwealth of Pennsylvania or any agency thereof or instrumentalities of Government including the General State Authority to lease to the Commonwealth or such agency for a term not to exceed ninety-nine years or to grant assign or convey either the fee or such right title interest or easement as shall be deemed necessary in and to such slum area or any part thereof when or as cleared together with any improvements buildings or structures therein or thereon owned or about to be acquired by such housing authority needed by or convenient to the Commonwealth or any agency thereof or instrumentality of Government including the General State Authority for any public purpose or purposes including the creation of public parks and the erection on the lands contracted for of buildings improvements and structures deemed necessary for the use of the Commonwealth or needed or convenient for the corporate purposes of such agency or instrumentality of Government

Section 3 No such contract to lease grant assign or convey any slum area to the Commonwealth or any of its agencies or instrumentality of Government including the General State Authority entered into before the clearance of such slums shall be valid unless it shall reserve the right unto and impose a duty upon the housing authority to demolish clear or remove all such buildings from the slum area as shall be necessary to change the character of said area and remove the slums therefrom as promptly as circumstances permit

Section 4 Any housing authority shall have the power and authority after it has undertaken and completed a project whereby it shall have demolished cleared or removed buildings from a slum area to lease to the Commonwealth or any of its agencies or instrumentalities of Government including the General State Authority for a term not to exceed ninety-nine years or to grant assign or convey either the fee or such right title interest or easement as shall be deemed necessary in and to such slum area or any part thereof together with any improvements buildings or structures therein or thereon owned by such housing authority needed by or convenient to the Commonwealth or any agency thereof or instrumentality of Government including the General State Authority for any public purpose or purposes including the creation of public parks and the erection on the lands so leased granted assigned or conveyed of buildings improvements and structures deemed necessary for the use of the Commonwealth or needed or convenient for the corporate purposes of such agency or instrumentality of Government

Section 5 The powers rights and duties herein conferred or imposed upon housing authorities are in furtherance of and in addition to those provided for in the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 955) known as the "Housing Authorities Law"

On the question,

Will the Senate agree to the report?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Barthold,	Frey,	Kilgallen,	Rodgers,
Buckman,	Gelder,	Kunkel,	Rupp,
Cavalcante,	Gilson,	Lanius,	Ruth,
Chapman,	Haluska,	Law,	Shapiro,
Dando,	Henney,	Mallery,	Sipe,
Deitrick,	Heyburn,	McGinnis,	Sones,
Dent,	Huffman,	Pytko,	Stiefel,
DiSilvestro,	Jacobs,	Rankin,	Thompson,
Ealy,	Jaspan,	Reed,	Wolfenden,
Eroe,	Kahle,	Rice,	

NAYS—1

Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL OVER IN ORDER

Mr. REED. Mr. President, I ask unanimous consent that Senate Bill No. 12, on third reading, entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding Section One-A.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. GILSON. Mr. President, I move that Senate Bill No. 30, on third reading, entitled:

An Act authorizing the compromise of delinquent taxes on lands and the penalties, interest and costs due thereon, before a tax sale of such lands; and providing the procedure in such case.

be recommitted to the Committee on State Government for the purpose of further consideration and amendment.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 34, entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section twenty.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

RECONSIDERATION OF SENATE BILL NO. 34

Mr. RUPP. Mr. President, I move that the Senate do now reconsider the vote by which this bill passed second reading.

The PRESIDENT. How did the Senator vote?

Mr. RUPP. Mr. President, I voted "aye."

Mr. LAW. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. LAW. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

Mr. RUPP. Mr. President, I move that the Senate do now reconsider the vote by which the title was agreed to.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the title?

Mr. RUPP. Mr. President, I move that the Senate do now reconsider the vote by which the first section was agreed to.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the first section?

Mr. RUPP. Mr. President, I move to amend Senate Bill No. 34, Printers No. 35, page 2, Section 20, Line 8, by inserting after the word "fuels" the words, "and dedicated to highway purposes"; amend Senate Bill No. 34, Printers No. 35, page 2, Section 20, Line 10, by striking out after the word "shall," the words, / after June 1 one thousand nine hundred and forty-one/.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to.

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto Section twenty.

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 35 (House Bill No. 22), entitled:

An Act to confirm and validate past tax levies or assessments made by school districts of the first class and liens filed thereon.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barthold,	Frey,	Kilgallen,	Rodgers,
Buckman,	Gelder,	Kunkel,	Rupp,
Cavalcante,	Gilson,	Lanius,	Ruth,
Chapman,	Haluska,	Law,	Shapiro,
Dando,	Henney,	Mallery,	Sipe,
Deitrick,	Heyburn,	McGinnis,	Sones,
Dent,	Huffman,	Pytko,	Stiefel,
DiSilvestro,	Jacobs,	Rankin,	Thompson,
Ealy,	Jaspan,	Reed,	Wolfenden,
Eroe,	Kahle,	Rice,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRL READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 36 (House Bill No. 8), entitled:

An Act making an appropriation to the Department of Property and Supplies for the payment of rates, rentals and other charges that may become due on leases and other contracts executed by such department with the General State Authority for the use and occupancy by the Commonwealth of various projects, structures, buildings and facilities of the Authority or for the services rendered by the Authority or its projects.

And said bill having been read at length the third time.

On the question,

Will the Senate agree to the bill?

Mr. THOMPSON. Mr. President, I ask unanimous consent to amend Whereas Clause, page 2, line 7 by striking out the words "to the Commonwealth"; amend Section 1, page 3, line 9, by striking out the words "to the Commonwealth"; amend title, page 1, line 4, by striking out the words "by such department"; amend title, page 1, lines 5 and 6, by striking out the words "for the use and occupancy by the Commonwealth."

The PRESIDENT. Is there objection?

Mr. BUCKMAN. Mr. President, I do not know that I have any objection to these amendments but there are so many of them that I think it is incumbent upon the Senator from Centre to explain the bill as amended if we are going to vote on it this morning.

Mr. THOMPSON. Mr. President, the whole gist of these amendments is simply that the bill in its present form restricts the character of the payments of rentals provided by the Authority Board for which the appropriation in this bill is made. It may be that with these three or four restrictive words in two or three places in the bill there might be an improper interpretation of the bill as to the Authority Board's ability to pay rentals. These amendments strike out those restricting words and just give the blanket power under the terms of the act as amended to the Authority Board to pay rentals on all Authority projects.

Mr. SHAPIRO. Mr. President, as a matter of information for the Senate I ask that the amendments be read over again slowly so that they can be checked.

The amendments were accordingly read.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Mr. BUCKMAN. Mr. President, now that this bill has been amended I ask that it go over in order until printed for the use of the Senate.

The PRESIDENT. Is there objection?

The Chair hears none.

Ordered, That said bill as amended be printed for use of the Senate.

MOTION TO SUSPEND RULE 21

Mr. THOMPSON. Mr. President, I move that Rule 21 which requires amended bills to be noted on the Calendar be in this case dispensed with, and the Senate proceed to the consideration of the amendments made last evening by the House of Representatives to Senate Bill No. 7, entitled:

An Act to amend Section four of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (P. L. 452) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct, improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" as amended by providing for additional projects and providing for the leasing of projects by the Authority to school districts.

also Senate Bill No. 8, entitled:

An Act to amend Article six of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by authorizing school districts singly or jointly with other districts to convey or lease property to the General State Authority to acquire additional property for such purposes to contract with and lease property from said Authority and to levy additional taxes to pay rentals and authorizing the Commonwealth to join with school districts in such contracts and leases and in such cases defining the assistance to be rendered by the Commonwealth.

Mr. RICE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. BUCKMAN. Mr. President, I do not know what these bills are. I do not know whether I am for them or against them but I am certainly opposed to jamming them through without the Senators having an opportunity to know what is in these bills as amended. I think it would be a great mistake to suspend this rule and vote on these bills without knowing what is in them. I do not know whether they are on the desks or not. I know they are not on the calendar and I certainly object to passing bills in that manner.

QUESTION OF LEGISLATIVE INQUIRY

Mr. LAW. Mr. President, I rise to a point of legislative inquiry.

The PRESIDENT. The Senator from Mercer, Mr. Law, will state his point of legislative inquiry.

Mr. LAW. Mr. President, I would like to inquire what the printers numbers of these bills are so that we may take a look at them.

The PRESIDENT. The Clerk will read the printer's numbers of these bills.

The Printer's numbers were accordingly read.

Mr. THOMPSON. Mr. President, I will be very glad to answer any and all questions on these bills. These bills are the school bills. Senate Bill No. 7 is the bill which amends the State Authority Act to give the State Authority power to build the school buildings and Senate Bill No. 8 is the bill which amends the School Code to give the school districts the power to enter into contracts with the State Authority relevant to the leasing of these buildings.

Now these bills were amended in form but not in substance in the lower house. They passed the lower house last night by a vote of 173 to 11 which showed that there was no serious partisan controversy over the bills. We are up against the proposition here today that all applications for these school buildings must be filed with the Public Works Administration before the thirtieth day of September. They have got to clear through the Department of Public Instruction, and the General State Authority, and be over in the hands of the Department of Public Instruction before the thirtieth day of this month. This is the seventh of the month leaving us only twenty-three more days to act on this program.

There are now 362 applications for school buildings under this program filed with the Department of Public Instruction. Those applications must be acted upon and must be dealt with very expeditiously and that is the only reason why I am asking for more than ordinary expedition on the disposition of these bills. I will be very glad to have any Senator interrogate me on these bills or on questions relative to them.

Mr. BUCKMAN. Mr. President, I would like to interrogate the Senator from Centre, Mr. Thompson.

The PRESIDENT. Will the Senator from Centre, Mr. Thompson, permit himself to be interrogated?

Mr. THOMPSON. Mr. President, I will.

Mr. BUCKMAN. Mr. President, I would like to ask him if these are not the bills which he stated on the floor last night had been already signed by the Governor.

Mr. THOMPSON. Mr. President, I am afraid the Senator from Bucks did not listen to me very carefully. I told him that it was Senate Bill No. 9, which is a companion bill to these bills, which was already passed by both houses.

Mr. BUCKMAN. Mr. President, did not the Senator state last night that they had been signed by the Governor?

Mr. THOMPSON. Mr. President, well, I was in error there because that bill became a law without the Governor's signature. I appreciate very much the Senator's correction.

Mr. BUCKMAN. Mr. President, I am glad to hear the Senator admit he is wrong in one case.

Mr. LAW. Mr. President, I understand that these are all minor amendments and I think that some of the members would like a little time to read them over and I would suggest that since we are going to recess for a couple of committee meetings that the action on these bills be deferred until after the recess.

Mr. THOMPSON. Mr. President, may I suggest that we might now act on the motion for the suspension of the rule. I am not anxious to rush them through right at this moment. We could act on the concurrence later on in the day but I do not want to see these bills go without being acted upon, and deferred until next Monday night.

And the question recurring,

Will the Senate agree to the Motion?

The yeas and nays were required by Mr. BUCKMAN.

Mr. BUCKMAN. Mr. President, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—27

Barthold,	Haluska,	Law,	Rupp,
Dando,	Huffman,	McCreesh,	Ruth,
Dent,	Jaspan,	McGinnis,	Shapiro,
DiSilvestro,	Kahle,	Pytko,	Sipe,
Eroe,	Kilgallen,	Rankin,	Stiefel,
Frey,	Kunkel,	Reed,	Thompson,
Gilson,	Lanius,	Rice,	

NAYS—14

Buckman,	Ealy,	Mallery,	Sones,
Cavalcante,	Gelder,	Rodgers,	Wolfenden,
Chapman,	Heyburn,	Salus,	Woodward,
Deitrick,	Jacobs,		

Less than two-thirds of all the Senators having voted "aye" the question was determined in the negative.

Mr. THOMPSON. Mr. President, in view of the fact that the Senate does not want to suspend the rule and act on these bills today I am serving notice right now that I will publicly oppose any attempt of this Senate to adjourn until those bills are on the desks tomorrow and we can act on them for concurrence.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 32, as follows:

An Act to amend Sections two and five of and to add section three and one-tenth to the act approved the first day of July one thousand nine hundred nineteen (P. L. 717) entitled "An act fixing the number compensation mileage and duties of the officers and employes of the General Assembly and providing for their election or appointment term of office and manner of filling vacancies" further regulating the term of office of such officers and employes and the compensation of certain officers and employes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the first day of July one thousand nine hundred and nineteen (P. L. 717) entitled "An act fixing the number compensation mileage and duties of the officers and employes of the General Assembly and providing for their election or appointment term of office and manner of filling vacancies" is hereby amended to read as follows

Section 2 All officers and employes of the General Assembly shall be elected or appointed in the odd--numbered years at the opening of each regular biennial session and shall serve until ten days after the opening of the next General Assembly or until their successors are selected and have qualified unless sooner removed during any regular biennial special or extraordinary session of the Legislature Provided That all of the present officers and employes of the General Assembly shall be continued in such positions until their successors are elected or appointed at the next regular session of the Legislature

Section 2 Said act is hereby amended by adding thereto after Section three a new section to read as follows

Section 3.1 If either branch of the Legislature at any regular biennial special or extraordinary session shall recess for a period of more than one week the officers and employes thereof authorized by this act to receive per diem compensation during such session shall not be entitled to such compensation during such recess period For the purpose of computing the compensation of such employes who receive monthly compensation during the interim between legislative sessions the aforesaid recess periods shall be considered as an interim between sessions

Section 3 Section five of said act is hereby amended to read as follows

Section 5 All the officers and employes provided for in this act shall return as such to the next regular biennial session of the Legislature following that for which they were elected or appointed unless sooner removed during a regular biennial special or extraordinary session of the Legislature and those who shall not be re-elected or re-appointed or elected or appointed to some other office in the Legislature shall be allowed their regular per diem compensation except the assistant clerks the journal clerks assistant journal clerks reading clerks assistant reading clerk executive clerk desk clerks and message clerks who unless sooner removed as above specified shall each receive ten dollars per diem for ten days or until their successors are duly elected or appointed and have qualified

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. HALUSKA. Mr. President, I ask unanimous consent that Senate Bill No. 39 on second reading, entitled:

An Act to amend and re-enact Section five hundred and twenty-four of an act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by limiting and prescribing the method of fixing the levy of school taxes in school districts of the first class

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 40, as follows:

An Act to amend Sections one hundred eight five hundred six five hundred seven eight hundred thirteen eight hundred fourteen and one thousand one hundred thirty-three of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by providing for the merger of certain school districts with other districts redefining indebtedness of school districts empowering the county boards of school directors to employ an attorney and fix his compensation increasing the salaries of members of the county board of school directors and providing for limitations on the appointment of district superintendents

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sub-section (b) of section one hundred and eight of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by section one of the act approved the thirteenth day of May one thousand nine hundred and thirty-seven (P. L. 605) is hereby further amended to read as follows

[(b) From and after the first day of July one thousand nine hundred and thirty-eight all school districts now existing in which no teacher has been employed prior to the first day of January one thousand nine hundred and thirty-seven for the school year one thousand nine hundred thirty-six one thousand nine hundred thirty-seven (1936-1937) shall be merged with other districts and the lands comprising the same together with any property or equipment owned by any such district shall become a part of and belong to such district or districts as the court of] [common pleas of the county in which the property is located shall determine It shall be the duty of the county board of school directors to prepare and present petitions for such mergers in accordance with standards and regulations set up by the State Council of Education In like manner all school districts employing prior to the first day of January one thousand nine hundred and thirty-seven for the school year one thousand nine hundred thirty-six one thousand nine hundred thirty-seven (1936-1937) ten teachers or less shall be merged with other districts on and after the first day of July one thousand nine hundred and forty-one if the electors of any such school district shall first have consented to such merger The question of such merger shall be submitted to the electors at the municipal election in the year one thousand nine hundred and thirty-nine and at least ninety (90) days previous to such election the court of common pleas shall have determined the district with which such district shall merge upon petition of the county board of school directors as hereinbefore provided for districts now having no teachers The question to be submitted to the electors shall be framed by the court and be by it certified to the county commissioners for submission to the electors of the district so proposed to be merged Such submission shall be in accordance with the laws of this Commonwealth relating to such question In any such instance in which a school district is merged with another district or districts by the terms of this act each school director of the district which is discontinued shall automatically become a member of the] [board of school directors within the district to which the territory in which he resides has been annexed and he shall continue to serve as a member of the said board until his term of office has expired.]

(b) On and after the effective date of this act any school district which employs no teacher shall be merged with another district or districts of the same or any other class and the lands comprising the same together with any property or equipment owned by any such district districts or parts of districts shall become a part of and belong to such district or districts as the court of common pleas of the county in which the property is located shall determine It shall be the duty of the county board of school directors to prepare and present petitions for such mergers in accordance with standards and regulations set up by the State Council of Education In like manner on and after the effective date of this act any school district which employs ten teachers or less shall be merged with another district or districts on and after the first day

of July one thousand nine hundred and forty-one (1941) if the electors of both or all of the districts which are parties to the merger shall first have consented to such merger The question of such merger shall be first submitted to the electors of such districts at the municipal election in the year one thousand nine hundred and thirty-nine (1939) and at least ninety (90) days previous to such election the court of common pleas shall have determined the district or districts with which such district or districts in whole or in part shall merge upon petition of the county board of school drectors as hereinbefore provided for districts now having no teachers In like manner any other district which employs ten teachers or less after the municipal election in the year one thousand nine hundred and thirty-nine shall be merged with other districts upon the consent of the electors as above provided The question of such other mergers shall be submitted to the electors of both or all of the districts which are parties to mergers at the general or municipal election next succeeding any school year during which ten teachers or less are employed by any such district or districts If any county board of school directors fails to prepare or present said petitions for such mergers required by this act within sixty days after receipt of written notice from the State Council of Education to prepare and present said petitions the State Council of Education may prepare and present said petitions The question to be submitted to the electors shall be framed by the court and be by it certified to the county commissioners for submission to the electors of the district or districts so proposed to be merged Such submission shall be in accordance with the laws of this Commonwealth relating to such question In any such instance in which a school district is merged with another district or districts by the terms of this act each school director of the district which is discontinued shall automatically become a member of the board of school directors within the district to which the territory in which he resides has been annexed and he shall continue to serve as a member of the said board until his term of office has expired

Section 2 Sub-section (c) of section one hundred eight of said act is hereby amended to read as follows

[(c) The provisions of clause (b) of this section and of clause (c) of section eight hundred fourteen shall not apply in the case of any school district affected if the district has since the first day of January one thousand nine hundred and thirty-seven and not later than the first day of July one thousand nine hundred and thirty-seven obtained from the State Council of Education the approval of a plan of consolidation of two or more districts as a union district and has actually accomplished and completed such a consolidation before the effective dates set forth in clause (b) of this section]

(c) The merger of any school district which employed no teacher with another district or districts prior to the effective date of this act is hereby ratified and confirmed and is a valid merger under the terms of this act Provided That all the requirements of law concerning the merger of such districts as provided by this act have been complied with And provided further That the provisions of this act shall not apply to any such merger which has been made the subject of litigation in any court of the Commonwealth instituted prior to the passage of this act and still pending and undetermined

Section 3 The third paragraph of section five hundred and six of the said act as last amended by section one of the act approvtd the second day of July one thousand nine hundred and thirty-seven (P. L. 2860) is hereby further amended to read as follows

In school districts of the second third and fourth class the indebtedness of any such school district including the bonded indebtedness [together with the temporary indebtedness] shall never exceed seven (7) per centum of the last assessed valuation of the taxable property for school purposes therein

Section 4 The fourth paragraph of section five hundred and seven of the said act as last amended by section two of the act approved the second day of July one thousand nine hundred and thirty-seven (P. L. 2860) is hereby further amended to read as follows

The assent of the electors shall be required in all school districts of the second third and fourth class in this Commonwealth to issue bonds which will incur any new debt or increase the indebtedness [including the bonded indebtedness together with temporary indebtedness] to an amount in excess of two per centum of the assessed value of the taxable property for school purposes therein Provided That the indebtedness of any such school district shall never exceed seven (7) per centum of the last assessed valuation of taxable property for school purposes therein provided further that the board of school directors of any first second third or fourth class school district shall have authority without the assent of the electors to issue bonds to incur upon its own authority any amount of such indebtedness not in excess of two (2) per centum of the last assessed valuation of taxable property for school purposes therein Provided further That the board of school directors in any school district may issue all refunding bonds as herein provided upon its own authority without submitting any such refunding bond issue to a vote of the electors

Section 5 Section eight hundred and thirteen of the said act as added by section five of the act approved the thirteenth day of May one thousand nine hundred and thirty-seven (P. L. 605) is hereby amended to read as follows

Each member of the county board of school directors shall receive a salary which shall equal five dollars for each meeting attended but shall not exceed [sixty dollars ($60.00)] ninety dollars ($90.00) per annum which shall be paid monthly by the State from appropriations made for this purpose or from appropriations for the public schools The county board of school directors shall be provided at the expense of the county with such telephone typewriter and stenographic services as may be needed which services may if adequate be the same as those furnished to the county superintendent

Section 6 Section eight hundred and fourteen of the said act as added by section five of the act approved the thirteenth day of May one thousand nine hundred and thirty-seven (P. L. 605) is hereby amended to read as follows

Section 814 The county board of school directors shall have power and its duty shall be

(a) To inspect all budgets and annual financial reports and shall render such advice and assistance regarding the same as may seem proper before such budgets or reports are transmitted to the Department of Public Instruction

(b) To advise local boards and make recommendations to them regarding all free transportation routes and contracts to be used after the first day of July one thousand nine hundred thirty-eight

(c) Subject to the approval of the State Council of Education to apportion the cost of free transportation among school districts in all cases where after the first day of July one thousand nine hundred thirty-eight such districts jointly use the same transportation facilities

(d) To recommend the approval or disapproval of school sites and buildings by the State Council of Education

(e) In accordance with standards and regulations set up by the State Council of Education and subject to the provisions of this act to prepare plans and to present the same in a petition to the court of common pleas of the county whereby all school districts which employ no teacher [for the school year one thousand nine hundred thirty-six one thousand nine hundred thirty-seven (1936-1937)] shall be immediately merged with other districts and all school districts which employ ten teachers or less [for the school year one thousand nine hundred thirty-six one thousand nine hundred thirty-seven] shall [subject to the provisions set forth in clause (b) of section one hundred and eight of this act] be merged with other districts on and after July first one thousand nine hundred forty-one also to prepare and submit to the State Council of Education plans for additional re-organization of school districts and attendance areas the first draft of which plans shall be submitted on or before the first day of January one thousand nine hundred thirty-nine and supplemental drafts of plans shall thereafter be submitted at such intervals as requested by the said council

(f) To advise local boards and make recommendations to them for the collection of current and delinquent taxes

(g) To establish a uniform and simple system of accounting under the direction of the county superintendent and the Department of Public Instruction

(h) To advise local boards and make recommendations to them for the enforcement of the attendance law

(i) To make such studies and reports as may be suggested by the State Council of Education

(j) To employ an attorney for such purposes as may be required and to fix his compensation which shall not exceed one hundred dollars ($100.00) per annum except upon the approval of the Department of Public Instruction The compensation herein provided for shall be paid by the Commonwealth from appropriations for this purpose or from the appropriations for the public schools

Section 6 Section one thousand one hundred and thirty-three of said act is hereby amended to read as follows

The board of school directors in every school district of the first and second class shall and in every district of the third class may by a majority vote of all the members thereof elect a properly qualified person as district superintendent together with such properly qualified assistant district superintendents as it deems wise The directors of any school district required or electing to have a district superintendent of schools shall not participate in the election of a county superintendent and the public schools of any district which has a district superintendent shall not be subjected to the superintendence or supervision of a county or an assistant county superintendent but shall all be under the supervision of the district superintendent

After the first day of July one thousand nine hundred and forty the board of school directors of any school district not employing a district superintendent at the effective date of this act shall before creating the office of district superintendent obtain the approval of the State Council of Education

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. RUTH. Mr. President, I move that Senate Bill No. 40, the bill just read, be recommitted to the Committee on Education for the purpose of amendment.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Mr. RUTH. Mr. President, I wish to call up at this time Senate Bill No. 39 (Printer's No. 36).

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 39, as follows:

An Act to amend and reenact section five hundred and twenty-four of an act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by limiting and prescribing the method of fixing the levy of school taxes in school districts of the first class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section five hundred and twenty-four of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended is hereby further amended and reenacted to read as follows

Section 524 In all school districts of the first class the school taxes for the following fiscal year shall be levied annually by the board of school directors thereof on or after the second Monday of November and before the first Monday of December following

The board of school directors thereof shall annually levy a tax on each dollar of the total assessments of all property assessed and certified for taxation in said district which said tax shall be ascertained determined and fixed by adding together the following

(a) An amount which with all moneys received from the Commonwealth applicable thereto shall be sufficient to pay the minimum salaries and increments of the teaching and supervisory staff thereof as fixed and provided by law and to pay the contributions of said district to the teachers' retirement system

Provided however that for the purpose of computing the amount required to pay the minimum salaries and increments fixed by law but without otherwise limiting the rights of the district to employ teachers or other employees the number of teachers on the salary schedule of the elementary schools shall not exceed one for every thirty-two pupils in average daily attendance in such schools the number of teachers on the salary schedule of the junior high schools shall not exceed one for every twenty-five pupils in average daily attendance in such schools the number of teachers on the salary schedule of the senior high schools shall not exceed one for every twenty-five pupils in average daily attendance in such schools

The number of principals in the elementary schools shall not exceed one for every six hundred pupils in average daily attendance in such schools and the number of principals in the junior and senior high schools shall not exceed one for every twelve hundred pupils in average daily attendance in such schools

The number of supervisors in all schools shall not exceed one for every fifteen hundred pupils in average daily attendance

The number of attendance officers and home and school visitors shall not exceed one for every two thousand pupils in average daily attendance in all elementary and secondary schools

In all adult and extension school classes the number of teachers shall not exceed one for every twenty pupils in average daily attendance in such schools

Average daily attendance as used herein shall be based upon attendance during the preceding school term

(b) An amount sufficient to pay the interest on and retire at maturity the principal of the indebtedness of said district [at maturity] incurred as authorized by law

(c) An amount sufficient to pay all other expenses and requirements of said school district which amount [for the tax years one thousand nine hundred and thirty and one thousand nine hundred and thirty-one shall be equivalent to not less than two and three-quarter nor more than three and one-quarter mills on the dollar of the total assessment of all property assessed and certified for taxation therein and for the tax year one thousand nine hundred and thirty-two and thereafter an amount which] shall be equivalent to not less than three nor more than three and one-half mills on the dollar of the total assessment of all property assessed and certified for taxation therein

And said bil having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. WOODWARD. Mr. President, I move that the

Senate do now resume the consideration of Senate Bill No. 2 on second reading, postponed.

Mr. BUCKMAN. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 2, entitled:

A Joint Resolution proposing an amendment to Section four Article nine of the Constitution of the Commonwealth of Pennsylvania.

The first section of the bill was read as follows:

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That Section four Article nine of the Constitution of the Commonwealth of Pennsylvania is hereby amended to read as follows

Section 4 No debt shall be created by or on behalf of the State except to supply casual deficiencies of revenue repel invasion suppress insurrection defend the State in war pay existing debt meet capital expenditures for buildings highways or other public works or to meet extraordinary expenses incident to flood epidemic of disease or other widespread casualty

Debt shall not be created for capital expenditures for buildings highways or other public works unless prior to the creation of the debt the General Assembly shall have enacted egislation providing revenue estimated to be sufficient to pay all interest charges on and the principal of the Commonwealth's obligations issued in evidence of such debt and irrevocably pledging the revenue produced by such legislation to these purposes and debt shall not be created for such purposes unless the question whether it shall be created shall have been submitted to the electors at a general municipal primary or special election and a majority of the electors voting at such election shall approve the creation of the debt

Debt shall not be created for extraordinary expenses incident to flood epidemic of disease or other casualty except by the vote of not less than three-fourths of all the members of each house of the General Assembly

On the question,

Will the Senate agree to the section?

Mr. WOODWARD. Mr. President, I move to amend bill, page 2, by inserting after line 17, the following paragraph: "Debt created to supply deficiencies in revenue shall never exceed in the aggregate at any one time ten millions of dollars"

Mr. BUCKMAN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to:

Proposing an amendment to Section four Article nine of the Constitution of the Commonwealth of Pennsylvania

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. WOODWARD. Mr. President, I move that the Senate do now resume the consideration of Senate Bill No. 3, on second reading, postponed.

Mr. BUCKMAN. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 3, as follows:

A Joint Resolution proposing an amendment to Article twelve of the Constitution of the Commonwealth of Pennsylvania

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That Article twelve is hereby amended by adding a new section to read as follows

Section 4 Appointments and promotions in the civil service of the State Government shall be according to merit and fitness to be ascertained so far as practicable by competitive examination

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. WOODWARD. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 4, on second reading, postponed.

Mr. BUCKMAN. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 4, as follows:

A Joint Resolution proposing an amendment to Section one Article nine of the Constitution of the Commonwealth of Pennsylvania

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That Section one Article nine of the Constitution of Pennsylvania is hereby amended to read as follows

Section 1 All property taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax and shall be levied and collected under general laws but the General Assembly may by general laws exempt from taxation public property used for public purposes actual places of religious worship places of burial not used or held for private or corporate profit institutions of purely public charity and real and personal property owned occupied and used by any branch post or camp of honorably discharged soldiers sailors and marines

Income taxes irrespective of the source from which the income is derived and inheritance and estate taxes shall be deemed to be excise taxes and shall be levied and collected under general laws but such laws may grant exemptions and may impose graded or graduated rates

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess for twenty minutes.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

ANNOUNCEMENTS BY THE SECRETARY

Immediately upon recess, the Committee on Appropriations will meet in Room 265.

Immediately following that meeting, the Committee on Labor and Industry will meet in Room 265.

There will be a Caucus of the Democratic Members of the Senate in the Senate Caucus Room, Monday evening, September 12th, at 7:00 o'clock (E. S. T.).

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORTS FROM COMMITTEES

Mr. DENT. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DENT, from the Committee on Labor and Industry reported as committed, Senate Bill No. 31 (House Bill No. 17), entitled:

An Act to amend Article two of the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder," as amended, by adding a new section two hundred and one and one-tenth thereto; imposing the presumption of negligence upon employers; providing for admission of certain evidence and providing for double damage under certain circumstances.

Mr. KUNKEL. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KUNKEL, from the Committee on Appropriations reported as committed, Senate Bill No. 43, entitled:

An Act making a deficiency appropriation to the Lieutenant Governor.

Mr. SHAPIRO. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO, from the Committee on Appropriations reported as committed, Senate Bill No. 46 (House Bill No. 38), entitled:

An Act making an appropriation for the expenses of the special committee appointed by the Speaker of the House of Representatives the second day of August one thousand nine hundred thirty-eight pursuant to a resolution adopted by the House of Representatives on the thirtieth day of July, one thousand nine hundred thirty-eight by authority of the act approved the thirtieth day of July, one thousand nine hundred thirty-eight (Act No. 2) entitled "An act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment, authorizing the Speaker of the House to appoint a special committee for any such investigation, authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated, providing for the summoning of witnesses and for the punishment of persons refusing to appear, produce evidence or testify and authorizing the employment and compensation of counsel and other assistants."

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. RICE. Mr. President, I move that the Senate do now proceed to the consideration of Nominations of Notaries Public, sent to the Senate August 16th, September 6th and 7th, 1938, by His Excellency the Governor of the Commonwealth.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The Nominations were read as follows:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, August 16, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for re-appointment as a Notary Public, for a term of four years to compute from the date set opposite his name:

PHILADELPHIA COUNTY

Joseph J. Schafle, Phila., 1807 N. Hancock St.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, August 16, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for appointment as Notary Public, for a term of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

A. V. Kinder, Pittsburgh, 2319 Sarah St.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, September 6, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Ralph C. Lasher, Wilkinsburg.

Miss Valentina A. Woshner, Pittsburgh, 1905 Carson Street.

BERKS COUNTY

Charles M. Phillips, Centre Twp., Centreport.

LANCASTER COUNTY

Jack B. Frey, Lancaster.,

LEBANON COUNTY

Miss Margaret Fitzgibbon, Lebanon.

LUZERNE COUNTY

George F. McGuigan, Wilkes-Barre.

MONTGOMERY COUNTY

Thos. P. Cosgrove, Upper Providence Twp., 129 Walnut St., Mont Clare.

NORTHAMPTON COUNTY

John Di Cio, Bethlehem.

PHILADELPHIA COUNTY

Mrs. Lillian B. Rubin, Phila., 2617 West Girard Ave.
Miss Margaret E. Schwager, Phila., Schaff Bldg., 15th and Race Streets.

YORK COUNTY

Miss Pauline M. Miller, York.
Mrs. Ethel H. Stein, Dallastown.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, September 6, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Irma C. Fischer, Pittsburgh, 6949 Lynn Way.
Jacob Hochhauser, Patton Twp., Box 107, Turtle Creek.
Miss Clara Marshalwitz, Pittsburgh, 5315 Baum Blvd.

CHESTER COUNTY

Paul E. Houseworth, Phoenixville.

DELAWARE COUNTY

Mrs. V. M. Freeborn, Media.

ERIE COUNTY

Miss Helen Brabender, Erie.

LEHIGH COUNTY

Miss Hilda L. Fatzinger, Allentown.

PHILADELPHIA COUNTY

Mrs. Sonya R. Knable, Phila., 5929 Old York Road.
Mrs. Mary R. O'Neill, Phila., 2642 North Fifth Street.
Miss Frances Pritzker, Phila., 2506 West Lehigh Avenue.
George J. Zadrozny, Phila., 2327 Margaret Street.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, September 6, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

ADAMS COUNTY

Dale G. Crum, Gettysburg.

ALLEGHENY COUNTY

Earl L. Miller, Pittsburgh, 603 Greenfield Avenue.
Henry F. Neuhaeusler, Pittsburgh, 17th and Pike Sts.
Lynn R. Ramsey, Pittsburgh, 2014 Investment Bldg.
Mrs. Bernice E. Redman, Wilkinsburg.
Miss Ruth L. Underwood, Pittsburgh, 185-41st St.
Mrs. Freda E. Walker, Mt. Lebanon Twp., Mt Lebanon.
Wm. J. Walls, Pittsburgh, 1613 Farmers Bank Bldg.

BEAVER COUNTY

Fred R. Werner, Monoca.

BRADFORD COUNTY

Mrs. Anna W. La Barr, Sayre.

CAMBRIA COUNTY

Fred W. Darr, Johnstown.
J. R. Thompson, Johnstown.

CHESTER COUNTY

P. S. Darlington, Jr., West Chester.
Miss Edith J. Hickman, West Chester.
Miss Jean M. Wilson, Oxford.

DAUPHIN COUNTY

Dale Ettele, Harrisburg.

DELAWARE COUNTY

Charles C. Collison, Darby.
Mrs. Anita A. Dare, Lansdowne.
Karl W. Johnson, Upper Darby Twp., Upper Darby.
Mrs. Margaret Witsil Johnson, Chester.

FAYETTE COUNTY

Miss Femia Burrie, Uniontown.

GREENE COUNTY

George H. Burnette, Charmichaels.

LACKAWANNA COUNTY

Joseph T. Philbin, Carbondale.

LANCASTER COUNTY

Mrs. Fannie Enterline, West Donegal Twp. Rheems.

LYCOMING COUNTY

Miss Hazel J. Huggins, Williamsport.

McKEAN COUNTY

Miss V. E. Wilcox, Bradford.

MONTGOMERY COUNTY

Miss Mary J. Bradley, Pottstown.
J. A. Cassidy, Ambler.
Miss Margaret M. Hushen Norristown.
E. William Pyle, Lower Merion Twp., Ardmore.

NORTHAMPTON COUNTY

Mrs. Olga Edwards, Bethlehem.

PHILADELPHIA COUNTY

Bernard Axelman, Phila., 1738 Land Title Bldg.
Arthur L. Berns, Phila., 1935 North 31st Street.
Miss F. Ray Boocock, Phila., 6120 Ridge Ave.
Frederick J. Endres, Phila., 1421 Chestnut Street.
Warren D. Gotwals, Phila., 1736 West Columbia Ave.
Charles W. Hoffman, Phila., 3033 Glenwood Ave.
August E. Nahn, Phila., 2736 Girard Ave.

SCHUYLKILL COUNTY

Dan Bavolack, Jr., McAdoo.
Mrs. Alma R. Rentschler, Tremont.

SNYDER COUNTY

Raymond Schaffer, Selinsgrove.

VENANGO COUNTY

Mrs. Cecelia M. Brown, Franklin.
Guy H. Kingsley, Sugar Creek Twp., Franklin.

WASHINGTON COUNTY

B. E. McNary, Canonsburg.

YORK COUNTY

Mrs. Vivian M. Channell, York.
Miss Martha B. Deuel, York.
Mrs. Charlotte Monroe Mehring, York.

BEAVER COUNTY

Miss Loretta G. Hogue, Beaver.

FAYETTE COUNTY

Miss Thelma Dannels, Uniontown.

SOMERSET COUNTY

Mrs. Nelle K. Glessner, Somerset.

GEORGE H. EARLE.

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, September 6, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

ALLEGHENY COUNTY

Mrs. Marie A. Heil, West View.
Mrs. Lottie D. Lotz, Pittsburgh, 1003 Law & Finance Bldg.
Mrs. Nellie Hanson Morrow, Pittsburgh, 428 Duquesne Way.
Miss H. L. Steinberg, Pittsburgh, 5835 Baum Blvd.

BEAVER COUNTY

William B. Brown, Rochester.

BERKS COUNTY

Jay Russell Althouse, Reading.
George D. Ermentrout, Reading.

BUTLER COUNTY

Miss Dorothy E. Ling, Zelienople.

CAMBRIA COUNTY

Mrs. Ellen Nastase, Summerhill Twp., Beaverdale.
Miss Loretta M. Weakland, Johnstown.

CARBON COUNTY

Daniel C. Rodgers, Lansford.

CHESTER COUNTY

Mrs. Edith M. Ogden, West Chester.

CUMBERLAND COUNTY

George C. Hoopy, Lemoyne.

DAUPHIN COUNTY

Mrs. Adelle M. Miller, Harrisburg.

DELAWARE COUNTY

Miss Elizabeth MacLean, Darby.

FRANKLIN COUNTY

Miss Verna V. Koser, Greencastle.
Vinton D. Amond, Young Twp., McIntyre.

JEFFERSON COUNTY

Miss Helen M. Shannon, Brookville.

LACKAWANNA COUNTY

Miss Mary H. Borr, Scranton.
Miss Madalene J. Mathews, Scranton.
Mrs. Ethel W. Parker, Scranton.
Joseph V. Phillips, Scranton.

LAWRENCE COUNTY

Leroy K. Donaldson, New Castle.
Sherman Kay Levine, New Castle.

LEHIGH COUNTY

Rodman D. Frankenfield, Allentown.

LUZERNE COUNTY

Stephen Drosdick, Hazleton.
Mrs. Carmen M. Hersker, West Hazleton.
M. M. Mulligan, Wilkes-Barre.

LYCOMING COUNTY

Fred B. Wetzel, Williamsport.

McKEAN COUNTY

Mrs. Mary A. Keenan, Bradford.

MONTGOMERY COUNTY

Mrs. Bertha R. Scholl, Pennsburg.

NORTHAMPTON COUNTY

Miss Margaret A. Bentz, Easton.
Albert C. Bonney, Wind Gap.
Miss Wilma M. Zakocs, Bethlehem.

PHILADELPHIA COUNTY

Robert Alexander, Phila., Emerald & York Sts.
Charles W. Bentz, Phila., 2418 S. Broad Street.
Miss Isabelle Breining, Phila., 1710 Packard Bldg.
Geo. E. Gaskill, Phila., 2809-11 Germantown Ave.
C. N. Haywood, Phila., 22nd & Lehigh Avenue.
Mrs. Cecilia M. Newman, Phila., 4838 Chestnut Street.
H. Ronald Paige, Phila., 2101 Packard Building.
Edw. M. Underhill, Phila., Cramp Bldg., Richmond & Norris Streets.
Miss Dora Zimmerman, Phila., 252 S. 12th St.

TIOGA COUNTY

Charles W. Ross, Mansfield.

WESTMORELAND COUNTY

John J. Radacsy, Monessen.
G. Guy Yolton, Derry.

YORK COUNTY

Mrs. Madge H. Hearn, Hanover.
Miss Ruth M. Johnston, York.

ARMSTRONG COUNTY

G. G. Hotaling, Kittanning.

LEHIGH COUNTY

Miss Josephine S. Hess, Allentown.

GEORGE H. EARLE.

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, September 7, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Mrs. Ethel N. Hunter, Etna.

CAMBRIA COUNTY

Miss Martha C. Davis, Ebensburg.
A. F. Niessner, Johnstown.

DELAWARE COUNTY

Camillo J. Teti, Upper Darby Twp., City Line and Lynn Blvd., Upper Darby.

LUZERNE COUNTY

Miss Winifred A. Brislin, Hazleton.

LYCOMING COUNTY

Paul R. Frederick, Williamsport.

PHILADELPHIA COUNTY

Miss Florence T. Guinan, Phila., 1234 Hamilton Street.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, September 7, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

ALLEGHENY COUNTY

Percy W. Carrington, Pittsburgh, 936 South Millvale Avenue.

LUZERNE COUNTY

Miss Anne Williams, Wilkes-Barre.

LYCOMING COUNTY

Verus M. Kiess, Williamsport.

MONTGOMERY COUNTY

W. R. Donachy, Lower Merion Twp., Wynnewood.

PHILADELPHIA COUNTY

George H. Bayne, Phila., Packard Bldg.
Mrs. Jo Protzman, Phila., 128 North Delaware Avenue.
Raymond S. Denby, Phila., 206 N. 22d St.

YORK COUNTY

Mrs. Margaret M. Kohler, York.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES and Mr. KAHLE.

That Rule 38 which requires nominations made by the Governor to be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the fore going nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES and Mr. KAHLE.

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barthold,	Gelder,	Kunkel,	Rodgers,
Buckman,	Gilson,	Lanius,	Rupp,
Cavalcante,	Haluska,	Law,	Ruth,
Chapman,	Henney,	Mallery,	Shapiro,
Dando,	Heyburn,	McCreesh,	Sipe,
Deitrick,	Howell,	McGinnis,	Sones,
Dent,	Huffman,	Mundy,	Stiefel,
DiSilvestro,	Jacobs,	Pytko,	Thompson,
Ealy,	Jaspan,	Rankin,	Wolfenden,
Eroe,	Kahle,	Reed,	Woodward,
Frey,	Kilgallen,	Rice,	

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. KAHLE. Mr. President, I second the motion.

The motion was agreed to.

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 16.

The Clerk of the House of Representatives being introduced, presented communication from the House, informing the Senate that the House has adopted the Report of the Committee of Conference on Senate Bill No. 16, entitled:

An Act authorizing the Commonwealth or any of its agencies or instrumentalities of Government including the General State Authority to contract with and to lease or acquire from any housing authority any area acquired or about to be acquired by such housing authority for slum clearance purposes.

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 17.

He also presented communication from the House informing the Senate that the House had adopted the report of the Committee of Conference on Senate Bill No. 17, entitled:

An Act authorizing housing authorities to contract with, and to lease or convey to the Commonwealth or any of its agencies, or instrumentalities of Government including the General State Authority, any area acquired or about to be acquired for slum clearance purposes.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 22, entitled:

An Act to confirm and validate past tax levies or assessments made by school districts of the first class and liens filed thereon.

Senate Bill No. 16, entitled:

An Act authorizing the Commonwealth or any of its agencies or instrumentalities of Government including the General State Authority to contract with and to lease or acquire from any housing authority any area acquired or about to be acquired by such housing authority for slum clearance purposes.

Senate Bill No. 17, entitled:

An Act authorizing housing authorities to contract with and to lease or convey to the Commonwealth or any of its agencies or instrumentalities of Government including the General State Authority any area acquired or about to be acquired for slum clearance purposes.

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

MOTION TO RECONSIDER VOTE ON SUSPENSION OF RULE 21.

Mr. THOMPSON. Mr. President, I move that the Senate do now reconsider the vote by which the motion made earlier at today's session to suspend Rule 21, which requires bills amended in the House of Representatives to be noted on the Calendar, was not agreed to.

The PRESIDENT. How did the Senator vote?

Mr. THOMPSON. Mr. President, I voted "aye."

Mr. SHAPIRO. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. SHAPIRO. Mr. President, I voted "aye."

On the question,

Will the Senate agree to the motion?

POINT OF ORDER

Mr. BUCKMAN. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Bucks, Mr. Buckman, will state his point of order.

Mr. BUCKMAN. Mr. President, if my recollection is any good at all, both these gentlemen voted to suspend the rules and were defeated in their motion.

The PRESIDENT. In that case the majority was provided for although they were really in the negative.

Mr. BUCKMAN. Mr. President, that is pretty deep.

The PRESIDENT. The rule reads, "When a question has been once made and carried in the affirmative or negative, it shall be in order for any two members of the majority, or when the Senate has been equally divided, or a bill shall have failed to pass, by reason of not having a constitutional majority, for any two who voted in the negative to move the reconsideration thereof; but no motion for the reconsideration of any vote shall be in order after a bill, resolution, report, amendment, or motion, upon which the vote was taken, shall have gone out of the possession of the Senate; nor shall any motion for reconsideration be in order unless made on the same day," and so on.

In this case a two-thirds majority was required. We did not have a two-thirds majority but the Senator who made this motion to reconsider, and the Senator who seconded the motion, really voted in the majority.

Mr. BUCKMAN. Mr. President, in the losing majority, then.

The PRESIDENT. But nevertheless the majority. The motion is in order.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

And the question recurring,

Will the Senate agree to the motion to suspend Rule 21?

The yeas and nays were required by Mr. BUCKMAN and were as follows, viz:

YEAS—34

Barthold,	Gilson,	McCreesh,	Ruth,
Buckman,	Huffman,	McGinnis,	Shapiro,
Cavalcante,	Jaspan,	Mundy,	Sipe,
Dando,	Kahle,	Pytko,	Sones,
Deitrick,	Kilgallen,	Rankin,	Stiefel,
Dent,	Kunkel,	Reed,	Thompson,
DiSilvestro,	Lanius,	Rice,	Wolfenden,
Eroe,	Law,	Rodgers,	Woodward,
Frey,	Mallery,		

NAYS—6

Chapman,	Gelder,	Howell,	Jacobs,
Ealy,	Heyburn,		

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Mr. THOMPSON. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 7 on concurrence in House amendments.

Mr. SHAPIRO. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 7, entitled:

An Act to amend Section four of the act approved the twenty-eighth day of June, one thousand nine hundred and thirty-five, (P. L. 452), entitled "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve and operate projects, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign convey, or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act," as amended; by providing for additional projects and providing for the leasing of projects by the Authority to school districts.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read.

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Barthold,	Gilson,	Law,	Rodgers,
Cavalcante,	Heyburn,	Mallery,	Ruth,
Dando,	Huffman,	McCreesh,	Shapiro,
Deitrick,	Jacobs,	McGinnis,	Sipe,
Dent,	Jaspan,	Mundy,	Sones,
DiSilvestro,	Kahle,	Pytko,	Stiefel,
Eroe,	Kilgallen,	Rankin,	Thompson,
Frey,	Kunkel,	Reed,	Wolfenden,
Gelder,	Lanius,	Rice,	

NAYS—5

Buckman,	Ealy,	Howell,	Woodward,
Chapman,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

QUESTION OF PERSONAL PRIVILEGE

Mr. WOODWARD. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Woodward, will state his question of personal privilege.

Mr. WOODWARD. Mr. President, I voted "nay" because I am constitutionally opposed to the General State Authority.

MOTION TO SUSPEND RULE 21

Mr. THOMPSON. Mr. President, I move that Rule 21 which requires amended bills to be noted on the Calendar be in this case dispensed with, and the Senate proceed to the consideration of the amendments made by the House of Representatives to Senate Bill No. 8.

Which was agreed to.

Mr. THOMPSON. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 8 on concurrence in House amendments.

Mr. SHAPIRO. Mr. President, I second the motion.

Which was agreed to.

POINT OF ORDER

Mr. GELDER. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Susquehanna, Mr. Gelder, will state his point of order.

Mr. GELDER. Under the Senate Rules, Article XVI, of which the President read the first three or four lines, if, Mr. President, you had continued to read you would have seen: "or a bill shall have failed to pass, by reason of not having a constitutional majority, for any two who voted in the negative to move the consideration thereof—"

The PRESIDENT. The Chair read that part of the rule to which you refer.

Mr. GELDER. I would take it from that, that it must be two who voted in the negative, because otherwise, if the vote were identical with the original vote, you would get no place.

The PRESIDENT. It so happens in this case in which a two-thirds majority was required, that those voting in the majority were really in the negative. But they were in the majority no matter whether the motion failed or not.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 8, entitled:

An Act to amend Article six of the act approved the eighteenth day of May, one thousand nine hundred and eleven, (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by authorizing school districts, singly or jointly with other districts, to convey or lease property to the General State Authority, to acquire additional property for such purposes, to contract with and lease property from said Authority and to levy additional taxes to pay rentals; and authorizing the Commonwealth to join with school districts in such contracts and leases, and in such cases, defining the assistance to be rendered by the Commonwealth.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read.

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Barthold,	Gilson,	Law,	Rodgers,
Cavalcante,	Heyburn	Mallery,	Ruth,
Dando,	Huffman,	McCreesh,	Shapiro,
Deitrick,	Jacobs,	McGinnis,	Sipe,
Dent,	Jaspan,	Mundy,	Sones,
DiSilvestro,	Kahle,	Pytko,	Stiefel,
Eroe,	Kilgallen,	Rankin,	Thompson,
Frey,	Kunkel,	Reed,	Wolfenden,
Gelder,	Lanius,	Rice,	

NAYS—4

Buckman,	Chapman,	Ealy,	Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 7, entitled:

An Act to amend Section four of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred fifty-two) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" as amended by providing for additional projects and providing for the leasing of projects by the Authority to school districts.

Senate Bill No. 8, entitled:

An Act to amend Article six of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by authorizing school districts singly or jointly with other districts to convey or lease property to the General State Authority to acquire additional property for such purposes to contract with and lease property from said Authority and to levy additional taxes to pay rentals and authorizing the Commonwealth to join with

school districts in such contracts and leases and in such cases defining the assistance to be rendered by the Commonwealth

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

MOTION TO READ BILLS THE FIRST TIME

Mr. LAW. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported for the first time at today's session.

Mr. RUTH. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 31 (House Bill No. 17), entitled:

An Act to amend Article two of the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder," as amended, by adding a new section two hundred and one and one-tenth thereto; imposing the presumption of negligence upon employers; providing for admission of certain evidence and providing for double damage under certain circumstances.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 43, entitled:

An Act making a deficiency appropriation to the Lieutenant Governor.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 46 (House Bill No. 38), entitled:

An Act making an appropriation for the expenses of the special committee appointed by the Speaker of the House of Representatives the second day of August one thousand nine hundred thirty-eight pursuant to a resolution adopted by the House of Representatives on the thirtieth day of July, one thousand nine hundred thirty-eight by authority of the act approved the thirtieth day of July, one thousand nine hundred thirty-eight (Act No. 2) entitled "An act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment, authorizing the Speaker of the House to appoint a special committee for any such investigation, authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated, providing for the summoning of witnesses and for the punishment of persons refusing to appear, produce evidence or testify and authorizing the employment and compensation of counsel and other assistants."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

HOUSE MESSAGE

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 57, (Senate Bill No. 48), entitled:

An Act to provide for the expenses of the extraordinary session of the Legislature, assembled July twenty-fifth, Anno Domini one thousand nine hundred thirty-eight, in pursuance of the proclamation of the Governor of the Commonwealth, dated July twenty-second, Anno Domini one thousand nine hundred thirty-eight, and the supplements thereto.

Which was committed to the Committee on Appropriations.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess for five minutes.

Mr. LAW. Mr. President, I second the motion.

ANNOUNCEMENT BY THE SECRETARY

The Committee on Appropriations will meet immediately in Room 265.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORT FROM COMMITTEE

Mr. EROE. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EROE, from the Committee on Appropriations, reported as committed, Senate Bill No. 48 (House Bill No. 57) entitled:

An Act to provide for the expenses of the extraordinary session of the Legislature assembled July twenty-fifth, Anno Domini one thousand nine hundred thirty-eight in pursuance of the proclamation of the Governor of the Commonwealth dated July twenty-second, Anno Domini, one thousand nine hundred thirty-eight and the supplements thereto.

MOTION TO READ BILL THE FIRST TIME

Mr. LAW. Mr. President, I move that Senate Bill No. 48, the bill just reported from committee, be read for the first time.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 48 (House Bill No. 57), entitled:

An Act to provide for the expenses of the extraordinary session of the Legislature assembled July twenty-fifth, Anno Domini one thousand nine hundred thirty-eight in pursuance of the proclamation of the Governor of the Commonwealth dated July twenty-second, Anno Domini, one thousand nine hundred thirty-eight and the supplements thereto.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn until Monday, September 12, 1938 at 8:00 o'clock P. M. (E. S. T.).

Mr. BUCKMAN. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 3:24 o'clock P. M. (E. S. T.) until Monday, September 12, 1938 at 8:00 o'clock P. M. (E. S. T.).

HOUSE OF REPRESENTATIVES

WEDNESDAY, September 7, 1938.

The House met at 1:00 p. m.

The SPEAKER, (Roy E. Furman), in the Chair.

PRAYER

The Chaplain, Rev. EPHRAIM Z. GALLAHER, offered the following prayer:

We come unto Thee, most gracious Lord, with thanksgiving and praise to Thee. Thanksgiving and praise for the written history of our Commonwealth, for sacrifices of our forebears that the best obtainable may be a life part of the State, for the high ideals that lead the makers of our State to give themselves unstintedly to their chosen tasks, and for their deep seated religious conviction; thanksgiving and praise for what we are today, the blessings we now enjoy and the forward look of present day makers of history; thanksgiving and praise for the hope of the future, the promising outlook for the generations to come and for the unfinished tasks they are to finish. Thou art a God who giveth one and all heavy tasks, but it is he who faces his tasks with thanksgiving unto Thee and with unflinching devotion, that helps to write bright pages in history. Impress upon us to today, write indelibly into our hearts, the words "Righteousness exalteth a nation." Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. KELSO, the further reading was dispensed with and the Journal approved.

REPORT OF THE COMMITTEE OF CONFERENCE ON SENATE BILL No. 16.

Mr. DICKINSON. Mr. Speaker, I desire to offer the report of the Committee on Conference on Senate Bill No. 16.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 17

Mr. DICKINSON. Mr. Speaker, I desire to offer the report of the Committee of Conference on Senate Bill No. 17.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION.

Mr. KELSO asked and obtained permission for the Committee on Education to meet during the session of the House.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION.

Mr. SAMUEL A. WEISS asked and obtained permission for the Committee on Municipal Corporations to meet during the session of the House.

BILL INTRODUCED AND REFERRED

By Mr. HERING. HOUSE BILL No. 63.

An Act to further amend section four of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 465), entitled "An act to provide for the safety of persons employed, housed, or assembled in certain buildings and structures not in cities of the first class, second class, and second class A, by requiring certain contruction and ways of egress, equipment, and maintenance, providing for the licensing of projectionists; requiring the submission of plans for examination and approval; providing for the promulgation of rules and regulations for the enforcement of this act; providing for the enforcement of this act by the Department of Labor and Industry and, in certain cases, by the chiefs of fire departments in cities of the third class; providing penalties for violations of the provisions of this act; and repealing certain acts," by changing the number of ways of egress required in the case of certain buildings.

Referred to the Committee on Public Health and Sanitation.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE.

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 22.

An Act to confirm and validate past tax levies or assessments made by school districts of the first class and liens filed thereon

With the information that the Senate has passed the same without amendment.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 22.

An Act to confirm and validate past tax levies or assessments made by school districts of the first class and liens filed thereon

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

LEAVES OF ABSENCE

Mr. Broad asked and obtained leave of absence for Mr. PERSHING, for today's session.

Mr. Ganser asked and obtained leave of absence for Mr. RUSH for today's session.

Mr. Kline asked and obtained leave of absence for Mr. WILSON for today's session.

STATEMENT BY MR. LEWIS

Mr. LEWIS asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, during the regular session of 1937 we all heard a great deal about the Municipal Court in Philadephia. During the regular session of 1937 we all did a great deal about the Municipal Court of Phiadelphia. Unfortunately our doings did not stick as well as we had hoped.

Today I want to take the opportunity to inform the House of further doings of the Municipal Court of Philadelphia.

In the minds of most persons acquainted with the finances of the City of Philadelphia there has long existed the strong belief that the City has been and is financially bankrupt.

Metropolitan Philadelphia, which long ago exceeded the limit of its constitutional borrowing capacity, annually experiences great difficulty in balancing its budget. This great city, greatly in need of improvement in its physical functions, has neglected and refused to provide and appropriate funds for proper administration of its affairs looking forward to a progressive and modern city. In these years millions have been wasted on packed payroll functions which produce little of lasting value; and further sums wasted upon projects of doubtful value.

Despite this regrettable picture in the history of Philadelphia, City Council continues its "Public Be Damned" attitude on the all-important question of sewage disposal plants; and permits the decay of a transit system which at one time held a high place among such systems in the greater cities of the United States.

There is no greater example of fiscal impotence than the present, which is so properly made the subject of an editorial appearing in the Philadelphia Record on Monday, September 5, 1938, which I desire to quote.

The title of the editorial is "Parasites' Palace," and the editorial read as follows:

"Four million dollars in P.W.A. funds will be spent in Philadelphia this week.

"No, that money will not be spent to complete the unfinished subways—for which thousands of car riders are waiting.

"Neither will the $4,000,000 be spent to repair the city's water system, which is literally falling to pieces, menacing the welfare of our 2,000,000 citizens.

"Nor yet will this money be used to rebuild the sewers in Logan, to pave our streets, to provide additional recreation centers, to tear down the bandboxes and replace them with real dwellings, or even to buy books for our depleted public libraries.

"No, the money will not go for any of these useful purposes.

"The whole $4,000,000 will be squandered upon a palace on the parkway—a palace for the Municipal Court, one of the most costly and useless institutions we have.

"Council can't find a cent to house the people.

"Here is $4,000,000 to house a few Judges—

"All of whom would be out of office and their court out of existence save for the Supreme Court, which prevented the Legislature from wiping out the court and its huge payroll, of which Judges Glass and Tumolillo themselves admitted $375,000 a year was wasted.

"In honor both of the Judges and the army of political drones on their payroll. The Record suggests a fitting name for this new mountain of marble:

"Parasite's Palace.

"The Record, more than any other newspaper, has fought to bring Federal funds—P.W.A. and W.P.A. grants—into this city, to improve the town, to relieve unemployment and to stimulate business.

"How typical that in the face of all the city's urgent needs, the first money to come here out of the new P.W.A. program should come for a useless mausoleum, for a useless court!

"How like the Republican Administration in power at City Hall that while Council cries that it cannot find funds for the subways, water system, sewers, etc., no difficulty whatever is experienced in producing four million dollars for a "Palace of Justice"—God save the mark!

"A palace of justice whose "sculpture and decorations" alone will cost $75,000, with furnishings which will run to $120,000.

"Filtered sewage will flow from the spigots in the palace. But the trimmings will be swell.

"Car riders will be jammed like sardines. But the Judges will have nice new elevators.

"Bandboxes will start collapsing again. But the hundreds of drones in the Municipal Court can loll in comfort, and should the noise bother, they can go to the movies.

"The water ressure will be too low for the kids to put sprinklers on hydrants next year. But there will be showers in the palace of justice, not, however, for the kids.

"Parasites' Palace!

"That's the name for it

"One more monument to set alongside the Art Museum, the Stadium, the forgotten tube under the Schuylkill and all the rest of our municipal collection of white elephants.

One more great tribute to that Republican Organization which is too adept at planting lilies in the front yard—while it keeps the slop bucket in the parlor.

"The drones immortalized in marble!

"What more fitting tomb for the G. O. P.!

"Parasides' Palace."

The SPEAKER. The remarks of the gentleman will be spread upon the Legislative Journal.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. CHERVENAK asked and obtained permission for the Committee on Constitutional Amendments to meet during the session of the House.

REPORTS FROM COMMITTEES

Mr. SHUGARTS, from the Committee on Mines and Mining, reported as committed, House Bill No. 45, entitled:

An Act to promote the welfare of the people of the Commonwealth; creating the Anthracite Public Authority as a body corporate and politic with power to mine, refine, transport, sell and market anthracite coal; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds and the rights of the holders thereof; granting the right of eminent domain; granting certain powers and imposing certain duties on the Governor, the Auditor General and the Pennsylvania Anthracite Commission; and making an appropriation.

Mr. STANK, from the Committee on Mines and Mining, reported as committed, House Bill No. 55, entitled:

An Act to prevent fraud and deception in the shipping, marketing and sale of anthracite coal; providing standards for anthracite coal and providing penalties for the violation of this act.

Mr. MARINO, from the Committee on Mines and Mining, reported as committed, House Bill No. 44, entitled:

An Act relating to anthracite coal cooperative marketing corporations; defining and providing for the organization, consolidation, winding up and dissolution of such corporations; conferring certain rights, powers and immunities, and imposing certain duties on them and their officers and members; conferring powers and imposing duties on the Pennsylvania Anthracite Commission, the Department of State, and courts of common pleas; and exempting such corporations from the payment of certain taxes.

Mr. NAGEL, from the Committee on Education, reported as committed, House Bill No. 52, entitled:

An Act to amend section one hundred and seventeen, as amended, and section two hundred and six, of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing an additional method for creating independent school districts, and the appointment of school directors therein.

Mr. KLINE, from the Committee on Mines and Mining, reported as committed, House Bill No. 46, entitled:

An Act to amend section two hundred and one and clause (a) of section two hundred and ten as amended, and to add section three hundred and four and article twenty-eight A to the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers' Colleges, abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers, fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes in certain departments, boards and commissions shall be determined," creating the Pennsylvania Anthracite Commission as an independent administrative commission; conferring certain powers and imposing certain duties on said commission, its members, officers and employes; and creating the office of counsel and assistant counsel to the said commission.

Mr. McELROY, from the Committee of Municipal Corporations, re-reported as committed, House Bill No. 54, (Senate Bill No. 14), entitled:

An Act providing for the adjournment and readjournment of county treasurers' sales of seated and unseated lands that were to have been held in the years one thousand nine hundred thirty-seven or one thousand nine hundred thirty-eight for non-payment of taxes in counties except those of the first and second class and preserving the lien of all taxes on such lands.

Mr. JOHN A. SMITH, from the Committee on Constitutional Amendments, reported as amended, House Bill No. 51, entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania, by adding thereto section twenty.

Mr. COLEMAN, from the Committee on Mines and Mining, reported as committed, House Bill No. 43, entitled:

An Act to promote the general welfare and prevent economic waste of anthracite coal produced in this Commonwealth by controlling and regulating the production, marketing and sale of anthracite coal; providing for the licensing of mines, the revocation, suspension and transfer thereof, the regulation and control of producers of such coal and the fixing of production and marketing quotas therefor; regulating cooperative marketing corporations and dealers engaged in the marketing, distribution and retail sale of anthracite coal; conferring certain powers and imposing certain duties upon the Pennsylvania Anthracite Commission; authorizing the fixing of maximum and minimum prices of such coal at the mines and at retail in the Commonwealth; establishing a procedure for carrying out the provisions of this act; providing for appeals from the actions of the Pennsylvania Anthracite Commission; and fixing penalties for violations of the act and for bribery.

SENATE MESSAGE

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON SENATE BILL No. 17

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on Senate Bill numbered and entitled as follows:

SENATE BILL No. 17.

An Act authorizing housing authorities to contract with and to lease or convey to the Commonwealth or any of its agencies or instrumentalities of Government including the General State Authority any area acquired or about to be acquired for slum clearance purposes

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON SENATE BILL No. 16

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on Senate Bill numbered and entitled as follows:

SENATE BILL No. 16.

An Act authorizing the Commonwealth or any of its agencies or instrumentalities of Government including the General State Authority to contract with and to lease or acquire from any housing authority any area acquired or about to be acquired by such housing authority for slum clearance purposes

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 16

Mr. DICKINSON. Mr. Speaker, I desire to call up the report of the Committee of Conference on Senate Bill No. 16, Printer's No. 38.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the

part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 16, entitled: "An Act authorizing the Commonwealth or any of its agencies or instrumentalities of Government including the General State Authority to contract with and to lease or acquire from any housing authority any area acquired or about to be acquired by such housing authority for slum clearance purposes" respectfully submit the following bill as our report:

GEORGE KUNKEL,
ROBERT LEE JACOBS,
H. J. PIERSON,
(Committee on the part of the Senate.)

WILLIAM C. DICKINSON,
SAMUEL C. SPENGLER,
WM. E. HABBYSHAW,
(Committee on the part of the House of Representatives.)

An Act authorizing the Commonwealth or any of its agencise or instrumentalities of Government including the General State Authority to contract with and to lease or acquire from any housing authority any area acquired or about to be acquired by such housing authority for slum clearance purposes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following words as used in this act shall have the following meanings

"Housing Authority" Any housing authority created by the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 955) known as the "Housing Authorities Law"

"Project" Any work or undertaking to demolish clear or remove buildings from any slum area

"Slum" Any area in which there is a predominance of structures which by reason of dilapidation overcrowding faulty arrangement or design lack of ventilation light or sanitary facilities or any combination of these factors are detrimental to safety health and morals

Section 2 The Commonwealth of Pennsylvania by the Department of Property and Supplies with the approval of the Governor and any agency of the Commonwealth or instrumentality of Government including the General State Authority shall have the power and authority to enter into contracts with any Housing Authority either before said Housing Authority undertakes a project whereby it shall demolish clear or remove buildings from a slum area or after it has undertaken and completed such slum clearance project to lease from such Housing Authority as lessee for a term not to exceed ninety-nine years or to acquire from it as purchaser either the fee or such right title interest or easement as it may deem necessary in and to the slum area or area included in said project or any part thereof when or as cleared together with any improvements buildings or structures therein or thereon owned or about to be acquired by such Housing Authority needed by or convenient to the Commonwealth or any agency thereof or instrumentality of Government including the General State Authority for any public purpose or purposes including the creation of public parks and the erection on the lands contracted for of buildings improvements and structures deemed necessary for the use of the Commonwealth or needed or convenient for the corporate purposes of such agency on instrumentality of Government

Section 3 No such contract whereby the Commonwealth or any agency thereof or instrumentality of Government shall undertake to purchase or acquire any slum area entered into before the completion of the clearance of such slum shall be valid unless it shall impose a duty upon the Housing Authority to demolish clear or remove all such buildings from the slum area as shall be necessary to change the character of said area and remove the slums therefrom as promptly as circumstances shall permit

Section 4 The Commonwealth of Pennsylvania by the Department of Property and Supplies with the approval of the Governor and any agency of the Commonwealth or instrumentality of Government including the General State Authority shall have the power and authority after a Housing Authority has undertaken and completed a project whereby it shall have demolished cleared or removed buildings from a slum area to lease from such Housing Authority as lessee for a term not to exceed ninety-nine years or acquire from it as purchaser either the fee or such right title interest or easement as it may deem necessary in and to the slum area or any part thereof together with any improvements buildings or structures therein or thereon owned by such Housing Authority needed by or convenient to the Commonwealth or any agency thereof or instrumentality of Government including the General State Authority for any public purpose or purposes including the creation of public parks and the erection on the lands so acquired of buildings improvements and structures deemed necessary for the use of the Commonwealth or needed or convenient for the corporate purposes of such agency or instrumentality of Government

Section 5 The powers rights and duties herein conferred or imposed upon the General State Authority are in furtherance of and in addition to those provided for in the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (P. L. 452) known as the "General State Authority Act of one thousand nine hundred and thirty-five" and its amendments

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Flannery,	McCullough,	Shugarts,
Alexander,	Flinchbaugh,	McDermott,	Siegel,
Allen,	Ganser,	McDevitt,	Simon,
Allmond,	Gerard,	McElroy,	Skale,
Atkins,	Gilette,	McFall,	Sloan,
Aukerman,	Gorski,	McGee,	Smith, James A.,
Baine,	Habbyshaw,	McKinney,	Smith, John A.,
Baker,	Haberlen,	Melchiorre,	Snyder,
Balthaser,	Hagerty,	Mellott,	Sollenberger,
Bierly,	Hall,	Mihm,	Spengler,
Blank,	Hamilton, F. P.,	Moomaw,	Sproul,
Bohn,	Hamilton, R. S.,	Mooney,	Stackpole,
Boles,	Harkins,	Moran,	Stank,
Boltz,	Harmuth,	Moul,	Stewart,
Boose,	Hays,	Muir,	Stockham,
Boyer,	Hering,	Murrin,	Terry,
Bradley,	Hess,	Nagel,	Thomas,
Brancato,	Hetrick,	O'Brien,	Tronzo,
Brigerman,	Hindman,	O'Connor,	Trout,
Broad,	Hirsch,	O'Keefe,	Tumelty,
Brown,	Holland,	Ominsky,	Turner,
Burrows,	Holmes,	O'Neill,	Valibus,
Cadwalader,	Holstrom,	Ostroff,	VanAllsburg,
Caesar,	Hontz,	Patterson, C. S.,	VanSickle,
Caputo,	Horting,	Patterson, J. W.,	Vogt,
Chervenak,	Huntley,	Peale,	Wagner,
Coakley,	Imbrie,	Pearson,	Wall,
Cohen, H. B.,	Jirolanio,	Perry,	Walsh,
Cohen, R. E.,	Kane,	Piole,	Wampole,
Coleman,	Keenan,	Powers,	Watkins,
Coolahan,	Kelso,	Preston,	Webster,
Corrigan,	Kilroy,	Readinger,	Weidemann,
Costanzo,	Kline,	Reese,	Weiss, D. H.,
Davies,	Kroll,	Reising,	Weiss, S. A.,
Decker,	LaRue,	Robinson,	Welliver,
DeNote,	Leisey,	Rothenberger	Welsh,
Dickinson,	Levy,	Royer,	Westrick,
Donohoe,	Lewis,	Ruffennach,	Whalen,
Dougherty,	Long,	Sarraf,	Whitenight,
Downey,	Longaker,	Scanlon,	Winner,
Dubbs,	Lopresti,	Schor,	Wood,
Dyson,	Lovett,	Schrock,	Woodside,
Eckels,	Lyons,	Schrope,	Wright,
Elpern,	Mallen,	Schumacher,	Yanoshat,
Falkenstein,	Marino,	Serrill,	Yeakel,
Finnerty,	Matthews, H. T.,	Shaw,	Yourishin,
Fiss,	Matthews, J. F.,	Shea,	Zappala,
Flanagan,	McArdle,	Shoemaker,	Furman,

NAYS—0

The majority requqired by the Constitution having voted in the affirmative, the question was determined in

the affirmative and the report of the Committee of Conference was adopted.

Ordered, That the Clerk inform the Senate accordingly.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 17

Mr. DICKINSON. Mr. Speaker, I desire to call up at this time the report of the Committee of Conference on Senate Bill No. 17, Printer's No. 39.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 17, entitled: "An Act authorizing housing authorities to contract with and to lease or convey to the Commonwealth or any of its agencies or instrumentalities of Government, including the General State Authority, any area acquired or about to be acquired for slum clearance purpose," respectfully submit the following bill as our report:

GEORGE KUNKEL,
ROBERT LEE JACOBS,
H. J. PIERSON,
(Committee on the part of the Senate.)

WILLIAM C. DICKINSON,
SAMUEL C. SPENGLER,
WM. E. HABBYSHAW,
(Committee on the part of the House of Representatives.)

An Act authorizing housing authorities to contract with and to lease or convey to the Commonwealth or any of its agencies or instrumentalities of Government including the General State Authority any area acquired or about to be acquired for slum clearance purposes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following words as used in this act shall have the following meanings

"Housing Authority" Any housing authority created by the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws nine hundred fifty-five) known as the "Housing Authorities Law"

"Project" Any work or undertaking to demolish clear or remove buildings from any slum area

"Slum" Any area in which there is a predominance of structures which by reason of dilapidation over-crowding faulty arrangement or design lack of ventilation light or sanitary facilities or any combination of these factors are detrimental to safety health and morals

Section 2 Any housing authority shall have the power and authority either before it undertakes a project whereby it shall demolish clear or remove buildings from a slum area or after it has undertaken and completed such slum clearance project to enter into contracts with the Commonwealth of Pennsylvania or any agency thereof or instrumentalities of Government including the General State Authority to lease to the Commonwealth or such agency for a term not to exceed nine-nine years or to grant assign or convey either the fee or such right title interest or easement as shall be deemed necessary in and to such slum area or any part thereof when or as cleared together with any improvements buildings or structures therein or thereon owned or about to be acquired by such housing authority needed by or convenient to the Commonwealth or any agency thereof or instrumentality of Government including the General State Authority for any public purpose or purposes including the creation of public parks and the erection on the lands contracted for of buildings improvements and structures deemed necessary for the use of the Commonwealth or needed or convenient for the corporate purposes of such agency or instrumentality of Government

Section 3 No such contract to lease grant assign or convey any slum area to the Commonwealth or any of its agencies or instrumentality of Government including the General State Authority entered into before the clearance of such slums shall be valid unless it shall reserve the right unto and impose a duty upon the housing authority to demolish clear or remove all such buildings from the slum area as shall be necessary to change the character of said area and remove the slums therefrom as promptly as circumstances permit

Section 4 Any housing authority shall have the power and authority after it has undertaken and completed a project whereby it shall have demolished cleared or removed buildings from a slum area to lease to the Commonwealth or any of its agencies or instrumentalities of Government including the General State Authority for a term not to exceed ninety-nine years or to grant assign or convey either the fee or such right title interest or easement as shall be deemed necessary in and to such slum area or any part thereof together with any improvements buildings or structures therein or thereon owned by such housing authority needed by or convenient to the Commonwealth or any agency thereof or instrumentality of Government including the General State Authority for any public purpose or purposes including the creation of public parks and the erection on the lands so leased granted assigned or conveyed of buildings improvements and structures deemed necessary for the use of the Commonwealth or needed or convenient for the corporate purposes of such agency or instrumentality of Government

Section 5 The powers rights and duties herein conferred or imposed upon housing authorities are in furtherance of and in addition to those provided for in the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws 955) known as the "Housing Authorities Law"

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Flannery,	McCullough,	Shugarts,
Alexander,	Flinchbaugh,	McDermott,	Siegel,
Allen,	Ganser,	McDevitt,	Simon,
Allmond,	Gerard,	McElroy,	Skale,
Atkins,	Gillette,	McFall,	Sloan,
Aukerman,	Gorski,	McGee,	Smith, James A.,
Baine,	Habbyshaw,	McKinney,	Smith, John A.,
Baker,	Haberlen,	Melchiorre,	Snyder,
Balthaser,	Hagerty,	Mellott,	Sollenberger,
Bierly,	Hall,	Mihm,	Spengler,
Blank,	Hamilton, F. P.,	Moomaw,	Sproul,
Bohn,	Hamilton, R. S.,	Mooney,	Stackpole,
Boles,	Harkins,	Moran,	Stank,
Boltz,	Harmuth,	Moul,	Stewart,
Boose,	Hays,	Muir,	Stockham,
Boyer,	Hering,	Murrin,	Terry,
Bradley,	Hess,	Nagel,	Thomas,
Brancato,	Hetrick,	O'Brien,	Tronzo,
Brigerman,	Hindman,	O'Connor,	Trout,
Broad,	Hirsch,	O'Keefe,	Tumelty,
Brown,	Holland,	Ominsky,	Turner,
Burrows,	Holmes,	O'Neill,	Valibus,
Cadwalader,	Holstrom,	Ostroff,	Van Allsburg,
Caesar,	Hontz,	Patterson, C. S.,	VanSickle,
Caputo,	Horting,	Patterson, J. W.,	Vogt,
Chervenak,	Huntley,	Peale,	Wagner,
Coakley,	Imbrie,	Pearson,	Wall,
Cohen, H. B.,	Jirolanio,	Perry,	Walsh,
Cohen, R. E.,	Kane,	Piole,	Wampole,
Coleman,	Keenan,	Powers,	Watkins,
Coolahan,	Kelso,	Preston,	Webster,
Corrigan,	Kilroy,	Readinger,	Weidemann,
Costanzo,	Kline,	Reese,	Weiss, D. H.,
Davies,	Kroll,	Reising,	Weiss, S. A.,
Decker,	LaRue,	Robinson,	Welliver,
DeNote,	Leisey,	Rothenberger,	Welsh,
Dickinson,	Levy,	Royer,	Westrick,
Donohoe,	Lewis,	Ruffennach,	Whalen,
Dougherty,	Long,	Sarraf,	Whitenight,
Downey,	Longaker,	Scanlon,	Winner,

Dubbs,	Lopresti,	Schor,	Wood,
Dyson,	Lovett,	Schrock,	Woodside,
Eckels,	Lyons,	Schrope,	Wright,
Elpern,	Mallen,	Schumacher,	Yanoshat,
Falkenstein,	Marino,	Serrill,	Yeakel,
Finnerty,	Matthews, H. T.,	Shaw,	Yourishin,
Fiss,	Matthews, J. F.,	Shea,	Zappala,
Flanagan	McArdle,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, That the Clerk inform the Senate accordingly.

RESOLUTION INTRODUCED AND REFERRED

By Miss BRANCATO. RESOLUTION No. 11

In the House of Representatives, September 7, 1938.

Whereas, At an inquest held by the coroner of Philadelphia County into the deaths of four inmates of Holmesburg Prison, it has been testified that such inmates were roasted to death and other inmates seriously injured, by the application of excessive heat; and

Whereas, The use of such methods of discipline are outrageous, uncivilized and barbaric, and contrary to all laws of humanity and justice; and

Whereas, The attempted discipline of inmates in prisons, workhouses, jails and penal and correctional institutions by such means may well continue to the injury and detriment of the victims of such treatment, therefore be it

Resolved, That the House of Representatives memorialize the authorities of all prisons, workhouses, jails and penal and correctional institutions in this Commonwealth that no discipline upon the inmates thereof shall be attempted by means of heat, heat boxes, excessively heated cells, excessive application of steam heating, or any other application of heat whereby it is attempted to discipline an inmate by weakening his physical resistance.

Resolved, That a copy of this resolution be transmitted to the authorities of every prison, workhouse, jail and penal and correctional institution of this Commonwealth by the Chief Clerk of the House.

Referred to the Committee on Rules.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 49, (Senate Bill No. 10), entitled:

A Supplement to the act approved the sixteenth day of June one thousand nine hundred and thirty-six (Pamphlet Laws sixteen) entitled "An act making an appropriation to the Department of Health to defray the cost of pumping the water from slate quarries and anthracite and bituminous coal mines which have been flooded directly or indirectly by the high waters during March one thousand nine hundred thirty-six" by making a further appropriation to supply the deficiency incurred and needed under the provisions of said act

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one hundred forty-seven thousand dollars ($147,000) or so much thereof as may be necessary is hereby appropriated to the Department of Health for the purpose of supplying the deficiency incurred and needed for the purpose of pumping the water from slate quarries and anthracite and bituminous coal mines which were flooded directly or indirectly by the high waters during March one thousand nine hundred and thirty-six including the purchase and installation of pumps motors and other equipment the purchase of electric power and all necessary incidental expenses under the provisions of the act to which this is a supplement

On the question,

Will the House agree to the section?

Messrs. ELPERN, HABERLEN, LOVETT, PERSHING, BROAD and DAVID H. WEISS offered the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 1, line 2, by striking out the following: "one hundred forty-seven thousand dollars ($147-000)" and inserting in lieu thereof: "two hundred fifty thousand dollars ($250,000)"

On the question,

Will the House agree to the amendment?

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Westmoreland, Mr. Elpern.

The SPEAKER. Will the gentleman from Westmoreland permit himself to be interrogated?

Mr. ELPERN. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, do I understand that the amendments before the House call for an increase in the amount of the appropriation to $250,000.

Mr. ELPERN. That is correct, Mr. Speaker.

Mr. TURNER. I notice, Mr. Speaker, when this bill started out it was for $5,000, then it was amended to $147,000 and now you are increasing it to $250,000. Will you tell me what is the purpose of that increase?

Mr. ELPERN. The purpose of the increase, Mr. Speaker, is to help the situation in Westmoreland County. The bill that you passed here probably three or four weeks ago for $300,000 was passed over to the Senate, and that bill is going to be killed in committee. This bill would help Westmoreland County out. We have two bodies lying out there in the shaft of a mine.

Mr. TURNER. Mr. Speaker, is this in addition to the original bill of something like $300,000 that was passed?

Mr. ELPERN. Mr. Speaker, the three hundred thousand dollar bill was killed in committee.

Mr. TURNER. Mr. Speaker, does this bill then apply solely to Westmoreland County?

Mr. ELPERN. Yes, Mr. Speaker, and also the money that is short over the $700,000 that was used.

Mr. TURNER. Mr. Speaker, may I ask how much it is short of the $700,000.

Mr. ELPERN. Mr. Speaker, $147,000

Mr. TURNER. In other words, Mr. Speaker, the amendments to this bill are for the purpose of taking up the deficit of the original $700,000 appropriated for pumping out mines?

Mr. ELPERN. That is correct, Mr. Speaker.

Mr. TURNER. Mr. Speaker, as I understood the gentleman from Westmoreland, the $147,000 was a deficit in the $700,000 appropriated during the 1937 session, is that right?

Mr. ELPERN. That is correct, Mr. Speaker.

Mr. TURNER. In other words, Mr. Speaker, they have spent all of the $700,000 and in addition to that I understand the gentleman from Westmoreland to say they want to spend $147,000 to make up the deficit.

Mr. ELPERN. That is correct, Mr. Speaker.

Mr. TURNER. Then, Mr. Speaker, in addition to that

I understand they are asking now $103,000 to pump out certain quarries in Westmoreland County, is that correct?

Mr. ELPERN. That is correct, Mr. Speaker.

Mr. TURNER. And the purpose, Mr. Speaker, of the pumping out of those quarries is to recover some bodies, is that what I understand?

Mr. ELPERN. Yes,—not the quarries, but the mines,—two bodies in the mines.

Mr. TURNER. Mr. Speaker, may I ask the gentleman from Westmoreland whether these mines are working.

Mr. ELPERN. Not for mining, Mr. Speaker. The mine flooded is not working, but the mines around the vicinity would be very much in danger of having the same thing happen to them as has happened down in the mine where these two bodies are lying.

Mr. TURNER. Mr. Speaker, do I understand the gentleman from Westmoreland to say he is afraid there may be some one drowned in these mines?

Mr. ELPERN. Mr. Speaker, the mines where they are working now, yes.

Mr. TURNER. Mr. Speaker, I did not quite understand the gentleman as to his explanation as to the purpose of this appropriation.

Mr. ELPERN. Mr. Speaker, the purpose of the additional $103,000 is to get out two bodies which drowned in the mine on Decoration Day of last year, due to the March flood of 1936, and the purpose also is to put two thousand men to work in the mines in that vicinity, which have been shut down due to the flood waters going through the mines.

Mr. TURNER. Mr. Speaker, do I understand the gentleman to say if this money is forthcoming to pump out the mines, they will be able to put men to work in them?

Mr. ELPERN. That is correct, Mr. Speaker.

Mr. TURNER. Mr. Speaker, my understanding,—I am not trying to be facetious about it,—it is my understanding that the coal industry is pretty well shut down. How can two thousand men be put to work?

Mr. ELPERN. Mr. Speaker, they have thirty-seven hundred acres in that vicinity and they will put two thousand men to work if they pump that water out.

On the question recurring,

Will the House agree to the amendment?

The SPEAKER declared the nays appeared to have it,

Whereupon, a division was called for and eighty-three members having voted in the affirmative and thirty-eight in the negative, the question was determined in the affirmative and the amendment was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 This act shall become effective immediately upon final enactment.

A Supplement to the act approved the sixteenth day of June one thousand nine hundred and thirty-six (P. L. 16), entitled "An act making an appropriation to the Department of Health to defray the cost of pumping the water from slate quarries and anthracite and bituminous coal mines which have been flooded directly or indirectly by the high waters during March one thousand nine hundred thirty-six" by making a further appropriation to supply the deficiency incurred and needed under the provisions of said act

And said bill having been read at length the third time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 42, (Senate Bill No. 25), as follows:

An Act relating to and removing the remaining additional persons now serving as Pennsylvania members of the Delaware River Joint Commission by virtue of appointment by the General Assembly under the act approved June twelfth one thousand nine hundred and thirty-one (P. L. 575) entitled "An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River and the improvement of the facilities for transportation across the river authorizing the Governor for these purposes to enter into an agreement with New Jersey creating The Delaware River Joint Commission and specifying the powers and duties thereof including the power to finance projects by the issuance of revenue bonds transferring to the new commission all the powers of the Delaware River Bridge Joint Commission and making an appropriation" and providing for the appointment of their successors

WHEREAS pursuant to authority of the act approved June twelfth one thousand nine hundred and thirty-one (P. L. 575) a public corporate instrumentality of the Commonwealth of Pennsylvania and the State of New Jersey was created for the public purposes enumerated in said act and

WHEREAS the first eight commissioners for the Commonwealth of Pennsylvania were designated in said act to be the Governor of the Commonwealth the Auditor General the State Treasurer the Mayor of the City of Philadelphia and the four additional persons then serving as members of the Pennsylvania Commission existing by virtue of the act approved July ninth one thousand nine hundred and nineteen (P. L. 814) and acts amendatory thereof and supplementary thereto and

WHEREAS The Supreme Court of the Commonwealth of Pennsylvania has construed the said Act of Assembly as constituting the said four additional members of the Commission the appointees of the General Assembly and

WHEREAS two (2) of the said four (4) additional members have since resigned their office and their successors have since been appointed by the Governor in the manner provided by law and

WHEREAS under the provisions of the Constitution of Pennsylvania appointive officers may be removed at the pleasure of the power by which they shall have been appointed and

WHEREAS the General Assembly having thus been decreed to be the appointing power of the said additional commissioners and being desirous of exercising its prorogative of removal guaranteed it by the Constitution as aforesaid therefore

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The two (2) remaining additional members now serving on the Delaware River Joint Commission by virtue of appointment by the General Assembly under the act approved June twelfth one thousand nine hundred and thirty-one (Pamphlet Laws five hundred seventy-five) entitled "An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River and the improvement of the facilities for transportation across the river authorizing the Governor for these purposes to enter into an agreement with New Jersey creating The Delaware River Joint Commission and specifying the powers and duties thereof including the power to finance projects by the issuance of revenue bonds transferring to the new commission all the powers of the Delaware River Bridge Joint Commission and making an appropriation" viz Thomas B Smith and Richard Weglein are hereby removed as members of the Commission and the vacancies hereby created shall be filled by the Governor in the manner provided by law in

the case of vacancies occurring in the appointive membership of the commission

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 21, as follows:

An Act to prohibit the sale offering or exposing for sale of fireworks defining fireworks and providing for licensing and regulation of the manner of using fireworks and providing penalties

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The term fireworks shall mean and include any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion explosion deflagration or detonation and shall include blank cartridges toy pistols toy cannons toy canes or toy guns in which explosives are used the type of balloons which require fire underneath to propel the same firecrackers torpedoes skyrockets Roman candles Daygo bombs sparklers or other fireworks of like construction and any fireworks containing any explosive or flamable compound or any tablets or other device containing any explosive substance

The term municipalities shall include cities boroughs and incorporated towns

On the question,

Will the House agree to the section?

Mr. JIROLANIO. Mr. Speaker, I move you that this bill be recommitted to the Committee on Public Health and Sanitation for further study.

On the question,

Will the House agree to the motion?

Mr. LEWIS. Mr. Speaker, I would like to interrogate the gentleman from Northampton, Mr. Jirolanio.

The SPEAKER. Will the gentleman from Northampton permit himself to be interrogated?

Mr. JIROLANIO. I will, Mr. Speaker.

Mr. LEWIS. Mr. Speaker, does the gentleman from Northampton know of the agreement made in committee to recommit this bill after it had passed second reading?

Mr. JIROLANIO. Mr. Speaker, not being a member of that committee I wouldn't have such knowledge.

Mr. LEWIS. Was the gentleman so informed, Mr. Speaker?

Mr. JIROLANIO. Mr. Speaker, I was told samething about it just recently.

Mr. LEWIS. The gentleman would not doubt the veracity of his informant, would he, Mr. Speaker?

Mr. JIROLANIO. That I cannot answer, Mr. Speaker.

Mr. LEWIS. I thank the gentleman.

Mr. Speaker and members of the House, I rise to oppose the motion of the gentleman from Northampton, Mr. Jirolanio. While we all realize that there are many members of the House who desire to offer amendments to this bill, those amendments have been for some time and are constantly being placed in the hands of the Chairman of the Committee on Public Health and Sanitation. While I am not a member of that committee I nevertheless feel that they will receive fair consideration in that committee's deliberations, and I ask the members to oppose this motion in order that the bill may properly pass second reading and then be recommitted, as agreed to. I have also informed certain members who desire to offer amendments that neither I nor the other sponsors of the bill will make any objection to any amendments offered during third reading of the bill after return from committee.

I ask that the motion of the gentleman from Northampton be defeated.

Mr. JIROLANIO. Mr. Speaker and members of the House, since the gentleman from Philadelphia has admitted that there are some things that should be done to this bill, it is very, very apparent to me that this bill should be recommitted to the committee for further study. I for one, being a member of this House for the past year and a half have never seen such a bill as this bill purports to me, without any sense of justice, without any sense of ability, without any sense of fairness. Knowing very well that the gentlemen who drew up the bill are interested in the welfare of the state of Pennsylvania in the same manner, in the same nature and in the same fashion as I am, I see no reason why this bill should not be recommitted to this particular committee. If this bill should be allowed to pass on second reading, then referred back to the committee from which it came, then re-ported out, no member of the House will have the opportunity or the right to hand in any amendments unless he would have the unanimous consent of the House.

Therefore, I say to each member of the House, since this bill is drawn so badly, since the bill is of such a nature that you would not be able to go out and hunt, since it is of such a nature that the National Guards could not even practice, since it is of such a nature that on Decoration day you would not be able to fire a volley over the graves of those soldiers who have fallen, I think it is the duty of this House to recommit this bill for further study.

Mr. SARRAF. Mr. Speaker, I would like to know if I am out of order in giving the House the procedure that this bill has gone through to date, and the action of the committee?

The SPEAKER. The action of the committee is for the committee itself to determine. They are not supposed to divulge what goes on in the committee.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. LEWIS and Mr. REUBEN E. COHEN and were as follows:

YEAS—88

Achterman,	Ganser,	Lovett	Serrill,
Atkins,	Gerard,	Lyons,	Siegel,
Balthaser,	Gillette,	Marino,	Simon,
Bohn,	Haberlen,	Matthews, J. F.,	Sloan,
Boltz,	Hall,	McCullough,	Snyder,
Boose,	Hays,	McFall,	Sproul,
Broad,	Hering,	McKinney,	Stackpole,
Brown,	Hess,	Mellott	Stank,
Cadwalader,	Hetrick,	Mooney,	Stewart,
Caputo,	Hindman,	Moul,	Tumelty,
Coakley,	Holland,	Muir,	Turner,
Coleman,	Holstrom,	Murrin,	Van Allsburg,
Coolahan,	Imbrie,	O'Connor,	Van Sickle,
Davies,	Jirolanio,	Peale,	Wampole,
DeNote,	Kane,	Pearson,	Watkins,
Dougherty,	Keenan,	Perry,	Webster,
Dubbs,	Kelso,	Piole,	Welliver,
Eckels,	Kline,	Robinson,	Whalen,
Elpern,	LaRue,	Rothenberger,	Winner,
Falkenstein,	Levy,	Royer,	Woodside,
Fiss,	Long,	Scanlon,	Yeakel,
Flinchbaugh,	Longaker,	Schrock,	Furman,

NAYS—64

Alexander,	Downey,	McDevitt,	Schrope,
Allen,	Flanagan,	Melchiorre,	Shea,
Aukerman,	Flannery,	Moran,	Shoemaker,
Baine,	Gorski,	Nagel,	Skale,
Bierly,	Hagerty,	O'Keefe,	Smith, James A.,
Blank,	Hamilton, F. P.,	Ominsky,	Spengler,
Boyer,	Harkins,	O'Neill,	Tronzo,
Brancato,	Hirsch,	Ostroff,	Trout,
Brigerman,	Holmes,	Patterson, J. W.,	Valibus,
Burrows,	Hontz,	Powers,	Wagner,
Chervenak,	Horting,	Preston,	Weiss, D. H.,
Cohen, R. E.,	Huntley,	Readinger,	Weiss, S. A.,
Costanzo,	Kilroy,	Reese,	Wright,
Decker,	Lewis,	Ruffennach,	Yanoshat,
Dickinson,	Matthews, H. T.,	Sarraf,	Yourishin,
Donohoe,	McDermott,	Schor,	Zappala,

So the question was determined in the affirmative and the motion was agreed to.

BILL ON FINAL READING

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 26, as follows:

An Act abating certain tax penalties and interest on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes prohibiting the sale of real property for the non-payment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All penalties and interest imposed on delinquent county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes for the tax year one thousand nine hundred and thirty-four and all previous years and all penalties imposed on such taxes for the tax years one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven assessed and levied against any parcel or parcels of real estate and on delinquent poll taxes levied for any of such years are hereby abated without the necessity of further action by the authority levying the tax if said delinquent taxes are paid as hereinafter provided This section shall not be construed to abate the interest accrued on the taxes for the years of one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven but no further interest shall be imposed on such taxes after the payment of the first installment as hereafter provided so long as the taxpayer complies with the provisions of this act.

In order to receive the benefits of the installment system of payment provided by this act twenty per centum of the delinquent taxes due for the tax year one thousand nine hundred and thirty-seven and for all previous years and of the accrued interest due on the one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven taxes shall be paid on or before the thirty-first day of December one thousand nine hundred and thirty-eight twenty per centum on or before the thirty-first day of December one thousand nine hundred and thirty-nine twenty per centum on or before the thirty-first day of December one thousand nine hundred and forty twenty per centum on or before the thirty-first day of December one thousand nine hundred and forty-one and the final twenty per centum on or before the thirty-first day of December one thousand nine hundred and forty-two And provided That the respective current taxes (the institution district taxes in lieu of the poor taxes) on such parcel or parcels of real estate and on delinquent poll taxes levied for the years subsequent to the year one thousand nine hundred and thirty-eight during such installment periods assessed and levied by such taxing authority shall be paid before they become delinquent For the purposes of this act a tax shall be deemed to become delinquent on the date when a penalty attaches to the tax If and whenever any of the said current taxes or any of the said installments are not paid when due and payable as herein provided then and in that event there shall become due and payable for such year a sum equal to one-fifth of the total amount of the abated penalties and interest in addition to the other payments required to be paid under this act during that year which said additional sum shall be payable and must be paid at the time the next succeeding installment payment becomes due under this act If such additional sum is not so paid then the total amount of the abated penalties and interest less the aggregate of any such additional sums theretofore paid shall be revived and added to the unpaid taxes with the same force and effect as if such abated penalties and interest or portion thereof had never been abated and the taxpayer shall not thereafter be entitled to any further benefits or privileges under this act

Section 2 Any taxpayer or owner having the right of redemption may anticipate the payment of such delinquent taxes for the tax year one thousand nine hundred and thirty-seven and previous years at any time on or before November first one thousand nine hundred and thirty-eight by paying the entire amount of such delinquent taxes and interest due on the one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven taxes and receive the benefit of this act and in such cases payment of the taxes assessed and levied for the year one thousand nine hundred and thirty-eight shall not be required at the time of such payment

Section 3 This act shall be construed to apply to all such taxes whether or not liens for such taxes had been returned for nonpayment or have been filed in the office of the prothonotary of the county or proceedings for the collection of such taxes have been instituted in any court in said county or where real property has been sold to a county city borough town township school district or poor district at a tax sale or on a tax lien and the period of redemption has not expired but this act shall not be construed to apply to cases where real property has been sold other than to a county city borough town township school district or poor district at a tax sale or on a tax lien and where the period of redemption has not expired The taxpayer shall be liable for the payment of all costs incurred except the solicitor's fees where liens for such taxes have been returned for nonpayment or have been filed in the office of the prothonotary or proceedings for the collection thereof have been instituted in any court.

Section 4 The benefits of this act shall extend to and accrue to any successful bidder or purchaser at sheriff's or other judicial sale grantee transferee mortgagee or owner having the right of redemption under a tax sale or other party in interest in the parcel or parcels of real estate against which the above-mentioned taxes have been assessed and levied whether separated or not

Section 5 Any taxpayer or owner having the right of redemption shall have the right to pay the delinquent taxes assessed and levied against any parcel or parcels of real estate without being required to pay the delinquent taxes assessed and levied against any other parcel or parcels of real estate in the same ward district or other municipal subdivision

The county commissioners of each county may at their discretion and at the cost of the county cause to be published two times in not more than two newspapers of general circulation throughout the county a notice to the taxpayers giving a synopsis of the terms of this act setting forth the benefits provided by the act and the necessary conditions required by the taxpayers in order to receive the same Upon application either in person or in writing by any taxpayer or owner the tax levying authorities the tax collector the receiver or receivers of taxes or the person or persons charged with the collection of such delinquent taxes or the person or persons in whose custody the records of such delinquent taxes are kept shall furnish to such delinquent taxpayers or owner a statement of the delinquent taxes owed by him to such municipal subdivision showing the face amount the penalty if any the interest if any and any costs or other charges in detail against such real property as shown by the records in his custody.

Every collector of taxes whose duty it is to send to the

respective taxpayers any notice or statement of their annual taxes shall include in each such notice or statement an additional notice of the date when the next installment payment is due under the provisions of this act.

Section 6 In order to enable the taxpayer or owner having the right of redemption under a tax sale to receive the full benefits of this act no real property shall be sold for non-payment of taxes before November first one thousand nine hundred and thirty-eight and any tax sale shall be adjourned or readjourned or right of redemption extended as often as may be necessary for this purpose If any tax sale is adjourned or readjourned or right of redemption extended after advertisement or sale no additional advertisement or notice shall be necessary for the adjourned or readjourned sale or right of redemption No such adjournment or readjournment or redemption failure to advertise or hold any such tax sale shall invalidate the lien of any tax due and unpaid or sale had subject to redemption but the lien of all such taxes shall be fully preserved during the entire installment period herein provided for if the taxpayer avails himself of the privileges or benefits of this act Provided however That in every case where a taxpayer avails himself of the privileges or benefits of this act the period during which payment of the said delinquent taxes is postponed or continued under this act shall not be included in computing and determining whether or not any right of the tax assessing and levying authority has been barred or lost by reason of the provisions of any statute or statutes now existing or hereafter enacted limiting the right of the said tax levying and assessing authorities to file preserve or maintain the lien of the said taxes

Section 7 The provisions of this act are severable and if any of the provisions hereof are held to be unconstitutional the decision shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included herein.

Section 8 The act approved the first day of May one thousand nine hundred and thirty-five (Pamphlet Laws one hundred twenty-nine) as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred forty-four) the act approved the fourth day of June one thousand nine hundred and thirty-six (Pamphlet Laws ten) and the act approved the fourteenth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws three hundred and two) shall continue in full force and effect as to any and all taxpayers who have taken advantage of and are not in default in the provisions thereof All other acts and parts of acts general local and special inconsistent herewith be and the same are hereby suspended during the time this act shall be in effect.

Section 9 Nothing in this act shall be so construed as to prevent any taxpayer who has heretofore taken advantage and accepted the benefits of any of the acts referred to in section eight and who at the time this act becomes effective has lost all future rights benefits privileges and opportunities under such act from taking advantage and receiving the benefits of this act in the same manner as if such person had never attempted to comply with the provisions of such previous abatement act.

On the question,

Shall the bill pass finally?

BILL RECOMMITTED

Mr. O'CONNOR. Mr. Speaker, I move you that this bill be recommitted to the Committee on Municipal Corporations for the purpose of a public hearing to be held in the House Caucus Room Tuesday, September 13, 1938 at 4:00 p. m.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 10, entitled:

An Act authorizing the Secretary of Highways to change the width, grades and lines of Vine Street in Philadelphia, from the Delaware River Bridge approach to Parkway; the expense thereof and damages occasioned thereby to be paid by the Commonwealth. Authorizing the City of Philadelphia, persons, associations and corporations to enter into agreements with the Commonwealth to bear a portion of such expenses and damages and making an appropriation.

On the question,

Will the House agree to the bills on third reading?

BILL RECOMMITTED

Mr. SCHOR. Mr. Speaker, I move you that this bill be recommitted to the committee on Highways for further study and possible amendment.

The motion was agreed to.

BILL PASSED OVER

There being no objection House Bill No. 47, Printer's No. 30 was passed over at the request of Mr. YOURISHIN.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 57, entitled:

An Act to provide for the expenses of the Extraordinary Session of the Legislature, assembled July twenty-fifth, Anno Domini one thousand nine hundred thirty-eight, in pursuance of the proclamation of the Governor of the Commonwealth, dated July twenty-second, Anno Domini one thousand nine hundred thirty-eight, and the supplements thereto.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—192

Achterman,	Flannery,	McCullough,	Shugarts,
Alexander,	Flinchbaugh,	McDermott,	Siegel,
Allen,	Ganser,	McDevitt,	Simon,
Allmond,	Gerard,	McElroy,	Skale,
Atkins,	Gillette,	McFall,	Sloan,
Aukerman,	Gorski,	McGee,	Smith, James A.,
Baine	Habbyshaw,	McKinney,	Smith, John A.,
Baker,	Haberlen,	Melchiorre,	Snyder,
Balthaser	Hagerty,	Mellott,	Sollenberger,
Bierly,	Hall,	Mihm,	Spengler,
Blank,	Hamilton, F. P.,	Moomaw,	Sproul,
Bohn,	Hamilton, R. S.,	Mooney,	Stackpole,
Boles,	Harkins,	Moran,	Stank,
Boltz,	Harmuth,	Moul,	Stewart,
Boose,	Hays,	Muir	Stockham,
Boyer,	Hering,	Murrin,	Terry,
Bradley	Hess,	Nagel,	Thomas,
Brancato,	Hetrick,	O'Brien,	Tronzo,
Brigerman,	Hindman,	O'Connor,	Trout,
Broad,	Hirsch,	O'Keefe,	Tumelty,
Brown,	Holland,	Ominsky,	Turner,
Burrows,	Holmes,	O'Neill,	Vallbus,
Cadwalader,	Holstrom,	Ostroff,	VanAllsburg,
Caesar,	Hontz,	Patterson, C. S.,	VanSickle,
Caputo,	Horting,	Patterson, J. W.,	Vogt,
Chervenak,	Huntley,	Peale,	Wagner,
Coakley,	Imbrie,	Pearson,	Wall,
Cohen, H. B.,	Jirolanio,	Perry,	Walsh,
Cohen, R. E.,	Kane,	Piole,	Wampole,
Coleman,	Keenan,	Powers,	Watkins,
Coolahan,	Kelso,	Preston,	Webster,

Corrigan,	Kilroy,	Readinger,	Weidemann,
Costanzo,	Kline,	Reese,	Weiss, D. H.,
Davies,	Kroll,	Reising,	Weiss, S. A.,
Decker,	LaRue,	Robinson,	Welliver,
DeNote,	Leisey,	Rothenberger,	Welsh,
Dickinson,	Levy,	Royer,	Westrick,
Donohoe,	Lewis,	Ruffennach,	Whalen,
Dougherty,	Long,	Sarraf,	Whitenight,
Downey,	Longaker,	Scanlon,	Winner,
Dubbs,	Lopresti,	Schor,	Wood,
Dyson,	Lovett,	Schrock,	Woodside,
Eckels,	Lyons,	Schrope,	Wright,
Elpern,	Mallen,	Schumacher,	Yanoshat,
Falkenstein,	Marino,	Serrill,	Yeakel,
Finnerty,	Matthews, H. T.,	Shaw,	Yourishin,
Fiss,	Matthews, J. F.,	Shea,	Zappala,
Flanagan,	McArdle,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

SENATE MESSAGE

AMENDED SENATE BILLS CONCURRED IN BY SENATE.

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bills numbered and entitled as follows, viz:

SENATE BILL No. 7.

An Act to further amend section four of and to add section 9.2 to the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (P. L. 452) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" by providing for additional projects the acquisition of property from school districts and the leasing of projects by the Authority to school districts imposing duties upon the Department of Property and Supplies the Department of Labor and Industry and all departments having an interest in certain projects and authorizing the Department of Public Instruction and school districts to contract with and lease from the Authority

SENATE BILL No. 8.

An Act to amend article six of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by authorizing school districts singly or jointly with other districts to convey or lease property to the General State Authority to acquire additional property for such purposes and to contract with and lease property from said Authority authorizing the Commonwealth to join with school districts in such contracts and leases and in such cases defining the assistance to be rendered by the Commonwealth and authorizing the withholding of State appropriations in certain cases

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 7.

An Act to further amend section four of and to add section 9.2 to the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (P. L. 452) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" by providing for additional projects the acquisition of property from school districts and the leasing of projects by the Authority to school districts imposing duties upon the Department of Property and Supplies the Department of Labor and Industry and all departments having an interest in certain projects and authorizing the Department of Public Instruction and school districts to contract with and lease from the Authority

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SENATE BILL No. 16.

An Act authorizing the Commonwealth or any of its agencies or instrumentalities of Government including the General State Authority to contract with and to lease or acquire from any housing authority any area acquired or about to be acquired by such housing authority for slum clearance purposes

SENATE BILL No. 17.

An Act authorizing housing authorities to contract with and to lease or convey to the Commonwealth or any of its agencies or instrumentalities of Government including the General State Authority any area acquired or about to be acquired for slum clearance purposes

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILL INTRODUCED AND REFERRED

By Mr. ALEXANDER. HOUSE BILL No. 64.

An Act authorizing boards of school directors to dismiss or refuse reelection to married professional employes, as herein defined.

Referred to the Committee on Education.

STATEMENT BY MR. TURNER.

Mr. TURNER asked and obtained unanimous consent to address the House.

Mr. TURNER. Mr. Speaker and members of the House, there has arisen in the minds of many of us in the last few days very serious questions involving the appropriation of $25,000,000 for relief. The situation, as it confronts us, reminds me of the situation in the 1932 special session of the legislature, which followed the special session of 1931, when the first Talbot Act was passed which appropriated $10,000,000 for relief. Those of you who have followed this question will recall that the Supreme Court decided that the Talbot Act was unconstitutional, but that if the $10,000,000 appropriation which was made by the session of 1931 should prove to be more than the revenues of the Commonwealth, that appropriation to hospitals and other charitable institutions would have to be abated. In other words, the Chief Justice of Pennsylvania, the present Chief Justice, who wrote the opinion in the Talbot Case, said that there were two classes of appropriations, that the Legislature, in making its appropriations, of course had the right to appropriate any sum which it thought might be within the anticipated revenues, but that the fiscal officers of the Commonwealth were charged with the duty under the Constitution, which prohibits the expending of more than one million dollars beyond the actual revenue, of abating appropriations so that the ordinary functions of the government could go on, if the appropriations exceeded the amount of actual revenue. Now, we passed the bill providing for $25,000,000 appropriation for relief, without securing any information other than that which was given to us in the Governor's message at the opening of the session, which stated that the anticipated revenues for the biennium would be $25,000,000 in excess of that which they expected at the 1937 session, when the revenues were estimated. I confess that I think we were derelict in accepting that at the time. Perhaps the hot weather and the conditions under which we met in a hurry can be offered by us as some excuse, but that does not, it seems to me, warrant this legislature in continuing in the belief that there will be $25,000,000 more available for relief in November, when they expect the present relief moneys to run out, and, perhaps, this legislature would have adjourned and gone home and then find our fiscal officers in the delimma that they may be paying out greater sums of money than they will have in actual revenue during the biennium. That would mean, that the fiscal officers, to protect themselves, would have to abate the appropriations according to the decision of the Supreme Court in the Talbot Case.

There is also, it seems to me, a very serious proposition in that we have borrowed money on tax anticipation notes during this biennium and those notes undoubtedly will have to bleed certain revenues of the Commonwealth for their payment. There, therefore, aris a very grave question in my mind as to whether we could appropriate any of those moneys, even that which we expect to be in excess, because the holders of those notes have the right to expect that we will conserve and segregate the revenues of the Commonwealth to meet those notes from the different sources of revenue that we pledged for their payment. Therefore even if the fiscal officers of the Commonwealth did not abate appropriations or did not feel that it was necessary for them to do so, if a note holder should come in in November of this year, we will say, and start an action against the Commonwealth to restrict the payment of moneys, because those moneys had already been pledged, we might be up against a serious proposition to take care of the people on relief and our institutions might be up against a serious proposition in that their appropriations would be withheld. Now, you may say that in January the legislature will be in session, and, therefore we will have a chance to take care of it, but a new legislature coming in on the first Monday in January might find it very difficult within a very short space of time to so arrange our finances; if it were necessary to levy additional taxes, those taxes could not be collected for some time.

Therefore, I think that we ought to proceed with the exact knowledge and for the purpose of obtaining the proper knowledge, in order that we may not leave here under the delusion that money has been appropriated to take care of the unemployed, I am offering a resolution asking for the information and would ask that the House give its unanimous consent for its immediate consideration.

The SPEAKER. Will the House give its unanimous consent to have the resolution read at this time? Are there objections?

Mr. ACHTERMAN. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted.

The resolution will be filed with the Clerk under the Rules.

RESOLUTION

PRINTING OF MEMORIAL SERVICES.

Mr. COLEMAN offered a resolution and asked and obtained unanimous consent for its immediate consideration

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, September 7, 1938.

Resolved, (if the Senate concur), That three hundred copies of the proceedings of the memorial services held on August 9th, 1938, in honor of the late Honorable William P. Gallagher, Honorable William J. Munley, Honorable Charles Henry Richter, Honorable C. J. Goodnough and Honorable Francis T. Baker be printed and copies thereof be sent to the members of the families of the deceased persons above referred to, and that each Member of the House of Representatives shall be presented with a copy thereof.

BILL INTRODUCED AND REFERRED

By Mr. MOOMAW. HOUSE BILL No. 65.

An Act creating a joint legislative commission to study and report on use of devices and methods of transmission of information for advices in furtherance of gambling, and making an appropriation.

Referred to the Committee on Judiciary Special.

RESOLUTION INTRODUCED AND REFERRED

By Messrs. WAGNER and GORSKI. (Concurrent)

RESOLUTION No. 12.

In the House of Representatives, September 6, 1938.

Whereas, On September 10th, 1938, we will celebrate in this country the one hundred and twenty-fifth anniversary of "The Battle of Lake Erie;" and

Whereas, The "Battle of Lake Erie" was one of America's most decisive victories; and

Whereas, In the consequence of the winning of this battle all the territory west of the Allegheny Mountains was saved for this country; and

Whereas, The half of this mighty fleet which won this victory was built at the city of Erie, then known as Erietown, and the fleet was under the seamanship of Pennsylvania citizens, and therefore especially the State of Pennsylvania should take a preeminent position in the celebration, and endeavor to have restored the Flagship "Niagara" to a proper condition; therefore be it

Resolved, (if the Senate concur), That the General Assembly of Pennsylvania hereby urges the Governor of the Commonwealth to secure the necessary Federal funds or, if unable to obtain the Federal funds, to urge upon the Federal agency, the desirability of undertaking and completing the work of restoration, so that the Flagship "Niagara" shall be in the original condition she was in at the time of the Battle of Lake Erie, and shall for all time be maintained as a historic memorial of a glorious page in American History.

Referred to the Committee on Rules.

By Mr. TURNER.

RESOLUTION No. 13.

In the House of Representatives, September 7, 1938.

Whereas this General Assembly has just passed legislation appropriating $25,000,000 additional for public assistance and relief during the present fiscal biennium, and

Whereas the General Assembly has before it no factual evidence, only statements, that there will be at the end of the fiscal biennium, a surplus to the extent of $25,000,000 over appropriations proposed to be made during the present special session of the General Assembly, appropriations made at the regular session of 1937 and the amount required for sinking fund purposes to pay the tax anticipation notes issued during this biennium, and

Whereas under the decision of the Supreme Court, where there is an appropriation in any fiscal biennium in excess of the revenue collected, it becomes the duty of the fiscal officers to abate non-preferred appropriations, such as those made to charitable and educational institutions and for public assistance and unemployment relief; and

Whereas the House of Representatives should be advised by the fiscal officers of the Commonwealth whether such a surplus is likely to be accumulated during the biennium in order to be assured that abatement of non-preferred appropriations will not result; therefore be it

Resolved that the Auditor General, State Treasurer and Secretary of Revenue either jointly if they can agree, or separately if no agreement can be reached, shall furnish to the House of Representatives, not later than Monday, September 12th, a statement showing (a) The total amount of general fund revenues collected during the present fiscal biennium to September 1, 1938, (b) An estimate of the amount to be collected from September 1, 1938 to May 31, 1939 and the sources from which the same is to be derived, (c) The total amount of appropriations made by the 1937 session of the General Assembly, (d) The amount of said appropriations paid to September 1, 1938, (e) The amount needed from September 1, 1938 to May 31, 1939 for payment into the tax anticipation note sinking fund, (f) The amount needed to pay appropriations of the 1937 session from September 1, 1938 to May 31, 1939 and segregated by preferred and non-preferred appropriations, (g) The amount of any surplus available for appropriations by this special session of the General Assembly, (h) Terms of the contract for sale of the tax anticipation notes of the present biennium.

Such statement shall be accompanied by information showing the particular revenue from which any surplus so estimated to be available, is to be derived, and also by a statement of said fiscal officers, jointly or individually as the case may be, of the amount, if any, which in their or his opinion may be safely appropriated by this General Assembly without danger of abating unpreferred appropriations or endanger the soundness of the sinking funds of the Commonwealth.

Referred to the Committee on Rules.

COMMITTEE MEETING

The Special Committee of the House investigating charges against civil officers will hold an open hearing in the Hall of the House tonight at 7:00 p. m.

There will be a public hearing on House Bill 26, Tax Abatement Bill, on Tuesday, September 13, 1938, at 2:00 p. m. in the House Caucus Room, held by the Committee on Municipal Corporations.

There will be a public hearing before the Sub-committee on Mines and Mining on House Bills Nos. 43, 44, 45 and 46, on Wednesday, September 21, 1938, at 2:00 p. m. in the House Caucus Room.

ADJOURNMENT

Mr. WEBSTER. Mr. Speaker, I move that this House do now adjourn until Monday, September 12, 1938, at 8:00 p.m.

The motion was agreed to, and (at 3:35 p. m.) the House adjourned until Monday, September 12, 1938, at 8:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1938

Vol. 22 HARRISBURG, PA., MONDAY, SEPTEMBER 12, 1938. No. 16.

SENATE

MONDAY, SEPTEMBER 12, 1938.

The Senate met at 8:00 o'clock P. M., (E. S. T.).

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, LL.D., offered the following prayer:

It is good to sing praises unto Thee, O God; for it is pleasant praise—is comely. Thy Providence has brought us to this hour and place. We rejoice in its opportunities. We are sobered by its responsibilities. As we confront a dark and threatening sky, direct us into paths of peace. Forbid that we turn our plow shares and pruning hooks into implements of war. Help us to keep the sword in its scabbard. Spare us from cruel sacrifice of our youth, sons, young husbands or fathers, even, perhaps members of this body or these fine young servants of the Commonwealth, sacrifice to insane ambition, and brutish greed of hateful tyrants. God show us the way!

And now, Our Father, for the duties and tasks before us, give unto us a great measure of Thy Spirit, a wealth of wisdom, and courage, passion for the right. In all things may we honor Thee, and bring upon ourselves the approval of our God. Amen.

JOURNAL APPROVED

The PRESIDENT—A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when on motion of Mr. LAW, the further reading was dispensed with, and the Journal was approved.

LEAVES OF ABSENCE

Mr. McCreesh asked and obtained leave of absence for Mr. HUFFMAN, on account of illness.

Mr. Rodgers asked and obtained leave of absence for Mr. RANKIN on account of unavoidable county business.

PETITIONS AND REMONSTRANCES

The CHAIR cleared his table and laid before the Senate communication from the County Commissioners of Somerset County protesting against seizure and confiscation of real and personal property of the county without compensation.

The PRESIDENT. The communication will be noted in the Journal and printed in the Appendix.

QUESTION OF PERSONAL PRIVILEGE

Mr. WOODWARD. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Woodward, will state his question of personal privilege.

Mr. WOODWARD. Mr. President, I hold in my hand a press photograph showing a group of five, and the caption reads "The Law that Writes Pennsylvania School History." There is Doctor Ade and Colonel Janeway standing and the Governor sitting and Senator Edward Jackson Thompson sitting alongside the Governor. Before I proceed with my eulogy of the New Deal and Senator Thompson and his school program, I wish to make a practical suggestion to yourself, Mr. President, and the Rules Committee, that instead of having the Chaplain pray first, and then having Senator Thompson rise to a question of personal privilege, that, as Senator Thompson always demolishes in his remarks the Senator from Bucks, Mr. Buckman, and the Senator from Tioga, Mr. Owlett, that when the dead bodies of those two Senators have been removed by the sergeant-at-arms, that is the time to have the prayer by the Chaplain for their immortal souls.

I have the honor of serving on the anti-gambling commission with the Senator from Centre (not "ante" but "anti" gambling commission) and I have even had the honor of sitting at his right during a press photograph. The Chairman has admitted to me that he is fond of shooting crap. I admitted to the Senator that I am fond of playing poker, penny-ante. Therefore, you see, the Chairman has something on me and I have something on the Chairman. It may be, of course, only hearsay evidence like Mr. Shelley's but with this consciousness in my mind I shall proceed carefully and with great tact in my remarks and I trust that the Senator from Centre will take it in good part.

Whenever I hear the Senator from Centre speak I am convinced that he is becoming a New Dealer and I am completely convinced that he is a Democrat. I used to hear the expression that a Republican who saw no good in any other party except the Republican party was described as a dyed-in-the-wool Republican. I have been searching my mind to find a fitting expression to describe the Democracy of the Senator from Centre. I cannot find anything adequate but I will suggest that he is such a thorough-going Democrat from the top of his head to the tip of his toes that he might be called a polychrome Democrat perhaps, which is in line, of course, with the dyed-in-the-wool Republican.

The old Constitution with its very puny restriction of a million dollars does not inhibit the Senator from Centre. He has become our first spender. He has adopted a motto

which I have submitted to Mr. John Hamilton; I am rather proud of this motto, and the Senator from Centre is an example of the need of this motto. It goes, "Spending unending, lending unending, unbending unending, business ending, broke." It is a very good Republican slogan, I would say.

The Senator from Centre is full of good words. I may say that, to quote another little rhyme,

"Each morning sees some good begin,
Each evening sees it close,
Something accomplished, something done,
Has earned a night's repose."

When night comes, instead of repose the Senator and I may engage in a game of New Deal poker. We have played this game before but now we have somebody playing this game who always wins all the blue chips. In New Deal poker every pot is a jack-pot and every jack-pot is won by the new player who is called the General State Authority. In the old days, the bad old days, when there were only about five Democrats in the Senate chamber and there were so many Republicans that it was hard to find extra chairs for their seats, in those bad old days when the only Democratic Senators here were all Jeffersonian Democarts, including our respected Senator Huffman, the present president pro tempore, who was then really a Jeffersonian Democrat, and the Senator from Lycoming, who seems to remain a Jeffersonian Democrat, in those good old days if there were to be an expenditure of sixty-seven millions of dollars for a highway or seventy-five millions of dollars, plus instrumentation, for schools,—well, in those backward days the loan went before the people. The people approved the loan, and it was called "the consent of the governed." Now, however, it seems to be entirely with the "consent of the Governor," as far as I can see.

The Democrats have discovered a new country, a new land where it is always summer afternoon, where the golden goose hangs so high that the sky is the limit. There is seventy-five million dollars for the school houses, and there will be seven hundred and fifty school houses, and my imagination can picture the scene and the form of these school houses. Of course, there will have to be appropriate highways and strenghtened bridges, and buses. The Commonwealth of Pennsylvania owes it to every child to ride. Walking is reactionary and only Republican children will walk to the Thompson schools.

As you can picture the children getting out of the bus, across one of the main entrances there will be a medallion with a bas-relief of Senator Thompson and with seven hundred and fifty of them that is going some. On each side of the steps leading up to the door there will be flagstaffs; on one flagstaff will be the American flag and on the other flagstaff will be the Pennsylvania flag. On the American flag you will not see the hated swastika, you will not see the hammer and scythe of the Soviet Republic, you will not see the fasces of Mussolini, nothing like that. All you will see is a very simple modest monogram—F. D. R. On the blue flag of Pennsylvania, which is very blue indeed, you will find under the coat-of-arms another monogram with three letters—I. O. U.

When we go inside (naturally you will want to go inside to hear what the curriculum is in the Thompson school) let us go into the class in history. We can hear the teacher say to the children, "Who discovered America, children?" and with one voice they will say "Franklin D. Roosevelt."

"That's right, children."

"Who was the first president of the United States?"

"Franklin D. Roosevelt."

"Who was the last president of the United States?"

"Franklin D. Roosevelt."

"That's quite right, children. Now I will ask you a harder one. How long will the last president of the United States last?"

And then there is a profound silence, and no answer.

Every graduate of a Thompson school will face a civil service examination with the greatest ease. It will be like a game of ping-pong to pass a civil service examination and all the graduates of Thompson's schools will go into the State service. They will either become employes of the Unemployment Compensation Board or of the Department of Public Assistance, or the hardier boys and girls will go into the Liquor Board. Every graduate will be in the public service and as they are boys and girls they will not quite yet be eligible for old age pensions but of course they will soon be eligible because the age is coming down.

When they have exhausted all the Republican money to pay the bills, when there is no more private money, no more private business, when all the factories have become playgrounds and all the slums have been cleared for parks, and Mr. Henry Morganthau has all the gold buried at Fort Knox and the silver buried at West Point, and there is no more of what the colored brethren call "cash money," then the young people of these departments will have to practice barter, and the young people in the Department of Public Assistance can barter, can trade public assistance with their friends that are in the Department of Unemployment Compensation, and the young men and women in Unemployment Compensation can trade with their friends in the liquor stores and when the liquor has gone all around and everybody is drunk, then there will be no more poverty,—you will not notice it. A few more rounds and anyone, if he can stand, will say "I have the more abundant life."

The moral of this story Mr. President, is "Oh, to be young again, young enough to be a public school child and to get a free ride on a bus to a Thompson school."

Mr. LAW. Mr. President, I want to express the thanks of the Democratic members of the Senate to the gentleman from Chestnut Hill for the excellent preview of the next edition of the "Pennsylvania Legislator."

QUESTION OF PERSONAL PRIVILEGE

Mr. CAVALCANTE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. Will the Senator from Fayette, Mr. Cavalcante, state his question of personal privilege?

Mr. CAVALCANTE. Mr. President, I rise neither to abuse nor to condemn my colleagues of this Assembly. In this regard, it would be captious for me to find fault with them if their merits are praiseworthy and, on the other hand, it would be monstrous for me to give them praise if their merits are blameworthy. The morality in nature's laws impells me to place blame where blame is due and give praise where praise is due.

In the course of history, the ambition of man for political power and his unbridled passion in the exercise of it has remained as constant as the flight of time. History

is repleat with examples invoked by man to seize and retain political power. The dark pit of Siberia; the stifling Hole of Calcutta; the dreaded Tower of London; the bloody Guillotine; the lurid Scaffold; the torturous Rack; the poisoned Cup, the Knife, the Sword, the Gun, Murder, Treason, and Perjury have all been the tyrannical expedients of man to seize or to hold on to political power once acquired. The desperateness of the expedient used has always commensurated the desperateness of the tyrant. Whether collectively or singly, whether passionately or rationally, the fury of tyrants is cruel and inexorable. As the iniquities of the sire often mar the sublimity of the offspring, so may the tyranny of one tyrant or a collection of tyrants mar the political sublimity of succeeding ages.

In America the tyranny of political power is checked by the precepts of a written Constitution. The adequacy of this check against tyrannical entrenchment has withstood the test of 150 years. A look today at the nations of Europe and Asia convinces us that political tyranny still attracts the ambitions of man. The economic, social and political events that now embroil America give us occasion to ponder whether the clouds that hover over Europe will cast their shadows upon our shores, and whether ambitious men will deal tyrannically with the precepts of our Constitution in order to gain or retain political power.

Here in Pennsylvania, the contention engendered between the Executive and Judiciary in recent months has provoked many unfortunate aspects. Many unpleasant consequences of that contention might have been avoided had the Legislative body assumed the role of a peacemaker rather than that of a heated partisan. An unbiased examination of the ordained branches of government and a sincere zeal for rectitude might have allowed each branch to move in its own constitutional sphere untrammelled by passion and ambition of the others. The very nature of the Judicial powers enjoins upon the Judiciary the duty to investigate and punish law infractions brought to its attention by a lawfully constituted District Attorney. Likewise, the very nature of the impeachment powers enjoins upon the Legislative branch the duty to investigate and impeach misconduct in civil office how-so-ever brought to its attention. So also the very nature of the Executive powers enjoins upon the Executive the duty to make known to the Legislative and Judicial branches all matters that are constitutionally within the spheres of the latter. Reason dictates that the co-ordinate nature of these depositaries of political powers negatives any right in one branch to wage open and scurrilous war upon the others. Like the heart, the stomach and the lung of man, the three branches of government must of necessity cooperate one with the other if the body of which they are parts shall move symmetrically and efficaciously. It will illy befit the heart to stop its beat solely because the stomach has involuntarily received foul food. So it is with the branches of government. It illy befits one branch to become violent solely because another branch, in the exercise of its powers, is called upon to dissolve an infirmity of one or both of the others. Neither partisanship nor party passion; neither Executive intrigue nor Legislative nor Judicial obstinacy is conducive to the parliamentary calm and coolness necessary to a proper consideration of a serious problem. A patronage-fed mob, gripped by the fury of party passion and whipped to frenzy by the dramatics of contending counsel, is of small aid to a House Committee in the solution of a serious problem. The gravity of factious contention among the branches of government and the attending consequences to the Commonwealth necessitates a consideration of the problem by men who are ruled by reason and not by passion. If these precepts are worthy and are confirmed in the structure of our Constitution, it follows that the intrigue of one branch to dominate the will of either of the others is unpermissible and unwise.

With this brief preface, I ask you, my colleagues, to be patient and follow me while we examine the pages of authority on this important subject.

Speaking on the conspiracy of Catiline in the Roman Senate, 64 B. C., Julius Caesar said:

"The Lacedaemonians, when they had conquered the Athenians, placed thirty governors over them, who began their power by putting to death, without any trial, such as were remarkably wicked and universally hated. The people were highly pleased at this, and applauded the Justice of such executions, but when they had by degrees established their lawless authority, they wantonly butchered both good and bad without distinction; and thus kept the State in awe. Such was the severe punishment which the people, oppressed with slavery, suffered for their foolish Joy.

"In our own times, when Sylla, after his success, ordered Damasippus, and others of like character, who raised themselves on the misfortunes of the State, to be put to death, who did not commend him for it? All agreed that such wicked and factious instruments, who were constantly embroiling the Commonwealth, were justly put to death. Yet this was an introduction to a bloody massacre; for whoever coveted his fellow-citizen's house, either in town or country, may, even any curious vase or fine raiment, took care to have the possessor of it put on the list of the proscribed.

"Thus they who had rejoiced at the punishment of Damasippus were soon after dragged to death themselves; nor was an end put to this butchery till Sylla had glutted all of his followers with riches."

Coming to more recent times: In his farewell address issued September 17, 1796, the Father of His Country, George Washington, remarked:

"It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that power, and proneness to abuse it, which predominates in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositaries, and constituting each the guardian of the public weal against invasion by the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates.

But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit, which the use can at any time yield."

Chief-Justice Mansfield, in the case of Wilkes, said: "The Constitution does not allow reasons of state to influence our Judgments. God forbid it should! We must not regard political consequences, how formidable soever they might be; if rebellion was the certain consequence, we are bound to say 'Fiat Justitia, ruat coelum.' We are to say what we take the law to be; if we do not speak our real opinions, we prevaricate with God and our own consciences."

Justice Story says: "Where there is no Judicial department to interpret, pronounce, and execute the law, to decide controversies, and to enforce rights, the government must either perish by its own inbecility, or the other instruments of government must usurp powers, for the purpose of commanding obedience, to the destruction of Liberty. The will of those who govern will become, under such circumstances, absolute and despotic; and it is wholly immaterial, whether power is vested in a single tyrant or in an assembly of tyrants."

Madison in the Federalist No. XVLII says: "The accumulation of all powers, legislative, executive, and judicial, in the same hands, whether of one, a few or many and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny."

Montesquieu, another great authority, in "The Spirit of the Law," says: "When the legislative and executive powers are united in the same person or body there can be no liberty, because apprehensions may arise lest the same monarch or senate should enact tyrannical laws to execute them in a tyrannical way."

Again (Montesquieu) "Were the power of judging joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control, for the Judge would then be the legislator. Were it joined to the executive power, the Judge might behave with all the violence of an oppressor."

In Bagehot's "English Constitution" page 15, the author says: "The great scene of debate, the great engine of public instruction and political controversy, is the Legislative Assembly. A speech there by an eminent statesman, a party movement by a great political combination, are the best means yet known for arousing, enlivening and teaching a people."

The same author, speaking of debates in Legislative Assemblies, says that: "There are the means by which statesmen advertise themselves for future and confirm themselves in present governments. It brings forward men eager to speak, and gives them occasion to speak..... Everything which is worth saying, everything which ought to be said, most certainly will be said. Conscientious men think they ought to persuade others; selfish men think they would like to obtrude themselves. The nation is forced to hear two sides—all the sides, perhaps, of that which most concerns it, and it likes to hear—it is eager to know."

Madison in the Federalist No. XLVIII says: "It is agreed on all sides, that the powers belonging to one of the departments ought not to be directly and completely administered by either of the other departments. It is equally evident, that none of them ought to possess, directly or indirectly, an overruling influence over the others in the administration of their respective powers. It will not be denied that power is of an encroaching nature, and that it ought to be effectually restrained from passing the limits assigned to it..... In a government where numerous and extensive prerogatives are placed in the hands of an hereditary monarch, the executive department is very justly regarded as the source of danger, and watched with all the jealousy which a zeal for liberty ought to inspire. In a democracy, where a multitude of people exercise in person the legislative functions, and are continually exposed, to the ambitious intrigues of their executive magistrates, tyranny may well be apprehended, on some favoral emergency, to start up in the same quarter....."

Thomas Jefferson, in his "Notes on the State of Virginia," page 195, writing of the executive, legislative and judicial powers of government, said: "The concentrating of these in the same hands, is precisely the definition of despotic government. It will be no alleviation, that these powers will be exercised by a plurality of hands, and not by a single one. One hundred and seventy-three despots would surely be as oppressive as one. Let those who doubt it, turn their eyes on the Republic of Venice. As little will it avail us, that they are chosen by ourselves. An elective despotism was not the government we fought for; but one which should not only be founded of free principles, but in which the powers of government should be so divided and balanced among several bodies of magistracy, as that no one could transcend their legal limits, without being effectually checked and restrained by the others."

The candor reflected in these authorities indicates that the Legislative Body or the Judiciary that permits itself to be scourged to obedience by the lash of a despotic Executive shows a shameful disregard for our constitutional form of government and strews with pit-falls the future of our democracy.

Too many politicians among us have the confused opinion that a constitution is a collection of political means to achieve political ends. They religiously venerate and obey its precepts when such will serve their political ambitions but, when the same precepts are invoked to stay their predatory hands the Constitution becomes disdainful and contemptuous.

A sad page is written in the history of our Commonwealth if when a difference of opinion arises between the Executive and the Judiciary, or the Executive and the Legislative, that the Executive should resort to abuse, coercion and bribery in order to impose his will. Such tendency on the part of the Executive will stultify the Legislator and Judge to the evil example of all other civil officers. If the deliberations, debates and the machinery of the Legislative body are short-circuited by a despotic or ambitious Executive, the aspect of representative government fades, tyranny sallies forth, and the Executive levels his fangs at the throat of the Judiciary to subjugate it also to his will—this done, despotism is then triumphant. A zeal for liberty should inspire the Executive, the Legislator and the Judge to delineate the limits of his authority and resist with vehemency a transcending of the same.

Mr. President, may I again repeat that these remarks are not made to abuse or condemn my colleagues, the Executive, or Judiciary. They are envisioned by a desire for the form of government ordained by the Constitution and

a hope that its blessings may be guarded for posterity against despotic entrenchment.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

COMMUNICATION FROM THE GOVERNOR

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, September 12, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

PROTHONOTARY COURT OF COMMON PLEAS

Joseph Bonacci, Tresckow, Carbon County, for appointment as Prothonotary of the Court of Common Pleas of Carbon County, vice James M. Dreher, deceased, until the first Monday in January, 1940.

MEMBER BOARD OF TRUSTEES OF INDIANA STATE TEACHERS COLLEGE

Harry C. Golden, Kittanning, Armstrong County, for appointment as a member of the Board of Trustees of Indiana State Teachers' College, for the term of four years and until his successor is qualified, vice D. R. Tomb, resigned.

JUSTICES OF THE PEACE

Mike Kmetz P. O. Box 153, Dunlo, Cambria County, for appointment as Justice of the Peace in the Township of Adams, Cambria County, vice J. W. Harrison, deceased, until the first Monday in January, 1940.

Walter Duhoski, 130 East Main Street, Plymouth, Luzerne County, for appointment as Justice of the Peace in the Borough of Plymouth, Luzerne County, vice William A. Spry, deceased, until the first Monday in January, 1940.

Richard G. Stenlake, Gladstone Street, East Bangor, Northampton County, for appointment as Justice of the Peace in the Borough of East Bangor, Northampton County, vice William J. Cann, deceased, until the first Monday in January, 1940.

GEORGE H. EARLE.

COMMUNICATION FROM THE GOVERNOR

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVAL OF SENATE BILLS NOS. 7, 8 AND 9

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, September 8, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

Senate Bill No. 7, Printer's No. 29, entitled "An Act to further amend section four of and to add section 9.2 to the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred fifty-two) entitled 'An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act by providing for additional projects the acquisition of property from school districts and the leasing of projects by the Authority to school districts imposing duties upon the Department of Property and Supplies the Department of Labor and Industry and all departments having an interest in certain projects and authorizing the Department of Public Instruction and school districts to contract with and lease from the Authority."

Senate Bill No. 8, Printer's No. 30, entitled, "An Act to amend Article six of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith' by authorizing school districts singly or jointly with other districts to convey or lease property to the General State Authority to acquire additional property for such purposes and to contract with and lease property from said Authority authorizing the Commonwealth to join with school districts in such contracts and leases and in such cases defining the assistance to be rendered by the Commonwealth and authorizing the withholding of State appropriations in certain cases."

Senate Bill No. 9, Printer's No. 9, entitled, "An Act making an appropriation to the Department of Public Instruction to pay rentals and expenses in connection with public school buildings constructed or improved by the General State Authority."

GEORGE H. EARLE.

HOUSE MESSAGE

RESOLUTION AUTHORIZING PRINTING OF THREE HUNDRED COPIES OF MEMORIAL SERVICE PROCEEDINGS

The Clerk of the House of Representatives being introduced presented an extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, September 7, 1938.

Resolved, (If the Senate concur) That three hundred copies of the proceedings of the memorial services held on August 9, 1938, in honor of the late Honorable William P. Gallagher, Honorable William J. Munley, Honorable Charles Henry Richter, Honorable Francis T. Baker, C. J. Goodnough, be printed and copies thereof be sent to the members of the families of the deceased persons above referred to.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL INTRODUCED

Mr. LAW read in his place and presented to the Chair Senate Bill No. 49, entitled:

An Act to prohibit the sale, offering or exposing for sale of fireworks; defining fireworks and to regulate the manner of using fireworks, and providing penalties.

Which was committed to the Committee on State Government.

EMPLOYE OF THE SENATE

Mr. KUNKEL offered the following resolution which was twice read, considered, and agreed to:

In the Senate, September 12, 1938.

Resolved, That Budd B. Beistel be elected as Page to the Senate, vice Harry Frishkorn resigned.

TIME OF NEXT MEETING

Mr. KAHLE offered the following resolution which was twice read, considered, and agreed to:

In the Senate, September 12, 1938.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, September 19, at 8 o'clock, Eastern Standard Time; and when the House of Representatives adjourns this week it reconvene on Monday evening, September 19, at 8 o'clock, Eastern Standard Time.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

The PRESIDENT. We will now proceed to the consideration of the calendar.

BILL OVER IN ORDER

Mr. THOMPSON, Mr. President, I ask unanimous consent that Senate Bill No. 36 (House Bill No. 8), on final passage, entitled:

An Act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed with the General State Authority of various projects, structures, buildings and facilities of the Authority or for the services rendered by the Authority or its projects.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS OVER IN ORDER

Mr. RICE. Mr. President, last week there was some debate as to whether these resolutions proposing amendments to the Constitution were legal in view of the time required by the Constitution for advertising. The Attorney General's Office has been asked for a ruling on this question, which ruling I believe they will have tomorrow, and in view of that I am going to request that these resolutions be put over in order.

Mr. RICE, Mr. President, I ask unanimous consent that Senate Bill No. 2, on third reading, entitled:

A Joint Resolution proposing an amendment to Section four Article nine of the Constitution of the Commonwealth of Pennsylvania.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RICE, Mr. President, I ask unanimous consent that Senate Bill No. 3, on third reading, entitled:

A Joint Resolution proposing an amendment to Article twelve of the Constitution of the Commonwealth of Pennsylvania.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RICE, Mr. President, I ask unanimous consent that Senate Bill No. 4, on third reading, entitled:

A Joint Resolution proposing an amendment to Section one Article nine of the Constitution of the Commonwealth of Pennsylvania.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RICE, Mr. President, I ask unanimous consent that Senate Bill No. 12, on third reading, entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding Section One-A.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL POSTPONED

Mr. HALUSKA. Mr. President, I move that further consideration of Senate Bill No. 32, on third reading, entitled:

An Act to amend Sections two and five of, and to add section three and one-tenth to, the act, approved the first day of July, one thousand nine hundred and nineteen (P. L. 717), entitled "An act fixing the number, compensation, mileage, and duties of the officers and employes of the General Assembly, and providing for their election or appointment, term of office, and manner of filling vacancies;" further regulating the term of office of such officers and employes and the compensation of certain officers and employes.

be postponed for the present.

Mr. REED. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. RICE, Mr. President, I ask unanimous consent that Senate Bill No. 34, on third reading, entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section twenty.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 39, entitled:

An Act to amend and re-enact Section five hundred and twenty-four of an act approved the eighteenth day of May one thousand nine hundred and eleven(Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by limiting and prescribing the method of fixing the levy of school taxes in school districts of the first class

And said bill having been read at length the third time,
On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, this bill affects the city school districts of the first class, which means Philadelphia and Pittsburgh. This bill is made necessary by reason of the fact that the Supreme Court of Pennsylvania has decided that the present existing law does not give these school districts the right to fix or levy the tax because that is the function of the Legislature, unless there is some line on which they can exercise their discretion, some limitations upon their authority. I have had some quarrels with the Board of Education in Philadelphia and have had no hesitancy in stating my objections.

However, at this time I think I should be equally frank and state that the cities of Philadelphia and Pittsburgh have serious problem confronting them. They have no taxing power, and they must make up their budget by the end of this year. They are compelled by the Edmunds Act to pay fixed salaries and they have suffered a decline in revenue by reason of the decline in the assessed valuation of the properties. In Philadelphia instead of $3,400,000,000 of assessed valuations, we have close to $1,000,000,000 less for assessment purposes for the purpose of permitting the Board of Education in Philadelphia to levy its tax. The tax rates were levied at 92½ cents and that was based, instead of upon $3,400,000,000 on an assessed value of $1,000,000,000 less. The Department of Public Instruction and representatives of the cities of Philadelphia and Pittsburgh, in order to create a taxing power and in order to enable them to meet the obligations under the Edmunds Act have conceived the idea that this bill will solve their problems.

As the bill reads, and as one reads the bill, it seems inoccuous and does not seem to affect the situation, but when it is analyzed, and seen that this bill gives to the cities of the first class the right to employ one teacher for every 32 pupils in the elementary schools, it means that there must be an increase in the tax rate in Philadelphia and Pittsburgh—Philadelphia at once and Pittsburgh in 1939, because in Pittsburgh they have a triennial assessment and their assessment remains as its was three years ago. That tax increase under this bill may reach 20 cents. Instead of Philadelphia paying 92½ cents it may be obliged to pay, if the school board exercises the privileges granted of appointing the number of teachers as outlined, the rate will increase from 92½ cents to $1.12½. In Pittsburgh, from 11¼ mills in 1939 the increase may reach 13¼ mills.

I do not think that it is fair for the Legislature to vote on that proposition to increase the tax rate unless we have the reaction of the two cities involved on that question. I know that when I read the bill at first I did not realize the extent to which the bill went but now that I realize it and I know that I could not see it at first glance, I have come to the conclusion that there ought to be an opportunity given to those who are interested, to ascertain the effects of the bill. I spoke to some of my colleagues this evening on the Democratic side of the house and I have spoken to the representatives of the Board of Education of Philadelphia and they are agreeable to the suggestion that I am going to make and which I hope my Republican colleagues will join.

BILL RECOMMITTED

Mr. SHAPIRO. Mr. President, I ask that this bill be referred back to the Committee for the purpose of a public hearing on Monday next at five o'clock. That is also agreeable to the Chairman of the Committee on Education and with his consent and understanding I so move.

Mr. RUTH. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 31 (House Bill No. 17), entitled·

An Act to amend Article two of the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred thirty-six) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder" as amended by adding a new section two hundred and one and one-tenth thereto imposing the presumption of negligence upon employers providing for admission of certain evidence and providing for double damage under certain circumstances

The first, second and third sections of the bill were read as follows and agreed to.

Section 1 Article two of the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred thirty-six) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder" as reenacted and amended by the act approved the fourth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws one thousand five hundred fifty-two) is hereby further amended by adding thereto section two hundred and one and one-tenth to read as follows

Section 201.1 In any action brought to recover damages for personal injury to an employe in the course of his employment or for death resulting from such injury the following legal presumption the rules for admitting certain evidence and the amount of damages which can be recovered shall apply

(a) When injury results to an employe in the course of his employment it shall be presumed that the employer's negligence caused said injury which presumption may be rebutted by the employer and both the injured employe and the employer will be permitted to introduce testimony showing the cause of said injury The final determination in all cases shall be a question of fact for the jury

(b) When an employe sustains an injury in the course of his employment declarations remarks and utterances made by the injured employe within twelve hours after the injury was sustained shall be admissable as competent evidence

(c) If the jury finds that the employe's injury was caused or contributed to by the employer's violation or failure to observe any safety law or regulation in effect at the time of the injury the injured employe or his dependents shall be entitled to double damages

Section 2 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have

been adopted had such unconstitutional provision not been included therein

Section 3 This act shall become effective immediately upon its final enactment

The title of the bill was read as follows:

An Act to amend Article two of the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred thirty-six) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder" as amended by adding a new section two hundred and one and one-tenth thereto imposing the presumption of negligence upon employers providing for admission of certain evidence and providing for double damage under certain circumstances

On the question,

Will the Senate agree to the title?

Mr. DENT. Mr. President, I move to amend page 1, line 8 of the title by inserting at the end of the line the following: "reenacted and"

Mr. FREY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 43, as follows:

An Act making a deficiency appropriation to the Lieutenant Governor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of eighteen hundred dollars ($1,800.00) or so much thereof as may be necessary is hereby specifically appropriated to the Lieutenant Governor for the deficiency in the expenses of the Lieutenant Governor incurred for any of the following purposes For all necessary expenses including postage telegrams telephone toll charges and traveling clerical stenographic and discretionary expenses

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. BUCKMAN. Mr. President, this bill is a bill making a deficiency appropriation to the Lieutenant Governor. When I saw that title I became interested immediately and I looked at the bill and was greatly shocked to find that the deficit was only $1800.00. I am greatly surprised to find that our Lieutenant Governor who presides over this body so ably doesn't have a deficit of more than $1800.00,—especially in view of the fact that, according to the public press, he has recently spent $300,000.00. I believe it is a very good bill.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 46, (House Bill No. 38), entitled:

An Act making an appropriation for the expenses of the special committee appointed by the Speaker of the House of Representatives the second day of August one thousand nine hundred thirty-eight pursuant to a resolution adopted by the House of Representatives on the thirtieth day of July one thousand nine hundred thirty-eight by authority of the act approved the thirtieth day of July one thousand nine hundred thirty-eight (Act No. 2) entitled "An act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment authorizing the Speaker of the House to appoint a special committee for any such investigation authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated providing for the summoning of witnesses and for the punishment of persons refusing to appear produce evidence or testify and authorizing the employment and compensation of counsel and other assistants"

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 48 (House Bill No. 57), entitled:

An Act to provide for the expenses of the extraordinary session of the Legislature assembled July twenty-fifth Anno Domini one thousand nine hundred thirty-eight in pursuance of the proclamation of the Governor of the Commonwealth dated July twenty-second Anno Domini one thousand nine hundred thirty-eight and the supplements thereto

The first section of the bill was read as follows:

Section 1 The following sum or so much thereof as may be necessary be and the same are hereby specifically appropriated for the payment of the expenses of the Legislature assembled in extraordinary session the twenty-fifth day of July Anno Domoini one thousand nine hundred thirty-eight in pursuance of the proclamation of the Governor dated the twenty-second day of July Anno Domini one thousand nine hundred thirty-eight and the supplements thereto

TO THE SENATE

The total sum of one hundred and twenty thousand sixty-six dollars ($120,066) or as much thereof as may be necessary to be paid in the manner prescribed by law

For the payment of the salaries of the Senators and extra compensation allowed by law to the President Pro Tempore of the Senate

For the payment of the mileage of the Senators

For the payment of the postage allowed by law to each Senator the sum of fifty dollars ($50)

To the Chief Clerk and assistants for the payment of postage the sum of seventy-five dollars ($75)

To the Chief Clerk for the payment of the postage on the Legislative Journal bills and calendars the sum of thirty-five hundred dollars ($3,500)

For the payment of the salaries of the officers and employes of the Senate during and for the completion of the work of the extraordinary session also for the payment of the mileage of the officers and employes of the Senate

For the payment of the expenses of the Committee on Appropriations of the Senate extraordinary session of one thousand nine hundred thirty-eight the sum of one thousand five hundred dollars ($1,500) or as much there-

of as may be necessary to be paid on warrant of the Auditor General drawn in favor of the chairman of the committee on the presentation of his requisition for the same

For the contingent expenses including extra clerical and stenographic charges of the President Pro Tempore of the Senate during the period of the extraordinary session the sum of five hundred dollars ($500) or as much thereof as may be necessary and for the payment of the necessary expenses including extra labor in the office of the Chief Clerk during the extraordinary session the sum of six thousand six hundred seventy-five dollars ($6,675) or as much thereof as may be necessary

To the Secretary of the Senate for the payment of extra services in connection with the compilation of the history of legislation in the Senate during the extraordinary session the sum of five hundred dollars ($500)

TO THE HOUSE OF REPRESENTATIVES

The total sum of two hundred and fifty-seven thousand eight hundred sixty-eight dollars and seventy-four cents ($257,868.74) or as much thereof as may be necessary to be paid in the manner prescribed by law

For the payment of the salaries of the Members of the House of Representatives and extra compensation allowed by law to the Speaker of the House

For the payment of mileage of the Members

For the postage allowed by law to each Member the sum of fifty dollars ($50)

To the Chief Clerk and assistants for the payment of postage the sum of seventy-five dollars ($75)

To the Chief Clerk for the payment of the postage on the Legislative Journal bills and calendars the sum of five thousand dollars ($5,000)

For the payment of the salaries of the officers and employees of the House of Representatives during and for the completion of the work of the extraordinary session also for the payment of the mileage of the officers and employes of the House of Representatives

For the payment of the expenses of the Committee on Appropriations of the House of Representatives extraordinary session of one thousand nine hundred thirty-eight the sum of three thousand six hundred dollars ($3,600) or as much thereof as may be necessary to be paid on warrant of the Auditor General drawn in favor of the chairman of the committee on the presentation of his requisition for the same

For the contingent expenses including extra clerical and stenographic charges of the Speaker of the House of Representatives during the period of the extraordinary session the sum of five hundred dollars ($500) or as much thereof as may be necessary and for the payment of the necessary expenses including extra labor in the office of the Chief Clerk during the extraordinary session the sum of ten thousand dollars $10,000) or as much thereof as may be necessary

LEGISLATIVE JOURNAL

For the payment to the Chief Clerk of the Senate and Chief Clerk of the House of Representatives for making indices of the journal of each house for the extraordinary session the sum of two hundred fifty dollars ($250) each five hundred dollars ($500)

For the work of the Legislative Journal officials after the close of the extraordinary session on the Legislative Journal also proofreading of appendix and index thereto as provided by law the sum of one thousand five hundred dollars ($1,500)

For the payment of the person or persons appointed to index the Legislative Journal of the extraordinary session in accordance with the act establishing said journal the sum of five hundred dollars ($500)

On the question,

Will the Senate agree to the section?

Mr. RICE. Mr. President, I move to Amend section 1, page 2, line 28 by inserting at the end of the line the following: "the chairman to file an account with the Auditor General thirty days after the adjournment of the extraordinary session of the Legislature"

"said chairman to file an account with the Auditor General within thirty days after the adjournment of the extraordinary session of the Legislature"

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to.

To provide for the expenses of the extraordinary session of the Legislature assembled July twenty-fifth Anno Domini one thousand nine hundred thirty-eight in pursuance of the proclamation of the Governor of the Commonwealth dated July twenty-second Anno Domini one thousand nine hundred thirty-eight and the supplements thereto

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. RICE. Mr. President, I move that the Senate do now proceed to the consideration of Nominations for Notaries Public sent to the Senate September 12, 1938, by His Excellency, the Governor of the Commonwealth.

Mr. SONES. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, September 12, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation.

ALLEGHENY COUNTY

Martin F. Snyder, McKees Rocks.
Charles P. Speers, Dormont.

CAMBRIA COUNTY

Miss Ruth M. Weakland, Johnstown.

CHESTER COUNTY

Mrs. Ruth A. McCarthy, Coatesville.

DAUPHIN COUNTY

Marlan O. Walter, Millersburg.

JEFFERSON COUNTY

Miss Maude H. Sweeney, Punxsutawney.

MERCER COUNTY

Mrs. Gladys Freeburg, Greenville.

MONTGOMERY COUNTY

Forrest J. Beyer, Red Hill.

PHILADELPHIA COUNTY

Miss Helen G. Bayne, Packard Building, Phila.
Hamilton D. Ewell, Keystone Automobile Club, Broad and Vine Streets, Phila.

SUSQUEHANNA COUNTY

Miss Elizabeth Zaller, Forest City.

UNION COUNTY

Mrs. Grace E. Zeckman, Laurelton, Hartley Twp.

WESTMORELAND COUNTY

Mrs. Hermie H. Hauger, Latrobe.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, September 12, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

ALLEGHENY COUNTY

Miss Jeanette Green, 555 Sixth Avenue, Pittsburgh.
Miss Doris E. Hahne, 1914 Koppers Building, Pittsburgh.
Miss Ruth H. Junker, 822 Brownsville Road, Pittsburgh.
Johnston B. Miller, Edgewood.
Miss J. M. Moore, 221 4th Avenue, Pittsburgh.
Miss Elizabeth Hayes, 4800 Friendship Ave., Pittsburgh.

CAMBRIA COUNTY

Miss Mabel E. Ankeny, Johnstown.

CHESTER COUNTY

Mrs. Helen U. Hoffman, Downingtown.

CLARION COUNTY

Mrs. Clara C. Fletcher, Fryburg, Washington Twp.

ERIE COUNTY

Miss Martha B. Adam, Erie.
Wilmer A. Joslin, Erie.
Miss Henriette F. Weber, Erie.

LACKAWANNA COUNTY

Francis A. Hayden, Scranton.
R. J. McAndrew, Blakely.
Louis Sottile, Scranton.

MERCER COUNTY

Vincent LaCamera, Farrell.
Miss Sarah Orben, Farrell.

PHILADELPHIA COUNTY

Peter Curreri, 2201 S. 21st St., Phila.
John G. Dillon, 2446 N. Reese Street, Phila.
Miss Edna P. Hertler, 1420 Walnut Street, Phila.
Leonid Jarus, 1101 North 40th Street, Phila.
Miss Helen A. Metzinger, 173 Carson St., Manayunk, Phila.
Miss Elsie Porter, Phila. Saving Fund Bldg., Phila.
Ralph L. Malony, Pier No. 9 Wharves, Phila.

SCHUYLKILL COUNTY

Walter C. Roberson, Pottsville.

SOMERSET COUNTY

C. Cronin, Confluence.

SULLIVAN COUNTY

Lawrence Dunn, Lopez, Colley Twp.

YORK COUNTY

Mrs. Margaret E. Smith, York.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES and Mr. McCREESH.

That Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into executive session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES and Mr. McCREESH.

That the Senate do advise and consent to said nominations.

On the question.

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Buckman,	Gilson,	Law,	Rodgers,
Cavalcante,	Haluska,	Mallery,	Ruth,
Chapman,	Heyburn,	McCreesh,	Shapiro,
Dando,	Howell,	McGinnis,	Sipe,
Deitrick,	Jaspan,	Mundy,	Sones,
DiSilvestro,	Kahle,	Pierson,	Stiefel,
Ealy,	Kilgallen,	Pytko,	Thompson,
Frey,	Kunkel,	Reed,	Wolfenden,
Gelder,	Lanius,	Rice,	Woodward,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. KAHLE. Mr. President, I second the motion.

The motion was agreed to.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess for fifteen minutes.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

ANNOUNCEMENTS BY THE SECRETARY

Upon recessing the Committee on City Government will meet in the office of the President Pro Tempore.

The Committee on Public Utilities will meet in Room 265 during the recess.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORTS FROM COMMITTEES

Mr. FREY. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY, from the Committee on Public Utilities, reported as committed, Senate Bill No. 45, (House Bill No. 23), entitled:

An Act to amend paragraphs (d) and (e) of Section 202, paragraph (a) of Section 409, Section 412, paragraph

(a) of Section 601, Sections 702, 704, 808, 1201 and 1311 of the Public Utility Law (Act of May 28, 1937, P. L. 1053), entitled "An act relating to the regulation of public utilties; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, and cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the Court of Common Pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistest with this act," by further defining and limiting exemptions, the transfer and acquisition of property, the crossing of facilities, the issuance of securities, relations between affiliated interests, the imposition of costs of administering the act, and otherwise clarifying and supplementing the provisions of the said sections of the act.

Mr. DiSILVESTRO. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DiSILVESTRO, from the Committee on City Government re-reported as committed, Senate Bill No. 27, entitled:

An Act to amend Section two of the act approved the eleventh day of April, one thousand nine hundred twenty-nine (P. L. 487), entitled "An act authorizing the Department of Welfare to determine the legal residence of indigent, insane, feeble-minded and epileptic persons, returned to this Commonwealth by the authorities of another State, or transferred from one poor district to another by the department and requiring the proper district to pay the costs of the care and treatment of such persons in accordance with the laws relating to indigent insane persons" by relieving poor districts of certain costs and placing such costs on the Commonwealth.

Mr. PYTKO. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. PYTKO., from the Committee on City Government re-reported as amended, Senate Bill No. 28, entitled:

An Act relating to institutions of counties, cities, and institution districts for the care, maintenance and treatment of mental patients; providing for the transfer of such institutions to the Commonwealth; providing for the management and operation, or closing thereof, and the maintenance of mental patients therein; conferring and imposing upon the Governor, the Department of Welfare, and counties, cities and institution districts certain powers and duties; prohibiting cities, counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients; and repealing inconsistent laws.

Mr. STIEFEL. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STIEFEL, from the Committee on City Government re-reported as amended, Senate Bill No. 29, entitled:

An Act to amend the act, approved the eleventh day of July, one thousand nine hundred twenty-three (Pamphlet Laws, nine hundred ninety-eight), entitled "An act for the prevention and treatment of mental diseases, mental defect, epilepsy, and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients; providing for the payment by individuals, counties, or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties," as amended, by further defining the limiting the institutions in which persons mentally ill may receive care and treatment; relieving counties and poor districts of the payment of the cost of the admission, care, and discharge of mental patients, with certain exceptions; imposing such costs on the Commonwealth; and repealing inconsistent laws.

APPOINTMENTS BY THE CHIEF CLERK

The PRESIDENT. The Chief Clerk announces the following appointments:

OFFICIAL REPORTERS

Burnap Post, 135 Walnut Avenue, Wayne, Delaware County.

Thomas Fogarty, 1121 North Front Street, Harrisburg, Dauphin County.

Richard F. Hamer, 222 Peffer Street, Harrisburg, Dauphin County.

EXPERT TYPIST

Jacqueline Landis, Box 295, Penn, Westmoreland County.

BILL INTRODUCED

Mr. RUTH. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RUTH read in place and presented to the Chair Senate Bill No. 50, entitled:

An Act making a deficiency appropriation for the expenses of the Joint Legislative Commission investigating

certain courts of this Commonwealth, and created by Joint Resolution No. 11, approved the ninth day of March, one thousand nine hundred and thirty-seven (P. L. 35).

MOTION TO READ BILLS THE FIRST TIME

Mr. LAW. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 45, (House Bill No. 23), entitled:

An Act to amend paragraphs (d) and (e) of Section 202, paragraph (a) of Section 409, Section 412, paragraph (a) of Section 601, Sections 702, 704, 808, 1201 and 1311 of the Public Utility Law (Act of May 28, 1937, P. L. 1053), entitled "An act relating to the regulation of public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the excercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the Court of Common Pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the Commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by further defining and limiting exemptions, the transfer and acquisition of property, the crossing of facilities, the issuance of securities, relations between affiliated interests, the imposition of costs of administering the act, and otherwise clarifying and supplementing the provisions of the said sections of the act.

And said bill having been read at length the first time.

Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn until Tuesday, September 13, at 1:00 o'clock, P. M. (E. S. T.).

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 10:12 o'clock, P. M. (E. S. T.) until Tuesday, September 13, 1938, at 1:00 o'clock P. M. (E. S. T.).

HOUSE OF REPRESENTATIVES

MONDAY, SEPTEMBER 12, 1938.

The House met at 8:00 p. m.

The SPEAKER, (Roy E. Furman), in the Chair.

PRAYER

The Chaplain, Rev. EPHRAIM Z. GALLAHER, offered the following prayer:

Our heavenly Father, we implore Thee to guide us in our deliberations tonight. May this body be concerned about the needs of the Commonwealth as a whole, for this day and generations to come. We invoke Thy blessing upon all citizens of the state. May we attain that high plane of thinking and living, that we may behold all mankind on an equality at the bar of justice, with no unfriendly feeling toward anyone because of station in life. The world needs universal brotherhood. Through close walk and companionship with Thee the races of man will find that divine level.

In His name, we pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Wednesday, September 7, 1938.

The Clerk proceeded to read the Journal of Wednesday, September 7, 1938, when, on motion of Mr. BAKER the further reading was dispensed with and the Journal approved.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. KILROY asked and obtained permission for the Committee on Highways to meet during the session of the House.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency, the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 11

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, September 10, 1938.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 11, Printer's No. 14, entitled, "A Supplement To the act, approved the twenty-fourth day of June one thousand nine hundred thirty-seven (Appropriation Acts, page forty-five) entitled 'An act making an appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two years beginning June first

one thousand nine hundred thirty-seven and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred thirty-seven.'"

GEORGE H. EARLE.

COMMUNICATION

THANKS EXTENDED

The Speaker laid before the House a communication which was read by the Clerk as follows:

Nesquehoning Penna.,
Sept. 6, 1938.

Mr. Thomas Callahan,
Chief Clerk, House of Representatives,
Dear Sir:

Will you kindly extend to the Members of the House of Representatives my sincere appreciation of the many kind expressions of their sympathy to me.

Yours truly,

Mrs. Michael Hartneady.

The SPEAKER. The communication will be noted in the Journal and printed in full in the Legislative Journal.

BILL INTRODUCED AND REFERRED

By Mr. HERBERT B. COHEN. HOUSE BILL No. 66.

A Supplement to the act, approved the second day of July one thousand nine hundred thirty-seven (Appropriation Acts, page seventy-four), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven" providing for deficiencies in certain appropriations to the Department of Justice for the fiscal biennium ending May thirty-first, one thousand nine hundred thirty-nine.

Referred to the Committee on Appropriations.

LEAVES OF ABSENCE

Mr. McGee asked and obtained leave of absence for Mr. BRIGERMAN, for the remainder of the week.

Mr. Gerard asked and obtained leave of absence for Mr. COOLAHAN, for tonight's session.

Mr. Gillette asked and obtained leave of absence for Mr. MERRELL, for the remainder of the week due to illness.

Mr. Perry asked and obtained leave of absence for Mr. SOLLENBERGER, for tonight's session due to fact that he was involved in an automobile accident.

Mr. Dubbs asked and obtained leave of absence for Mr. McSHANE, for the remainder of the week.

Mr. Robinson asked and obtained leave of absence for Mr. SAMUEL A. WEISS for the remainder of the week.

Mr. Scanlon asked and obtained leave of absence for Mr. FITCH for the remainder of the week due to illness.

Mr. Imbrie asked and obtained leave of absence for Mr. LYONS for tonight's session.

REPORTS FROM COMMITTEES

Mr. COLEMAN, from the Committee on Mines and Mining, reported as committed, House Bill No. 58, entitled:

An Act to ratify, confirm and make valid the commission to make certain studies in respect to bituminous mines, appointed pursuant to the joint resolution, approved the fifth day of June, one thousand nine hundred and thirty-seven (P. L. 1689), entitled: " A joint resolution creating a commission to make certain studies and duties; and making an appropriation," together with its actions, proceedings, expenses and expenditures.

Mr. HOLSTROM, from the Committee on Highways, reported as amended, House Bill No. 10, entitled:

An Act authorizing the Secretary of Highways to change the width, grades and lines of Vine Street in Philadelphia, from the Delaware River Bridge approach to Parkway; the expense thereof and damages occasioned thereby to be paid by the Commonwealth. Authorizing the City of Philadelphia, persons associations, and corporations to enter into agreements with the Commonwealth to bear a portion of such expenses and damages and making an appropriation.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 45, entitled:

An Act to promote the welfare of the people of the Commonwealth creating the Anthracite Public Authority as a body corporate and politic with power to mine refine transport sell and market anthracite coal authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof granting the right of eminent domain granting certain powers and imposing certain duties on the Governor the Auditor General and the Pennsylvania Anthracite Commission and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. YOURISHIN. Mr. Speaker, I move that this bill be recommitted to the Committee on Mines and Mining for the purpose of a public hearing and possible amendment.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 55, entitled:

An Act to prevent fraud and deception in the shipping marketing and sale of anthracite coal providing standards for anthracite coal and providing penalties for the violation of this act.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. YOURISHIN. Mr. Speaker, I move that this bill be recommitted to the Committee on Mines and Mining for the purpose of a public hearing and possible amendment.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 44, entitled:

An Act relating to anthracite coal cooperative marketing

corporations defining and providing for the organization consolidation winding up and dissolution of such corporations conferring certain rights powers and immunities and imposing certain duties on them and their officers and members conferring powers and imposing duties on the Pennsylvania Anthracite Commission the Department of State and courts of common pleas and exempting such corporations from the payment of certain taxes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. YOURISHIN. Mr. Speaker, I move that this bill be recommitted to the Committee on Mines and Mining for the purpose of a public hearing and possible amendment.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 52, entitled:

An Act to amend section one hundred and seventeen as amended and section two hundred and six of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing an additional method for creating independent school districts and the appointment of school directors therein.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 46 entitled:

An Act to amend section two hundred and one and clause (a) of section two hundred and ten as amended and to add section three hundred and four and article twenty-eight A to the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative department boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" creating the Pennsylvania Anthracite Commission as an independent administrative commission conferring certain powers and imposing certain duties on said commission its members officers and employes and creating the office of counsel and assistant counsel to the said commission.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. YOURISHIN. Mr. Speaker, I move that this bill be recommitted to the Committee on Mines and Mining for the purpose of a public hearing and possible amendment.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 51, entitled:

A Joint Resolution proposing an amendment to article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section twenty.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 43, entitled:

An Act to promote the general welfare and prevent economic waste of anthracite coal produced in this Commonwealth by controlling and regulating the production marketing and sale of anthracite coal providing for the licensing of mines the revocation suspension and transfer thereof the regulation and control of producers of such coal and the fixing of production and marketing quotas therefor regulating cooperative marketing corporations and dealers engaged in the marketing distribution and retail sale of anthracite coal conferring certain powers and imposing certain duties upon the Pennsylvania Anthracite Commission authorizing the fixing of maximum and minimum prices of such coal at the mines and at retail in the Commonwealth establishing a procedure for carrying out the provisions of this act providing for appeals from the actions of the Pennsylvania Anthracite Commission and fixing penalties for violations of the act and for bribery.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. YOURISHIN. Mr. Speaker, I move that this bill be recommitted to the Committee on Mines and Mining for the purpose of a public hearing and possible amendment.

The motion was agreed to.

QUESTION OF PERSONAL PRIVILEGE

Mr. SPROUL. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER: The gentleman will state his question of personal privilege.

Mr. SPROUL. Mr. Speaker, I want to give my reasons or an explanation for my vote on House Bill 16 which was passed by this House on August 9th. Had I been in the hall of the House, I would have voted in the negative on House Bill 16, but I am recorded as voting "aye" on the final passage of the bill. Some of the reasons will be brought out later on the appropriation bill, which is the equivalent bill from the Senate.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 47, entitled:

An Act making a deficiency appropriation to the Anthracite Coal Industry Commission created by the act approved the eighth day of February one thousand nine hundred and thirty-seven (Pamphlet Laws twenty-one) entitled "An act creating the Anthracite Coal Industry Commission defining its powers and duties and making an appropriation"

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, I would like to interrogate the sponsor of the bill.

The SPEAKER. Will the gentleman from Luzerne permit himself to be interrogated?

Mr. YOURISHIN. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from Luzerne as to the amount of the appropriation which this commission originally received.

Mr. YOURISHIN. I am not positive, but I think it was in the neighborhood of $50,000.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from Luzerne, how much is the deficiency?

Mr. YOURISHIN. Mr. Speaker, the deficiency, along with the printing that is necessary to print the report, is approximately $26,000.

Mr. TURNER. Mr. Speaker, has the gentleman from Luzerne a statement as to how that is made up?

Mr. YOURISHIN. Mr. Speaker, I do not.

Mr. TURNER. Mr. Speaker, has the gentleman from Luzerne a breakdown of those figures?

Mr. YOURISHIN. Mr. Speaker, I do not.

Mr. TURNER. Thank you.

Mr. Speaker, in the 1937 session, at the very beginning of the session, I introduced a bill to provide for a commission to study and to perform and to carry out a program in reference to the rehabilitation, not only of the hard coal industry, but of the soft coal industry. That bill was referred to the Committee on Mines and Mining, as I recall it, although, on a number of different occasions, I asked that the bill be reported out, and although I once moved to have the committee discharged from further consideration of the bill, this House, the majority of this House, voted against it. As I recall, the vote was about 150 to about 51, which meant that the Democratic majority voted solidly in opposition to the measures.

On a number of occasions I said on the floor of this House that there could be no quick or immediate relief for the coal situation. It is not only a question of rehabilitating the coal industry itself, but special attention must be paid to the counties, the coal producing counties, both hard and soft coal, that have faced tremendous difficulties in the last few years. The decline in the coal industry has brought problems of employment, but even if the coal industry were improved to the extent that the investigations have shown that it might be improved, it would not take care of the thousands of men who have worked in the mines, and who want to work in the mines, let alone the future generations that are coming along. There must be something done for the people in these towns, merely doing something for the coal industry will not in itself help.

Practically everything that the Coal Commission found out to report has been known for a long time. This is not a new problem in the world. England had to face it in Wales and it faced it by the methods which were suggested in the measure which I introduced in this House in the beginning of 1937. The Governor of Pennsylvania promised the people in the hard coal regions that he would do something for them, that he would end bootlegging and that he would rehabilitate the coal industry, and what he did was to appoint a commission with an appropriation of $50,000, and that $50,000 has been spent and we are asked to appropriate $26,000 more; we are now down to the closing months of his administration and in the second year of the biennium, and nothing practical has been done; the only suggestion that I can see coming out of the Coal Commission's report was that the state was to take over the coal industry and to operate it, but I say to you that even if the state takes over the coal industry and operates it, even if the state lends it a lot of money, even if production and sales are increased with the amount of employment that it will take care of, as shown by the report of the Commission, it will nowhere near take care of the unemployment in the hard coal counties. It cost but a very few cents for me to send over to England and get a report of the commissioners for the special area, as they call it, and to read those reports and gain a knowledge of the experience of Great Britain and the difficulties that confronted it in the coal areas in Wales, but here we have expended $50,000, we have wasted fifteen months of time trying to gather a few statistics, in making a couple of reports in which the Commission has differed. In one report there were something like three different reports, none of them agreeing on all points. Even if the thing which is now proposed is done, it will not solve the problem and we will only take care of the hard coal counties, to say nothing of the soft coal counties. We have before, during this session, been asked to pass measures that would appropriate money to make up deficiencies created by commissions. I think that is bad business. If this Commission had $50,000, it had no business to go beyond that and create a deficiency. It is not good business for this legislature to permit commissions to be created and then allow the commissions to go out and run up a bill and then come back to us and ask us to appropriate more money, but I would not object to that so much in this instance because it is so terrifically important to the whole future of Pennsylvania, if we had really accomplished something through the efforts of this Commission, but I feel that we have not and I feel that we should not expend further moneys.

Mr. YOURISHIN. Mr. Speaker, the anthracite coal industry is purely a Pennsylvania problem. Nowhere in the entire world is anthracite coal produced as it is in Pennsylvania. Anthracite has a peculiar method of working their mines. Nowhere in the world is there a similarity of mining coal such as there is in the anthracite region. You have many things to contend with. You have large pitch veins that run straight up and down and that the men work. You have veins running on the flat, you have veins running on a forty five degree angle. Every one of those mines have a different method of mining their coal, and when it is said that a few cents could be spent to send over to England to get a report as to the redistricting of the bituminous regions in Eng-

land, I say to you that neither that report nor any other report from any other country could be compared with the mining of coal in the anthracite region. There is not one mine, not even in any one particular section, where coal is mined on a similar basis or alike. In the lower regions, in Schuylkill County, it is practically all pitch vein mining, which is straight up and down, the veins running anywhere from three feet to three hundred feet. Take your central region, that is up in the Hazleton region, you have both the pitch and the flat mining. Take in the upper region of Lackawanna and the upper region of Luzerne, you have flat mining up there. There isn't anywhere in any part of the world that there is so much difference in the mining of coal at different collieries, and this Commission that was selected by this House and appointed by the Governor had a real job on their hands in trying to work out and bring in a report that may be satisfactory to the entire coal industry, both from an operating standpoint and from the standpoint of those who work in the mines mining the coal. I say to you that if the Anthracite Coal Commission has spent $50,000 and there is a necessity of printing that report in order that everyone that may be interested in the future of the anthracite region can read that report and make some suggestions as to a correction of the situation in the anthracite regions, then the additional $26,000 that this state may appropriate will be well spent, if the anthracite industry can be helped in any way at all. It is true, no matter what may be done, I do not believe you will see in the history of the anthracite field that they are going to put every man that worked in the mines in the past ten or fifteen years back to work, as there was approximately 160,000 in and around the mines. You will not see that condition, but in order to save an industry that is purely Pennsylvania and nowhere in the entire world is coal produced like it is produced in the anthracite region, I say to you if $26,000 will pay the deficiency of the Commission that has been investigating for over a year, in order to bring in a report that may be brought in and given to every man that is interested in the industry which is possible in this session through hearings before the Committee on Mines and Mining, something can be worked out that is going to help the anthracite industry and those who work in the industry.

Mr. TURNER. Mr. Speaker, I am certainly in favor of doing anything that will help the anthracite industry, but there is nothing in the report of the Commission, as I see it, that is going to help the anthracite industry that is being promised here by the gentleman from Luzerne. There isn't anything in the report as to there being different kinds of veins and different kinds of mining in Pennsylvania. One member of this Commission, as I remember it, was from New York and another a lawyer from down in Washington, if I remember correctly and while, of course the problem of mining, the engineering problem of mining is a technical problem and is different in the two countries, I feel that the question of rehabilitation of a district and the things to be done is a similar problem and can only be taken care of as a long range problem.

The thing to which I object is not the fact that $26,000 is to be appropriated; ten times $26,000 would not be too much to spend if we are going to help the anthracite industry, but something could have been done to help the anthracite industry in January, February, March, April and May of 1937 if the other side of this House had been willing to go along with the measure which I introduced, which would have given the Commission ample funds. I wanted to give them $2,000,000 and really do something, to not just bring in a report a month or two before the election as a camouflage and a sop to the people of the anthracite industry, to make good the promise of the Executive who had told them in January of 1937—if I had the newspaper reports here, I could show it to you—in which the Governor said what he was going to do for the people in that section, and this Commission has labored and labored and labored and spent our money and hasn't brought forth anything practical, while we have wasted fifteen months of time in which we might have been out working trying to help the people in the anthracite region. If this report and the money expended is going to help them in any way to increase production, is going to help to bring back employment in those districts then I would be heartily in favor of it, but I say to you that the report is not going to do that, it is not going to produce tangible results, and as we do not have before us a breakdown of these figures to know just exactly how much of this money is going to be spent on printing, and the other items are, I think that the gentleman from Luzerne should allow the bill to pass over until he can produce the figures to this House.

Mr. YOURISHIN. Mr. Speaker, I do not agree with the gentleman from Delaware that this report does not contain anything with reference to methods of mining and so forth. I do not know what is in the report because there is only one available, but I know from seeing the Commission and having worked with them, that they have been in every coal mining town in the anthracite region, not only interviewing the men who run the industry but the men who work in the industry, to see what the methods of mining are and how it is done, in an effort to ascertain the best solution for rehabilitating the industry. So far as spending $2,000,000 in the industry or appointing a commission to investigate and report is concerned in order to find something that would benefit the anthracite industry, may I say that the anthracite industry has been clamoring for help, not only four years ago, but they have been clamoring for help ten years ago, and no one did anything for them, not even any semblance of a commission until the Democratic organization came into power, so I say to you that regardless of what anyone says, let us get this report, let us have it printed and put it in the hands of every man who is interested in the anthracite coal fields, and see if something cannot be worked out. I do not say that the Commission's report is absolutely something that will be accepted by the entire industry. I know that many of the men that run the industry feel that the Commissions report is O. K., some feel it isn't, and the same with the men who work in the industry; some feel it is all right and some feel it isn't, but they want to find out the best method that can be had or can be found to satisfy not only the men who work in the mines but those who have invested their money in order that it may be able to operate on a profitable basis. In the anthracite field, today, anthracite has many, many competitions to meet. It is not only because of the methods of mining it, but it is the method of selling and handling coal, thousands of things that must be taken into consideration not in mining it alone but in selling it. If the state of Pennsylvania is not interested in the sale

of the product that is produced, then I don't know who is going to be interested. There is another factor that we must consider here, that this Commission has considered: If there are any bills to regulate the industry, any bills to try to bring out the real point of the men who may be willing to work in the industry, these things should all be taken into consideration, and I say to you that the $26,000 asked in this bill, if it is only to print the report and pay that deficiency, is money well spent for the benefit of the anthracite coal industry.

Mr. TURNER. Mr. Speaker, if the gentleman from Luzerne will tell us the exact amount necessary to print the report, I am willing to vote for the expenditure of printin the report.

Mr. HERBERT B. COHEN. Mr. Speaker, I feel that I have the information that the gentleman from Delaware desires. I am informed by the counsel for the Committee that the amount necessary to print the report will be about $22,000 or $23,000 and there are a few other items of the Committee, including a small counsel fee, counsel not yet having been paid, that will necessitate the additional expenditure and bring the appropriation up to the amount as contained in the bill. My authority for this is counsel for the Anthracite Coal Commission. I am further informed that the report is already on the press, is ready to be printed, the final report, and that it is the desire of the Commission that the report be printed in time for the public hearing. The presses are all ready to go and any delay on our part will delay the final printing of the entire report.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—158

Achterman,	Flannery,	McDermott,	Shea,
Alexander,	Ganser,	McDevitt,	Shepard,
Allen,	Gerard,	McElroy,	Shoemaker,
Allmond,	Habbyshaw,	McFall,	Shugarts,
Arnold,	Haberlen,	McGee,	Siegel,
Atkins,	Hagerty,	Melchiorre,	Simon,
Aukerman,	Hamilton, F. P.,	Mellott,	Skale,
Baine,	Hamilton, R. S.,	Mihm,	Smith, James A.,
Baker,	Harkins,	Moomaw,	Smith, John A.,
Balthaser,	Harmuth,	Mooney,	Spengler,
Bierly,	Hays,	Moran,	Sproul,
Bohn,	Hering,	Moul,	Stank,
Bois,	Hess,	Murrin,	Stockham,
Bradley	Hirsch,	Nagel,	Thomas,
Brancato,	Holland,	O'Brien,	Thompson,
Broad,	Holmes,	O'Connor,	Tronzo,
Brown,	Holstrom,	O'Keefe,	Tumelty,
Burrows,	Hontz,	Ominsky,	Turner,
Caesar,	Horting,	O'Neill,	Valibus,
Caputo,	Huntley,	Ostroff,	VanAllsburg,
Chervenak,	Jirolanio,	Patterson, J. W.,	VanSickle,
Coakley,	Kane,	Pearson,	Vogt,
Cohen, H. B.,	Keenan,	Perry,	Wagner,
Cohen, R. E.,	Kelso,	Pershing,	Wall,
Coleman,	Kilroy,	Piole,	Walsh,
Corrigan,	Kline,	Powers,	Watkins,
Davies,	Kroll,	Preston,	Weiss, D. H.,
DeNote,	LaRue,	Readinger,	Welliver,
Dickinson,	Levy,	Reese,	Welsh,
Donohoe,	Lewis,	Reising,	Westrick,
Dougherty,	Long,	Robinson,	Whalen,
Downey,	Longaker,	Rothenberger,	Whitenight,
Dubbs,	Lopresti,	Rush,	Woodside,
Dyson,	Lovett,	Sarraf,	Wright,
Eckels,	Mallen,	Scanlon,	Yanoshat,
Elpern,	Marino,	Schor,	Yeakel,
Falkenstein,	Matthews, H. T.	Schrope,	Yourishin,
Finnerty,	Matthews, J. F.	Serrill,	Zappala,
Fiss,	McArdle,	Shaw,	Furman,
Flanagan,	McCullough,		

NAYS—19

Boyer	Leisey,	Sloan,	Trout,
Cadwalader,	McKinney,	Snyder,	Webster,
Gillette,	Muir,	Stackpole,	Wilson,
Hall,	Peale,	Stewart,	Wood.
Imbrie,	Royer,	Terry,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 49 (Senate Bill No. 10), as follows:

A Supplement to the act approved the sixteenth day of June one thousand nine hundred and thirty-six (Pamphlet Laws sixteen) entitled "An act making an appropriation to the Department of Health to defray the cost of pumping the water from the slate quarries and anthracite and bituminous coal mines which have been flooded directly or indirectly by the high waters during March one thousand nine hundred thirty-six" by making a further appropriation to supply the deficiency incurred and needed under the provisions of said act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of two hundred fifty thousand dollars ($250,000) or so much thereof as may be necessary is hereby appropriated to the Department of Health for the purpose of supplying the deficiency incurred and needed for the purpose of pumping the water from slate quarries and anthracite and bituminous coal mines which were flooded directly or indirectly by the high waters during March one thousand nine hundred and thirty-six including the purchase and installation of pumps motors and other equipment the purchase of electric power and all necessary incidental expenses under the provisions of the act to which this is a supplement

Section 2 This act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. SPROUL. Mr. Speaker and members of the House, by agreement with the gentleman from Westmoreland, Mr. Elpern, the expenditures to date for dewatering of certain coal mines was supposed to have been read into the record, when House Bill No. 16 was voted on, and there was certain information given to the chairman of the committee, who has kindly given me the information that on June 3rd up to date, or April 29th of last year, three hundred and seventy-six thousand and some odd dollars had been spent on dewatering of coal mines.

A letter addressed to J. A. Elpern regarding the expenditures to date reads as follows. The original provisions of Act No. 6 provide for the appropriation of three hundred thousands dollars. I will read the letter into the record addressed to Mr. Elpern by Mr. J. R. Hoffert of the Department of Health. It reads as follows:

"Pursuant to your request, we give you herewith the expenditures to August 8, 1938 from Appropriation 6A of the 1936 Session of the General Assembly made for the purpose of dewatering flooded coal mines and quarries flooded directly or indirectly as a result of the floods of March 1936.

"The sums indicated opposite the names of the several

companies are the amounts spent for dewatering the indicated properties. In addition to these amounts, it is to be understood that there will be further expenditures in the case of the Commodore Coal and Coke Company and the Pittston Company in order to complete the dewatering of these properties. This additional expenditure as well as the excess of expenditure over appropriation is in accordance with the Governor's approval for the incurring of a deficiency under Appropriation 6A and to cover which deficiency there is now pending in the Legislature a bill appropriating $147,000 to the Department of Health."

I am reading this into the record because this is the only public record we have of the expenditures, in addition to two others which I have read before, in other years. The letter goes on to say:

"The bill appropriating this sum is for the purpose of covering not only the completion of the dewatering of the aforesaid two properties but also to cover certain contingent commitments for the dewatering of other properties flooded as a result of the floods of March 1936 but for which properties the owners or lessees have not yet fully complied with the criteria set up with the approval of the Governor for determining the eligibility of projects for dewatering.

"You will recall that the original estimate of the cost for dewatering the two mines in the anthracite coal region into which the Lackawanna River originally broke, was between $600,000 and $700,000. The appropriation made by Act 6A was for $700,000 and by the provisions of this Act, this appropriation was made available for the dewatering of all flooded coal mines and quarries which were flooded directly or indirectly as a result of the floods of March 1936. We remind you of this in explanation of the necessity for exceeding the appropriation in order to complete the State's obligation for the dewatering of the mines as agreed upon between the Governor and the coal operators.

"The sums spent upon the various properties to date as referred to above are as follows:

Commodore Coal & Coke Company $124,621.65.
Pittston Company No. 9 Colliery $269,726.90.
Conaboy Coal Company $12,422.62.
Kehoe-Berge Coal Company $248,564.48.
Sullivan Trail Coal Company $21,819.12.
Payne Coal Company $10,010.00.
Claene Coal Company $462.16.
Cranberry Coal Company $12,850.78.
Sandy Run Coal Company $3,627.51."

I am calling to the attention of the House the next item, expenditure for the Duryea dyke, in the amount of $41,-579.99 to prevent the recurrence of the flooding of the Kehoe-Berge and Pittston No. 9 Colleries, or a total of $745,681.21, showing a deficit up to August 8th of $45,-681.21.

May I interrogate, in connection with this bill, which is similar to House Bill No. 16, which I understand the gentleman from Westmoreland to say will die in committee,—may I interrogate the gentleman from Westmoreland, Mr. Elpern.

THE SPEAKER. Will the gentleman from Westmoreland, permit himself to be interrogated?

Mr. ELPERN. I will, Mr. Speaker.

Mr. SPROUL. Mr. Speaker, I notice upon this record that there are large amounts to the Commodore Coal and Coke Company. Is that a soft or hard coal mine? I am not acquainted with coal mining and I would like to inquire in what county that is.

Mr. ELPERN. Mr. Speaker, that is in the bituminous coal region on this side of Uniontown, Fayette county.

Mr. SPROUL. In the case of the Pittston Company, Mr. Speaker, I presume that is anthracite?

Mr. ELPERN. As far as I know, it is Mr. Speaker.

Mr. SPROUL. And, may I ask, Mr. Speaker, what county it is in?

Mr. ELPERN. I do not know, Mr. Speaker.

Mr. SPROUL. Mr. Speaker, may I ask in what county the Kehoe-Berge Coal Company is located.

Mr. ELPERN. Mr. Speaker, that is in the hard coal region. That is all I know.

Mr. SPROUL. Mr. Speaker, in the opinion of the gentleman from Westmoreland or from his knowledge would he say that there are other districts now flooded, where other mines may be dewatered at some future date, and an appropriation asked for from the State?

Mr. ELPERN. It is possible, Mr. Speaker.

Mr. SPROUL. Mr. Speaker, I want to ask the gentleman if he believes in a state subsidy to private industry?

Mr. ELPERN. I do not, Mr. Speaker.

Mr. SPROUL. I thank the gentleman from Westmoreland. I might say, Mr. Speaker and members of the House, I voted for the original Act No. 6, but in my statement on June 3, 1937, I believed that the emergency had passed, and I notice a couple of things in this letter that would lead me to interrogate the gentleman from York, Mr. Cohen, if he can give me the information.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. SPROUL. Mr. Speaker, may I ask the gentleman from York, where in the Act, of which I gave him a copy, does he find an authorization for the expenditure of moneys for a dike, even though it might be a very worthy project.

Mr. HERBERT B. COHEN. The Act is rather short. It contains but two sections, one of which is the final enactment clause, and in section 1, which contains the appropriation I see nothing that in my meagre legal ability will permit me to interpret as allowing the payment of funds to be paid out for constructing dikes.

Mr. SPROUL. Mr. Speaker, to the knowledge of the gentleman from York, was any of this expense agreed to by any of the large coal companies, or was it assumed entirely by the state. I mean to the knowledge of the gentleman from York or any one on the other side of the House.

Mr. HERBERT B. COHEN. Mr. Speaker, does the gentleman mean the pumping out of—

Mr. SPROUL. Yes, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I understand that some of the coal companies are very anxious to try and help to defray some of the expense, but my information is not definite on that point. However, I understand that in three or four or five instances, in which mines have been dewatered, it made it possible for the employment of a great number of miners. I further understand that certain coal companies have offered to give employment for a certain period of time to a large number of miners, provided that their flooded mines were dewatered. I have no accurate information as to the amount of additional moneys that were contributed

by the various operating companies in addition to the moneys expended by the Commonwealth of Pennsylvania.

Mr. SPROUL. I thank the gentleman from York. Mr. Speaker and members of the House, inasmuch as I voted for the original provisions of this Act, and the fact that a deficit has been incurred without, I might say, consulting the Legislature and as there is a further deficit running into $147,000, which is still to be added to the original appropriation, I do not feel that I can support this bill, and for the further reason that I see no provision in the Act for the building of a dike. I think the money, or a part of it, was used contrary to the provisions of the act. I am glad to vote for any small deficit but I think in this case the deficit is too large and the coal companies might have been called on to assume some of this deficit themselves. In other words, the money was not used for pumping out mines in accordance with the provisions of the act itself.

I, therefore, ask those who feel the same way I do to vote against the provisions of this act because I feel it is voting for a further deficit, which, it is evident by a provision, is entirely unauthorized by the act, and I feel that any commission or any department should be held to the strict provisions of the act of the legislature under which they work.

Mr. ELPERN. Mr. Speaker and members of the House, this act provides an additional $103,000 to put additional mines to work in Westmoreland county, which were closed by the March flood of 1936, at which time there were over three thousand men put out of work. The Mt. Pleasant Coal and Coke Company, the Jamison Coal Company, the American Radiotor Company, and numerous other mines in that section are willing to spend their share of the money to help to put two thousand men to work. We have in that section at least twenty-seven hundred acres of coal, good mining coal, and this will take these men out of relief and put them to work right away. The State also has in the Oliver Fields near Uniontown, three pumps on which they have spent $30,000, which can be moved to the shaft where there are two bodies lying. Two miners are lying there since March 30th. The $103,000 will help to get those bodies out and will help to put these men to work.

Therefore, I ask the members of the House to forget about politics and vote for this bill.

Mr. SPROUL. Mr. Speaker and members of the House, I have no quarrel with the gentleman from Westmoreland. In fact, I would vote for a separate bill, if he would introduce it, for the very purpose of which he speaks, but I do not believe in incurring deficits, many of which we have had, and coming back to the Legislature and asking for authorization, when they knew exactly how much money they had to spend, and also spending money which was unauthorized under the provisions of the act.

Mr. YOURISHIN. Mr. Speaker and members of the House, just a word of explanation about this act. While there may not be anything in the bill to permit the building of dikes, however, as I understand it, this is a W.P.A. project sponsored by the Borough of Duryea, and one sponsored by the Department of Mines, in order not only to save the flooding of the Kehoe-Berge Mines but to prevent the possibility of an accident, which will cause the drowning of many hundreds of lives in other mines. This dike, as I understand it, was absolutely necessary. Whether or not under the bill it was permissible, I don't know, but I presume it must have been if the Department of Mines sponsored this project and spent some of the money to prevent the mines from being flooded, not only once but every spring when high waters come in, and save hundreds of thousands of lives possibly from drowning in adjacent mines.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—147

Achterman,	Finnerty,	McArdle,	Schrock,
Alexander,	Flanagan,	McCullough,	Schrope,
Allen,	Flannery,	McDermott,	Shaw,
Allmond,	Ganser,	McDevitt,	Shea,
Arnold,	Gerard,	McElroy,	Shepard,
Atkins,	Habbyshaw,	McFall,	Shoemaker,
Aukerman,	Haberlen,	McGee,	Shugarts,
Baine,	Hagerty,	Melchiorre,	Siegel,
Baker,	Hamilton, F. P.,	Mellott,	Simon,
Balthaser,	Hamilton, R. S.,	Mihm,	Skale,
Bierly,	Harkins,	Moomaw,	Smith, James A.,
Bohn,	Harmuth,	Mooney,	Spengler,
Bois,	Hays,	Moran,	Stank,
Boltz,	Hering,	Moul,	Stockham,
Bradley	Hess,	Murrin,	Thomas,
Brancato,	Hirsch,	Nagel,	Thompson,
Broad,	Holland,	O'Brien,	Tronzo,
Brown,	Holmes,	O'Connor,	Tumelty,
Burrows,	Holstrom,	O'Keefe,	Valibus,
Caesar,	Hontz,	Ominsky,	VanSickle,
Chervenak,	Hortman,	O'Neill,	Vogt,
Coakley,	Jirolanio,	Ostroff,	Wagner,
Cohen, H. B.,	Keenan,	Patterson, J. W.,	Walsh,
Cohen, R. E.,	Kelso,	Pearson,	Watkins,
Coleman,	Kilroy,	Pershing,	Weiss, D. H.,
Corrigan,	Kline,	Piole,	Welliver,
Davies,	LaRue,	Powers,	Welsh,
Decker,	Levy,	Preston,	Westrick,
DeNote,	Lewis,	Readinger,	Whalen,
Dickinson,	Long,	Reese,	Whitenight,
Donohoe,	Longaker,	Reising,	Woodside,
Dougherty,	Lopresti,	Robinson,	Wright,
Downey,	Lovett,	Rothenberger,	Yanoshat,
Dubbs,	Mallen,	Rush,	Yourishin,
Dyson,	Marino,	Sarraf,	Zappala,
Elpern,	Matthews, H. T.	Scanlon,	Furman,
Falkenstein,	Matthews, J. F.	Schor,	

NAYS—29

Boose,	Imbrie,	Schumacher,	Terry,
Boyer	Leisey,	Serrill,	Turner,
Cadwalader,	McKinney,	Sloan,	VanAllsburg,
Eckels,	Muir,	Snyder,	Webster,
Fiss,	Peale,	Sproul,	Wilson,
Gillette,	Perry,	Stackpole,	Winner,
Hall,	Royer,	Stewart,	Wood,
Huntley,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 42 (Senate Bill No. 25), entitled:

An Act relating to and removing the remaining additional persons now serving as Pennsylvania members of the Delaware River Joint Commission by virtue of appointment by the General Assembly under the act approved June twelfth one thousand nine hundred and

thirty-one (Pamphlet Laws five hundred seventy-five) entitled "An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River and the improvement of the facilities for transportation across the river authorizing the Governor for these purposes to enter into an agreement with New Jersey creating The Dlaware River Joint Commission and specifying the powers and duties thereof including the power to finance projects by the issuance of revenue bonds transferring to the new commission all the powers of the Delaware River Bridge Joint Commission and making an appropriation" and providing for the appointment of their successors

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—137

Achterman,	Elpern,	McCullough,	Scanlon,
Alexander,	Falkenstein,	McDermott,	Schrope,
Allen,	Finnerty,	McElroy,	Shaw,
Allmond,	Flanagan,	McFall,	Shea,
Arnold,	Flannery,	McGee,	Shepard,
Aukerman,	Flinchbaugh,	Melchiorre,	Shoemaker,
Baine,	Ganser,	Mellott,	Shugarts,
Baker,	Gerard,	Mihm,	Siegel,
Balthaser,	Haberlen,	Moomaw,	Simon,
Bierly,	Hagerty,	Mooney,	Skale,
Bohn,	Hamilton, F. P.,	Moran,	Smith, James A.,
Bois,	Harkins,	Moul,	Smith, John A.,
Boltz,	Harmuth,	Murrin,	Spengler,
Bradley	Hays,	Nagel,	Stank,
Brancato,	Hering,	O'Brien,	Thomas,
Broad,	Hess,	O'Connor,	Thompson,
Brown,	Hirsch,	O'Keefe,	Tronzo,
Burrows,	Holland,	Ominsky,	Tumelty,
Caesar,	Holmes,	O'Neill,	Valibus,
Caputo,	Holstrom,	Ostroff,	VanSickle,
Chervenak,	Hontz,	Patterson, C. S.,	Vogt,
Coakley,	Horting,	Patterson, J. W.,	Wagner,
Cohen, H. B.,	Jirolanio,	Pearson,	Walsh,
Cohen, R. E.,	Keenan,	Pershing,	Weiss, D. H.,
Coleman,	Kelso,	Piole,	Welliver,
Corrigan,	Kilroy,	Powers,	Welsh,
Costanzo,	LaRue,	Preston,	Westrick,
Decker,	Levy,	Readinger,	Whalen,
DeNote,	Lewis,	Reese,	Whitenight,
Dickinson,	Long,	Reising,	Wright,
Donohoe,	Lopresti,	Robinson,	Yanoshat,
Dougherty,	Lovett,	Rothenberge.	Yourishin,
Downey,	Marino,	Rush,	Zappala,
Dubbs,	Matthews, H. T.	Sarraf,	Furman,
Dyson,	McArdle,		

NAYS—48

Atkins,	Kane,	Royer,	Turner,
Boose,	Kline,	Schrock,	VanAllsburg,
Cadwalader,	Kroll,	Schumacher,	Wall,
Davies,	Leisey,	Serrill,	Wampole,
Eckels,	Longaker,	Sloan,	Watkins,
Fiss,	Mallen,	Snyder,	Webster,
Gillette,	Matthews, J. F.	Sproul,	Wilson,
Habbyshaw,	McDevitt,	Stackpole,	Winner,
Hall,	McKinney,	Stewart,	Wood,
Hamilton, R. S.,	Muir,	Stockham,	Woodside,
Huntley,	Peale,	Terry,	Yeakel,
Imbrie,	Perry,	Trout,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 54 (Senate Bill No. 14), entitled:

An Act providing for the adjournment and readjournment of county treasurers' sales of seated and unseated lands that were to have been held in the years one thousand nine hundred thirty-seven or one thousand nine hundred thirty-eight for nonpayment of taxes in counties except those of the first and second class and preserving the lien of all taxes on such lands

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—189

Achterman,	Flannery,	McDevitt,	Shoemaker,
Alexander,	Flinchbaugh,	McElroy,	Shugarts,
Allen,	Ganser,	McFall,	Siegel,
Allmond,	Gerard,	McGee,	Simon,
Arnold,	Gillette,	McKinney,	Skale,
Atkins,	Habbyshaw,	Melchiorre,	Sloan,
Aukerman,	Haberlen,	Mellott,	Smith, James A.,
Baine,	Hagerty,	Mihm,	Smith, John A.,
Baker,	Hall,	Moomaw,	Snyder,
Balthaser,	Hamilton, F. P.,	Mooney,	Spengler,
Bierly,	Hamilton, R. S.,	Moran,	Sproul,
Blank,	Harkins,	Moul,	Stackpole,
Bohn,	Harmuth,	Muir,	Stank,
Bois,	Hays,	Murrin,	Stewart,
Boltz,	Hering,	Nagel,	Stockham,
Boose,	Hess,	O'Brien,	Terry,
Boyer	Hetrick,	O'Connor,	Thomas,
Bradley	Hindman,	O'Keefe,	Thompson,
Brancato,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Tumelty,
Brown,	Holmes,	Ostroff,	Turner,
Burrows,	Holstrom,	Patterson, C. S.,	Valibus,
Cadwalader,	Hontz,	Patterson, J. W.,	VanAllsburg,
Caesar,	Horting,	Peale,	VanSickle,
Caputo,	Huntley,	Pearson,	Vogt,
Chervenak,	Imbrie,	Perry,	Wagner,
Coakley,	Jirolanio,	Pershing,	Wall,
Cohen, H. B.,	Keenan,	Piole,	Walsh,
Cohen, R. E.,	Kelso,	Powers,	Wampole,
Coleman,	Kilroy,	Preston,	Watkins,
Corrigan,	Kline,	Readinger,	Webster,
Costanzo,	Kroll,	Reese,	Weidemann,
Davies,	LaRue,	Reising,	Weiss, D. H.,
Decker,	Leisey,	Robinson,	Welliver,
DeNote,	Levy,	Rothenberger,	Welsh,
Dickinson,	Lewis,	Royer,	Westrick,
Donohoe,	Long,	Ruffennach,	Whalen,
Dougherty,	Longaker,	Rush,	Whitenight,
Downey,	Lopresti,	Sarraf,	Wilson,
Dubbs,	Lovett,	Scanlon,	Winner,
Dyson,	Mallen,	Schor,	Woodside,
Eckels,	Marino,	Schrock,	Wright,
Elpern,	Matthews, H. T.	Schrope,	Yanoshat,
Falkenstein	Matthews, J. F.	Schumacher,	Yeakel,
Finnerty,	McArdle,	Shaw,	Yourishin,
Fiss,	McCullough,	Shea,	Zappala,
Flanagan,	McDermott,	Shepard,	Furman,

NAYS—4

Kane,	Serrill,	Trout,	Wood,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

SENATE MESSAGES

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed

that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, September 7, 1938.

Resolved (if the Senate concurs), That three hundred copies of the proceedings of the memorial services held on August 9, 1938, in honor of the late Honorable William P. Gallagher, Honorable William J. Munley, Honorable Charles Henry Richter, Honorable C. J. Goodnough, Francis T. Baker, be printed and copies thereof be sent to the members of the families of the deceased persons above referred to, and that each Member of the House of Representatives shall be presented with a copy thereof.

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, September 12, 1938.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week at reconvene on Monday evening, September 19, at 8 o'clock, Eastern Standard Time; and when the House of Representatives adjourns this week it reconvene on Monday evening, September 19, at 8 o'clock, Eastern Standard Time.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

The SPEAKER. Concurrence in this resolution requires unanimous consent or a suspension of the Rules.

Will the House give its unanimous consent for concurrence in the resolution? Is there objection? The Chair hears none and consent is granted.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILL INTRODUCED AND REFERRED

By Mr. OMINSKY. HOUSE BILL No. 67.

An Act to amend section one of the act approved the fifth day of August, one thousand nine hundred and thirty-two, (P. L. 45), entitled "An act empowering cities of the first and second classes to levy, assess and collect, or to provide for the levying, assessment and collection of, certain taxes for general revenue purposes; authorizing the establishment of bureaus, and the appointment and compensation of officers and employes to assess and collect such taxes; and permitting penalties to be imposed and enforced," by prohibiting the passage of any sales tax ordinance by any city of the first class.

Referred to the Committee on Cities.

RESOLUTION

THANKING MEMBERS OF PENNSYLVANIA COMMISSION

Mr. MOOMAW offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read by the Clerk as follows:

In the House of Representatives, Harrisburg, Pa.
September 12, 1938

Whereas, the 1935 Session of the General Assembly passed a Resolution creating a Pennsylvania Commission to Arrange for the 75th Anniversary Reunion of the Blue and Gray at Gettysburg and Governor Earle, in accordance with this Resolution, appointed a number of Pennsylvania citizens to cooperate with a similar commission created by the Federal Government to make the necessary plans for this celebration, and

Whereas, one of our collegues in the General Assembly, the Honorable John S. Rice, the Senator from the Adams-Franklin Senatorial District was appointed Chairman of the Pennsylvania Commission and also Chairman of the joint Federal-State Commission and in this capacity served most efficiently, ably and tirelessly and gave generously of his time to direct the various activities which culminated in a most appropriate and successful final reunion in honor of the Heroes of the Civil War, and

Whereas, the Honorable Joseph F. Guffey, United States Senator from Pennsylvania and the Honorable Harry L. Haines, a Member of Congress from the 22nd Pennsylvania District were Pennsylvania citizens ably serving on the Federal Commission, and

Whereas, the Honorable Edward G. Shannon, the Honorable William A. Schnader, the Honorable Gerald P. O'Neil, Dr. Henry W. A. Hanson, the Honorable William S. McLean, Jr., the Honorable Frederick B. Kerr, the Honorable Victor C. Mather, and the Honorable Willis D. Hall, also ably assisted Senator Rice as Members of the Pennsylvania Commission, and

Whereas, the President of the United States honored this Commonwealth by participating in the most impressive ceremonies dedicating the eternal Peace Monument.

Therefore, Be It Resolved, if the Senate Concur, that the General Assembly extend their most deep appreciation to the President for his active participation in these ceremonies and

Be It Further Resolved, that the General Assembly extend its appreciation and most hearty congraluations to our Collegue, Senator John S. Rice, for the able manner in which he guided to a successful conclusion this everlasting memorial to the Heroes of the Civil War, and

Be It Also Further Resolved that our appreciation and congratulations be extended to all the other Pennsylvania citizens who were members of either the Federal or State Commissions who ably assisted our Collegue in this Memorial Reunion and Celebration, and

Be It Also Further Resolved that the other members of the Federal Commission who are not residents of the State of Pennsylvania be extended our sincere thanks and appreciation for their cooperation and assistance to our Collegue in this Memorial Reunion and Celebration, and

Be It Also Further Resolved that the Chief Clerk send copies of this resolution to the President and to all Members of the Federal and State Commissions.

On the question,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

CONGRATULATIONS

Mr. OSTROFF offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, September 12, 1938.

Whereas, Tuesday, September 13, 1938 is the seventy-fifth birthday of Dr. Cyrus Adler, the President of the Jewish Theological Seminary, the President of Dropsie College of Philadelphia and President of the American Jewish Committee; and

Whereas, This shy yet supremely forceful septuagenarian is known and beloved by the intellectual leaders of the many races, creeds and groups in American life with whom he has come in contact during a half-century of service to his people, his community and his country; and

Whereas, His scholarly achievements at the University of Pennsylvania, John Hopkins University, the United States National Museum in Washington, the Smithsonian Institute, the Conference on the International Catalogue of Scientific Literature, the Jewish Publication Society, the American Jewish Historical Society, the Board of Public Education of the City of Philadelphia, as President of the Board of Trustees of the Philadelphia Public

Library, the Washington Academy of Sciences, the Anthropological Society of Washington and the American Philosolphical Society, and many other societies and institutions of learning have won for him acclaim and renown. He has had conferred upon him the Honorary degree of Doctor of Hebrew Letters, by the Hebrew Union College and the Honorary degree of Doctor of Literature by the University of Pennsylvania; and

Whereas, He has represented his country at the Versailles Peace Conference and on special commissions of the League of Nations: and

Whereas, Because of his outstanding achievements as a man, a teacher and a student it is fitting that he be honored on this milestone upon his long and useful life; therefore, be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania do hereby congratulate Dr. Cyrus Adler for his many noble accomplishments and achievements in the fields of learning, religion, history, citizenship and his efforts to create better understanding between man and man, and between all classes, races and creeds, and be it further

Resolved, That a copy of this resolution be transmitted by the Chief Clerk to Dr. Cyrus Adler.

SYMPATHY EXTENDED

Mr. SCANLON offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and unanimously adopted as follows:

In the House of Representatives, September 12, 1938.

Whereas, The Honorable Frank Fitch, a Member of this House, several years ago was struck down by an automobile and severely injured; and

Whereas, Despite the severity of the injuries, our colleague was able to resume his legislative activities within a comparatively short time. However, some time ago he was again obliged to return to the hospital on account of the same injuries and it was subsequently necessary that he have his one leg amputated; and

Whereas, The latest report is that he is rapidly recovering and that he is looking forward to returning to his duties in the General Assembly; therefore be it

Resolved, That the Members of this House extend to their friend and colleague their sincere sympathy and their good wishes for his continued recovery and it is their hope that they will shortly be able to welcome him to the Hall of this House; and be it further

Resolved, That a copy of this resolution be mailed to him at the Germantown Hospital, Philadelphia, Pennsylvania.

STATEMENT BY MR. RUSH

Mr. RUSH asked and obtained unanimous consent to address the House.

Mr. Speaker and Members of the House: A piece of good news came out of Washington on last Thursday. It is of special interest to my constituents and to Pennsylvanians generally.

President Roosevelt has signed a Loan Contract placing $1,948,000 at the disposal of the Chester Housing Authority for the purpose of lifting 396 negro families from our known slum areas. They are to be housed in dwellings that will be standard and sanitary and built amidst more healthful surroundings. And those houses are to rent at rates that those in the low-income group can afford to pay.

The Chester project is going to do more than place sound, safe roofs over our less fortunate citizens. Its construction is going to provide employment for upwards of fifteen hundred of our unemployed, the majority of them skilled workmen long idle. It is going to increase purchasing power in the Chester area. It is going to stimulate industry all along the line.

Pennsylvania's housing program, sponsored by Governor Earle's administration, calls for the construction of projects to cost $88,000,000. It means the erection of 20,000 new family units for our low-income workers and the return of 65,000 persons to payrolls on the project sites and in the mills and factories quarries, mines, and timberland, where they will produce the materials to build these houses.

"We can say with confidence, Pennsylvania is going places as far as providing low-rent housing facilities for our low-income groups is concerned. The majority members of this House should be happy in the thought that they gave their undivided support in the session of 1937 to the housing program recommended by Governor Earle and that has made it possible for Pennsylvania to be in the vanguard from the start of those progressive states that are lending their every effort to do something for the nation's one-third "ill-housed."

STATEMENT BY MR. McGEE

Mr. McGEE asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, I would like to call to the attention of the people of Pennsylvania, and in particular to the attention of the people of Philadelphia, the obstructive tactics indulged in by the Republican City Council of Philadelphia, in persistantly refusing Federal W. P. A. Grants.

In past years, evidently in hope of discrediting President Roosevelt, they consistantly refused to vote the necessary appropriations to make P. W. A. and W. P. A. Grants available. And these grants, mind you, for worthwhile Public Improvements and the employment of thousands of worthy men and women, looking in vain for employment by private employers.

However, in the past two years, owing to the obvious political nature of their obstructive tactics, and the stench that arose therefrom, and the constant insistance by the unemployed and public spirited citizens and newspapers that something be done, they have finally voted appropriations of money piecemeal, to avail themselves of only about 25% of the available Federal Funds allotted to the citizens of Philadelphia, on the basis of the needs of our city. Just enough to pour the oil of hyprocrisy and political expediency on the angry waves of protest shouted against their inhuman and un-American actions.

During this period of time, when up to 60,000 Philadelphians could have been gainfully employed on permanent and necessary public improvements; the Republican City Council has callously kept 45,000 unemployed from jobs, forcing them to remain on the Relief Rolls, throwing an almost unbearable burden on the taxpayers of the State, and depriving the unemployed and their families of the increased earnings from employment on W. P. A. and the improved economic condition that would have ensued from such employment.

While their despicable actions in keeping tens of thousands of needy Philadelphians from jobs over such a long period of time is the most reprehensible part of their tactics; there has also been lost to the citizens of Philadelphia, millions of dollars for necessary and even vital public improvements. Improvements that its citizens will have to pay in the not distant future and pay for in the form of higher city taxes; because of the fact that the Republican City Council prefers to play gutter politics

with human suffering rather than give credit to a Democratic Administration seeking to alleviate that self same human suffering by creating jobs on W. P. A. projects for the needy.

Philadelphians, less than 18,000 men and women are now employed on W. P. A. in Philadelphia.

This deplorable condition should be speedily rectified.

White or wire, and demand, that the callous Republican City Council appropriate, immediately, sufficient funds to insure additional Federal W. P. A. Grants to take 45,000 Philadelphians off of Relief and give them the higher wage and living standards of W. P. A. jobs.

Are we going to allow the tax money we pay into the Federal Treasury to go elsewhere, while our jobless thousands walk the streets looking for jobs in vain; meanwhile paying a heartless bunch of political parasites princely salaries for hamstringing the welfare of the needy thousands of our fellow citizens—decent men and women who beg—and even pray for work?

The desperate plight of 45,000 Philadelphians on Relief and their needy families representing another 200,000 persons must be laid on the doorstep of Philadelphia's Republican City Council!

Let the combined voice of protest from an aroused citizenry demand that this callous hamstringing Council accept the proffered Federal W. P. A. Grants and put this vast army of unemployed to work. And, make that voice so loud, that the piteous cries of undernourished children shall rise high above our own voices to stir them from their despicable inaction.

COMMITTEE MEETINGS

The Committee on Education will meet after tonight's session in the House Caucus Room.

The Committee on Public Health and Sanitation will meet tomorrow at 12:00 o'clock in the Chief Clerk's Office.

The Committee on Cities will meet tomorrow at 12:00 o'clock noon in the Chief Clerk's Office.

The Sub-committee of the Committee on Welfare will meet tomorrow at 10:00 a. m. in the Chief Clerk's Office.

A public hearing on House Bill No. 26 Tax Abatement Bill will be held tomorrow Tuesday, September 13, 1938 at 2:00 p. m. in the Senate Caucus Room instead of the House Caucus Room.

The Committee on Judiciary Special will meet tomorrow at 12:45 p. m. in the Chief Clerk's Office.

ADJOURNMENT

Mr. LONGAKER. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1:00 p. m.

The motion was agreed to, and (at 10:16 p. m.) the House adjourned until Tuesday, September 13, 1938, at 1:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1938

Vol. 22 HARRISBURG, PA., TUESDAY, SEPTEMBER 13, 1938. No. 17.

SENATE

TUESDAY, SEPTEMBER 13, 1938.

The Senate met at 1:00 o'clock P. M. (E. S. T.).

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, LL.D., offered the following prayer:

Our God and our Father, Rock of our salvation, in whose clefted side we find refuge and shelter from the storms of life, we trust to Thy faithfulness through the shades of night; we would arise to serve Thee in the sunlight of day.

The heavens and the earth are Thine, for Thou hast founded them. Justice and judgment are the habitation of Thy throne; mercy and truth go before Thy face. O Lord, how great are Thy works! and Thy thoughts are very deep.

A brutish man knoweth not; nor doth a fool understand; yet blessed are the people that know the joyful sound. They shall walk, O Lord, in the light of Thy countenance. They shall rejoice all the day; in Thy righteousness shall they be exalted; for Thou art the glory of their strength.

If Thou be our Rock, one may chase a thousand, and two put ten thousand to flight. Endue us with a wisdom whereby we may know Thee the true God, and something of the might of one man, in fellowship with Truth and Thee. Amen.

JOURNAL APPROVED

The PRESIDENT—A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. RODGERS, the further reading was dispensed with, and the Journal was approved.

HOUSE MESSAGE

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House had concurred in Resolution from the Senate as follows:

In the Senate, September 12, 1938.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, September 19, at 8:00 o'clock, Eastern Standard Time; and when the House of Representatives adjourns this week it reconvene on Monday evening, September 19, at 8:00 o'clock, Eastern Standard Time.

RESOLUTION COMMENDING PENNSYLVANIA COMMISSION TO ARRANGE THE SEVENTY-FIFTH ANNIVERSARY CELEBRATION OF THE BATTLE OF GETTYSBURG

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives.

Harrisburg, Penna., September 12, 1938.

WHEREAS, the 1935 Session of the General Assembly passed a Resolution creating a Pennsylvania Commission to arrange for the 75th Anniversary Reunion of the Blue and Gray at Gettysburg, and Governor Earle, in accordance with this Resolution, appointed a number of Pennsylvania citizens to cooperate with a similar commission created by the Federal Government to make the necessary plans for this celebration, and

WHEREAS, one of our colleagues in the General Assembly, the Honorable John S. Rice, the Senator from the Adams-Franklin Senatorial District was appointed Chairman of the Pennsylvania Commission and also Chairman of the joint Federal-State Commission and in this capacity served most efficiently, ably and tirelessly and gave generously of his time to direct the various activities which culminated in a most appropriate and successful final reunion in honor of the Heroes of the Civil War, and

WHEREAS, the Honorable Joseph F. Guffey, United States Senator from Pennsylvania and the Honorable Harry L. Haines, a Member of Congress from the 22nd Pennsylvania District were Pennsylvania citizens ably serving on the Federal Commission, and

WHEREAS, the Honorable Edward G. Shannon, the Honorable William A. Schnader, the Honorable Gerald P. O'Neil, Dr. Henry W. A. Hanson, the Honorable William S. McLean, Jr., the Honorable Frederick B. Kerr, the Honorable Victor C. Mather, and the Honorable Willis D. Hall, also ably assisted Senator Rice as Members of the Pennsylvania Commission, and

WHEREAS, the President of the United States honored this Commonwealth by participating in the most impressive ceremonies dedicating the Eternal Peace Monument, therefore be it

RESOLVED, (if the Senate Concur) that the General Assembly extend their most deep appreciation to the President for his active participation in these ceremonies and be it further

RESOLVED, that the General Assembly extend its appreciation and most hearty congratulations to our Colleague, Senator John S. Rice, for the able manner in which he guided to a successful conclusion this everlasting memorial to the Heroes of the Civil War, and be it also further

RESOLVED, that our appreciation and congratulations be extended to all the other Pennsylvania citizens who were members of either the Federal or State Commissions who ably assisted our Colleague in this Memorial Reunion and Celebration, and be it also further

RESOLVED, that the other members of the Federal Commission who are not residents of the State of Pennsylvania be extended our sincere thanks and appreciation for their cooperation and assistance to our Colleague in this Memorial Reunion and Celebration, and be it also further

RESOLVED, that the Chief Clerk send copies of this resolution to the President and to all Members of the Federal and State Commissions.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE BILL FOR CONCURRENCE

He also presented for concurrence the bill of the House of Representatives, as follows:

House Bill No. 47 (Senate Bill No. 51), entitled:

An Act making a deficiency appropriation to the Anthracite Coal Industry Commission, created by the act, approved the eighth day of February, one thousand nine hundred and thirty-seven (P. L. 21), entitled "An act creating the Anthracite Coal Industry Commission, defining its powers and duties; and making an appropriation."

Which was committed to the Committee on Appropriations.

HOUSE CONCURS IN SENATE BILL NO. 14

He also returned to the Senate, Senate Bill No. 14, entitled:

An Act providing for the adjournment and re-adjournment of county treasurers' sales of seated and unseated lands that were to have been held in the years one thousand nine hundred thirty-seven or one thousand nine hundred thirty-eight for nonpayment of taxes in counties except those of the first and second class and preserving the lien of all taxes on such lands.

with the information that the House has passed the same without amendments.

SENATE BILL No. 10 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 10, entitled:

A Supplement to the act approved the sixteenth day of June, one thousand nine hundred and thirty-six, (P. L. 16), entitled, "An act making an appropriation to the Department of Health to defray the cost of pumping the water from slate quarries and anthracite and bituminous coal mines which have been flooded, directly or indirectly, by the high waters during March, one thousand nine hundred thirty-six," by making a further appropriation to supply the deficiency incurred and needed under the provisions of said act.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

SENATE BILL No. 25 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 25, entitled:

An Act removing the remaining additional persons now serving as Pennsylvania members of the Delaware River Joint Commission by virtue of appointment by the General Assembly under the act approved June twelfth one thousand nine hundred and thirty-one (Pamphlet Laws five hundred seventy-five) and providing for the appointment of their successors.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

BILL SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bill had passed both Houses of the General Assembly and the same being correct, the title was publicly read as follows:

Senate Bill No. 14, entitled:

An Act providing for the adjournment and re-adjournment of county treasurers' sales of seated and unseated lands that were to have been held in the years one thousand nine hundred thirty-seven, or one thousand nine hundred thirty-eight, for nonpayment of taxes in counties except those of the first and second class, and preserving the lien of all taxes on such lands.

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy), in the presence of the Senate signed the same.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

COMMUNICATION FROM THE GOVERNOR

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, September 13, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

MEMBERS OF THE BOARD OF TRUSTEES OF CONNELLSVILLE STATE HOSPITAL

Meyers Aaron, P. O. Box 858, Connellsville, Fayette County, (re-appointment) for the term of four years and until his successor is qualified.

Arthur Page, Mount Pleasant, Westmoreland County, vice Harry G. Brown, whose term expired, for the term of four years and until his successor is qualified.

Arthur A. Brown, Connellsville, Fayette County, vice Walter H. Glasgow, whose term expired, for the term of four years and until his successor is qualified.

Geroge Strickler, Vanderbilt, Westmoreland County, vice G. F. Rieman, whose term expired, for the term of four years and until his successor is qualified.

W. J. B. Mayo, Indianhead, Fayette County, vice Mrs. Mary G. Van Natta, whose term expired, for the term of four years and until his successor is qualified.

Mrs. Isa Burns, Uniontown, Dunbar Township, Fayette County, vice J. D. Beltz, whose term expired, for the term of four years and until her successor is qualified.

W. H. Soisson, Connellsville, Fayette County, vice F. E. Younkin, whose term expired, for the term of four years and until his successor is qualified.

JUSTICE OF THE PEACE

Lawrence F. Cosgrove, 328 Coal Street, Lehighton, Carbon County, for appointment as Justice of the Peace in the Borough of Lehighton, Carbon County, vice J. B. Snyder, deceased, until the first Monday in January, 1940.

GEORGE H. EARLE.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. RICE. Mr. President, I move that the Senate do now proceed to the consideration of Nominations for No-

taries Public sent to the Senate, September 13, 1938, by His Excellency, the Governor of the Commonwealth.

Mr. SONES. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, September 13, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

ADAMS COUNTY

Arthur R. Buehler, Gettysburg.

ALLEGHENY COUNTY

Mrs. Alice L. Banks, Pittsburgh, 602 Frick Building.
Robert P. Graham, Jr., Bellevue.
Alexander C. Oberlin, Pittsburgh, 2710 Koppers Bldg.

CAMBRIA COUNTY

Emmett O'Donnell, Johnstown.

CLINTON COUNTY

Clarence E. Moore, Lock Haven.

ERIE COUNTY

M. G. McGinnis, Erie.

FAYETTE COUNTY

Miss Flora Cefaratti, Uniontown.
Mrs. Cornelia R. Sherrick, Connellsville.

LACKAWANNA COUNTY

Maurice E. Trexler, Scranton.

MONTOUR COUNTY

Miss Dorothy J. Cortright, Danville.

PHILADELPHIA COUNTY

David J. Albert, Phila., 1400 Land Title Bldg.
Thomas Bruno, Phila., 1645 Moore St.
Maurice Druker, Phila., 319 N. 11th St.
Miss Margaret T. Monahan, Phila., 410 N. 3d St.
Meyer Stein, Phila., 1301 W. Columbia Avenue.
Pascall Tortolani Vincent, Phila., 3151 N. 22d St.
H. E. Wilson, Phila., 123 S. Broad St., 16th Floor.

WESTMORELAND COUNTY

Mrs. Stella J. Grabiak, Salem Twp., Slickville.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, September 13, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Joseph K. Lalor, Pittsburgh, 205 S. Dithridge St.

Miss D. V. Richards, Pittsburgh, 704 Law & Finance Bldg., 429 Fourth Avenue.

SCHUYLKILL COUNTY

John Flintosh, McAdoo.

WESTMORELAND COUNTY

Robt. A. Kilgore, Greensburg.
Miss Ruth Newhouse, Greensburg.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES and Mr. McCREESH

That Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES and Mr. McCREESH,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Buckman,	Gilson,	Lanius,	Ruth,
Cavalcante,	Haluska,	Law,	Salus,
Chapman,	Heyburn,	Mallery,	Shapiro
Deitrick,	Howell,	McCreesh,	Sipe,
Dent,	Jacobs,	McGinnis,	Sones,
DiSilvestro,	Jaspan,	Mundy,	Stiefel,
Ealy,	Kahle,	Pytko,	Thompson,
Frey,	Kilgallen,	Reed,	Wolfenden,
Gelder,	Kunkel,	Rodgers,	Woodward,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

JOINT LEGISLATIVE COMMITTEE TO ASCERTAIN AND CONCILIATE THE VIEWS OF EMPLOYERS AND EMPLOYES ON UNEMPLOYMENT COMPENSATION LEGISLATION.

Mr. DENT offered the following resolution which was twice read as follows:

In the Senate, September 13, 1938.

WHEREAS, The Governor in Section 2 of his Second Supplemental Proclamation of the twenty-fifth day of July 1938, designated as one of the subjects for the consideration the amending of Article 2 of the Workmen's Compensation Act (Act of June 2, 1915, P. L. 736, as reenacted, amended, or further amended by Act of June 4, 1937, P. L. 1552), and

WHEREAS, House Bill No. 17, Senate Bill No. 31 covering this subject has been introduced and is now on passage through the Assembly and

WHEREAS, It is the concensus of opinion of men adequately informed that this subject should be thoroughly investigated with a view of ascertaining whether legislative action can be employed to conciliate the views of employers and employees and thereby promote the general welfare and

WHEREAS, A thorough investigation can only be made by bringing together representatives of the parties affected. Now be it

RESOLVED (if the House of Representatives concur) that the President Pro Tempore of the Senate appoint three members of the Senate and the Speaker of the House of Representatives appoint three members of the House who shall constitute a committee to bring together such representatives of labor and industry and other interested parties as wish to be heard, to affect a conciliation among them and make a report of its activities, findings and recommendations to the next General Session.

Mr. DENT. Mr. President, I move that Rule 39 which requires resolutions be referred to an appropriate committee, be suspended and that the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there any objection?

The Chair hears none.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

Mr. DENT. Mr. President, I offered the foregoing resolution after much consideration and at the suggestion of various members of the Senate and members of the Committee on Labor and Industry and members of general industry.

POINT OF INFORMATION

Mr. MUNDY. Mr. President, I rise to a point of information.

The PRESIDENT. The Senator from Luzerne, Dr. Mundy, will state his point of information.

Mr. MUNDY. Mr. President, does this resolution interfere with the passage of House Bill No. 17, by this Session?

The PRESIDENT. It does not.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess for ten minutes.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

ANNOUNCEMENTS BY THE SECRETARY

During the recess the Committee on Appropriations will meet in Room 265.

Immediately following that meeting, there will be a caucus of the Republican members in the same room.

There will be a Public Hearing by the Committee on Education, Monday, September 19, 1938, at 5:00 o'clock P. M. (E. S. T.) in the Senate Caucus Room, on Senate Bill No. 39.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORT FROM COMMITTEE

Mr. FREY. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY from the Committee on Appropriations reported as committed, Senate Bill No. 50, entitled:

An Act making a deficiency appropriation for the expenses of the Joint Legislative Commission Investigating certain courts of this Commonwealth, and created by Joint Resolution No. 11, approved the ninth day of March, one thousand nine hundred and thirty-seven (P. L. 35).

The PRESIDENT. We will now proceed to the consideration of the calendar.

BILL OVER IN ORDER

Mr. RICE. Mr. President, I ask unanimous consent that Senate Bill No. 36 (House Bill No. 8) on final passage entitled:

An Act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed with the General State Authority of various projects, structures, buildings, and facilities of the Authority or for the services rendered by the Authority or its projects.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 2, entitled:

A Joint Resolution proposing an amendment to Section four Article nine of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. RICE. Mr. President, last evening I made the statement that the Attorney General's office had been requested for an opinion relative to these proposed Constitutional Amendments. I have received the following memorandum opinion regarding the Constitutional Amendments from the Attorney General's office.

MEMORANDUM OPINION
IN RE: CONSTITUTIONAL AMENDMENT

Section 1, Article XVIII, of the Constitution provides:

"Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives; and, if the same shall be agreed to by a majority of the members elected to each House, such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon, and the Secretary of the Commonwealth shall cause the same to be published three months before the next general election, in at least two newspapers in every county in which such newspapers shall be published; and if, in the General Assembly next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each House, the Secretary of the Commonwealth shall cause the same again to be published in the manner aforesaid; and such proposed amendment or amendments shall be submitted to the qualified electors of the State in such manner, and at such time at least three months after being so agreed to by the two Houses, as the General Assembly shall prescribe; and, if such amendment or amendments shall be approved by a majority of those voting thereon, such amendment or amendments shall become a part of the Constitution; but no amendment or amend-

ments shall be submitted oftener than once in five years. When two or more amendments shall be submitted they shall be voted upon separately."

The provision with respect to advertisement was construed in COMMONWEALTH ex rel. ATTORNEY GENERAL v. BEAMISH, 309 Pa. 510 (1932). In its opinion the court says, at Page 514:

"* * * A single publication made three months before the election is not sufficient to enable the electorate to be fully advised of the importance and nature of proposed amendments. At the same time, there is no ground for believing publication for thirteen weeks is necessary, and certainly there is nothing in article XVIII itself requiring such continued publicity. It may be, as suggested by the 1920 commission on constitutional amendment and revision, that publication once a week for the four weeks preceding a general election, would be a preferable method, but until an amendment of that nature is made to the law, we are not at liberty so to construe it. In view of all the facts and circumstances, we are of opinion that publication once a month for the three months preceding the election is more reasonable and more nearly conforms to the convention's intent, and at the same time provides adequate notice to the public."

Therefore, if agreed to at this extraordinary session of the Legislature, the amendment in question could not be acted upon a second time until the Session of 1941. If agreed to at that time, it could be submitted to the electors at such time, at least three months after such action, as the General Assembly would prescribe.

BILL RECOMMITTED

Mr. President, in view of that statement it is very obvious that nothing can be gained in the matter of time by passing these proposed Constitutional amendments at this Special Session of the Legislature. Inasmuch as the regular session of the Legislature will convene in several month during which there will be more time to adequately consider Constitutional amendments I think that action on these proposed amendments should be deferred until the Regular Session of the Legislature in 1939. Therefore I move that Senate Bill No. 2 be referred back to Committee on Constitutional Changes.

Mr. FREY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. WOODWARD. Mr. President, I regret to hear the Senator from Adams, Mr. Rice to take that position because these three Joint Resolutions that I am interested in particularly, were in Committee many, many times before this and never came out of Committee and they are out now. They are on the Calendar and if we do not have another opportunity to vote until 1941 I cannot see why we should not have the opportunity of voting now in 1938. That is a step forward, that is half the battle won. I therefore hope that the motion of the Senator from Adams will be voted down so that we may proceed to vote on the resolutions.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. CAVALCANTE and were as follows, viz:

YEAS—30

Barthold,	Gilson,	Lanius,	Rice,
Buckman,	Henney,	Mallery,	Ruth,
Deitrick,	Heyburn,	McCreesh,	Salus,
Dent,	Howell,	McGinnis,	Shapiro,
DiSilvestro,	Jacobs,	Mundy,	Sones,
Ealy,	Jaspan,	Owlett,	Stiefel,
Eroe	Kilgallen,	Pytko,	Thompson,
Frey,	Kunkel,		

NAYS—8

Cavalcante,	Gelder,	Rodgers,	Wolfenden,
Chapman,	Reed,	Rupp,	Woodward,

So the question was determined in the affirmative.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 3, entitled:

A Joint Resolution proposing an amendment to Article twelve of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

BILL RECOMMITTED

Mr. RICE. Mr. President, for the same reason I stated relative to Senate Bill No. 2, I move that Senate Bill No. 3 be recommitted to Committee on Constitutional Changes.

Mr. FREY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. WOODWARD. Mr. President, may I simply state as a matter of information that this is the Civil Service Amendment.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. CAVALCANTE and were as follows, viz:

YEAS—22

Barthold,	Gilson,	Mallery,	Rice,
Buckman,	Haluska,	McCreesh,	Salus,
Dent,	Henney,	McGinnis,	Shapiro,
DiSilvestro,	Howell,	Owlett,	Sones,
Eroe,	Jaspan,	Pytko,	Stiefel,
Frey,	Kahle,		

NAYS—18

Cavalcante,	Heyburn,	Mundy,	Ruth,
Chapman,	Jacobs,	Reed,	Thompson,
Deitrick,	Kilgallen,	Rodgers,	Wolfenden,
Ealy,	Kunkel,	Rupp,	Woodward,
Gelder,	Lanius,		

So the question was determined in the affirmative.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 4, entitled:

A Joint Resolution proposing an amendment to Section one Article nine of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

BILL RECOMMITTED

Mr. RICE. Mr. President, for the same reasons as stated relative to Senate Bill No. 2, I move that Senate Bill No. 4 be recommitted to Committee on Constitutional Changes.

Mr. FREY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. WOODWARD. Mr. President, I simply want to give notice so that the Senate can vote intelligently, that this is the amendment which sets up a graduated income tax and any Senator recorded against it would be regarded in the popular opinion as being against the graduated income tax. Everybody should be very careful how they vote.

Mr. THOMPSON. Mr. President, I would like to interrogate the Senator from Philadelphia.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Woodward permit himself to be interrogated?

Mr. WOODWARD. Mr. President, I will.

Mr. THOMPSON. Mr. President, I would like to know why the Senator from Philadelphia is now an advocate of the graduated income tax when last year he was all against it.

Mr. WOODWARD. Mr. President, not at all. I have been an advocate for fifteen years.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. CAVALCANTE and were as follows, viz:

YEAS—22

Barthold,	Howell,	McGinnis	Ruth,
Buckman,	Jaspan,	Mundy,	Shapiro,
DiSilvestro,	Kahle,	Owlett,	Sones,
Frey,	Lanius,	Pytko,	Stiefel,
Gilson,	Mallery,	Rice,	Thompson,
Henney.	McCreesh,		

NAYS—17

Cavalcante,	Eroe,	Jacobs,	Rodgers,
Chapman,	Gelder,	Kilgallen,	Rupp,
Deitrick,	Haluska,	Kunkel,	Wolfenden,
Dent,	Heyburn,	Reed,	Woodward,
Ealy.			

So the question was determined in the affirmative.

Mr. MALLERY. Mr. President, in voting "Aye" to recommit all of these bills I do so for the reason I believe that no purpose is being served by voting otherwise at this time.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 12, entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding Section One-A.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

MOTION TO RECOMMIT

Mr. RICE. Mr. President, for the same reasons as stated relative to Senate Bill No. 2, I move that Senate Bill No. 12 be recommitted to Comittee on Constitutional Changes.

Mr. FREY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. REED. Mr. President, and members of the Senate, this resolution has been on the Calendar for several sessions. It is known as the Homestead Acception Resolution and has to do with a movement to assist the little home owner and the farmer in taxation relief.

Now I disagree with the gentleman from Adams when he says that we gain nothing by passing this resolution at this time. We have been loafing around this Senate doing nothing for weeks and in the regular session in January this Senate will be very busy, if it does its duty. While we are here doing nothing I say that if these resolutions are worthy of passage in January they are worthy of passage now and I hope that this resolution which has been killed so many times, that which is a resolution that will help the people that really need help today, the small home owners and the farmers, will not be passed over by this Senate but will be voted upon and passed before we leave here at the end of this Special Session.

Mr. CAVALCANTE. Mr. President, may I suggest that from the remarks of the gentleman from Washington it very clearly appears that it is not so much the fact that nothing can be served but there seems to be a cowardly feeling in the hearts of some members of this Assembly who will not be in the Assembly of 1939 to debate the issue.

POINT OF ORDER

Mr. RICE. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Adams, Mr. Rice will state his point of order.

Mr. RICE. Mr. President, I understand that a motion to recommit is not debatable.

The PRESIDENT. Only within narrow limits.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. CAVALCANTE and were as follows, viz:

YEAS—21

Barthold,	Gilson,	Mallery,	Rice,
Buckman,	Howell,	McCreesh,	Ruth,
Chapman,	Jacobs,	Mundy,	Shapiro,
Deitrick,	Jaspan,	Owlett,	Sones,
DiSilvestro,	Kunkel,	Pytko,	Stiefel,
Frey,			

NAYS—18

Cavalcante,	Haluska,	Lanius,	Rupp,
Dent,	Henney,	McGinnis,	Thompson,
Ealy,	Heyburn,	Reed,	Wolfenden,
Eroe	Kahle,	Rodgers,	Woodward,
Gelder,	Kilgallen,		

So the question was determined in the affirmative.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 27, entitled:

An Act to amend Section two of the act approved the eleventh day of April, one thousand nine hundred twenty-nine (P. L. 487) entitled "An act authorizing the Department of Welfare to determine the legal residence of indigent, insane, feeble-minded and epileptic persons, returned to this Commonwealth by the authorities of another state, or transferred from one poor district to another by the department and requiring the proper district to pay the costs of the care and treatment of such persons in accordance with the laws relating to indigent insane persons" by relieving poor districts of certain costs and placing such costs on the Commonwealth.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

BILL OVER IN ORDER

Mr. SHAPIRO. Mr. President, Senate Bill No. 27 and Senate Bill No. 29 are companion bills to Senate Bill No. 28, which is the principle bill. I therefore request that Senate Bill No. 27, go over in order until the Senate has acted on Senate Bill No. 28.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 28, entitled:

An Act relating to institutions of counties, cities, and institution districts for the care, maintenance and treatment of mental patients; providing for the transfer of such institutions to the Commonwealth providing for the management and operation, or closing thereof, and the maintenance of mental patients therein; conferring and imposing upon the Governor, the Department of Welfare, and counties, cities and institution districts certain powers and duties; prohibiting cities, counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients; and repealing inconsistent laws.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. EALY. Mr. President, this bill is designed to take over the mental hospitals of the State. It is difficult to understand how any thoughtful Senator can vote for this bill at this time in the form in which it is presented to us. Despite all the juggling of figures and all the explanations, it must be very evident that the taking over of all the mental hospitals of the State will entail a very material additional expense to the Commonwealth. The taxes, therefore, will have to be provided by the next administration, whether it be Republican or Democrat; that an outgoing administration, on the very eve of its closing, should seek to bring about such a radical change in state policy with the heavy financial burden it imposes, is entirely improper.

I understand that the excuse for asking hurried action on this bill was furnished by the report of the committee which inquired into the operation of the mental hospital at Byberry in Philadelphia, but that report surely does not necessitate such immediate action that we cannot take time to inquire into the probable results of the passage of this bill. I strongly suspect that the real purpose in urging its passage at this time is not to alleviate the condition of the unfortunate patients at Byberry so much as to gain control of the five hundred or more appointments there in order to place political favorites in these jobs as an asset in the coming election. We are strengthened in our surmise about this by the attempt to erect a Municipal Court in Philadelphia at the time of the last Session of the Legislature, in the face of the emphatic protests of philanthropists, social workers and others.

Philadelphia is a great city of about two million people, larger in population than half of the states in the Union and larger than many of the national territories of Central and South America, and Europe. It must be humiliating to the people of this great and progressive city to be told that they are incompetent to handle the management of their mental cases. But even if we accept the report of the Committee at its face value surely the condition can be corrected without this drastic step being taken, in such hasty fashion and without due consideration of all the consequences resulting from the passage of this bill.

The mental hospitals of the State have been under the supervision of the Department of Welfare, and if Byberry and other similar hospitals of the State are in a deplorable condition, the Welfare Department should have corrected the abuses long before this. To wait for three years and eight months and then, when an election comes where it is necessary to get every vote obtainable, to bring up this matter at the Special Session of the Legislature is too much. This bill transfers all the property of the mental hospitals to the Commonwealth without so much as consulting the wishes of the people concerned and does it without consideration. It may be that the taxpayers of the City of Philadelphia will agree to impose upon the rest of the State the burden of keeping their mental cases. It may be that they are willing to admit their incapacity to manage properly this institution at Byberry, but at least they ought to be given the chance to say so.

We have an institution in Somerset County which is affected by this bill. It is an institution which cares for mental cases and indigent poor who have no relatives to look after them and who are much better provided for there than they would be in private homes. This institution has been so well conducted that patients are sent there from nearby counties, and private patients are maintained. In the hospital there are about five hundred and thirty-five patients, and about eighty people in the home. Besides quite a number of substantial buildings the institution has 700 acres of land, 650 of which are under cultivation. It operates a coal mine on the premises for the use of the property, and during the year 1937 nearly 87,000 bushels of coal were mined; 1300 bushels of lime were burned for use on the premises in the same year. The institution has its own private water system and its own sewage disposal plant, it runs its own laundry, bakery, blacksmith's shop, and heating plant. It raises cattle, hogs, and chickens, and has a dairy herd; it raises its own vegetables, grain, hay and other crops. It is practically self-sustaining. And perhaps more important than this, the money contributed by Somerset County has been largely used for outdoor relief and for the support of patients in those two, and other institutions. The institution is valued at nearly a million dollars and is entirely free from debt. It is impossible to separate the part of the plant used for mental patients from the home, as the laundry and heating—

Mr. SHAPIRO. Mr. President, I am very much interested in what the Senator from Somerset is saying. It is a very important proposition and I ask that there be a little more order in the house so that we can hear him.

Mr. EALY. Is this institution, paid for by the people of Somerset County and built up through the years by their care and prudent management, to be taken over by the State for the benefit of the other sixty-six counties of the State, without payment? And without our consent? If you say that the Commonwealth will hereafter support the mental patients without expense to the counties, that argument entirely overlooks the fact that all the counties are part of the State and another burden of taxa-

tion will be imposed on us to sustain the State hospitals thus taken over.

Besides, under the management that I have mentioned it has cost Somerset County but little for our mental cases and our institution has heretofore been rated very high. Some people think that the Commonwealth is more competent to handle mental cases than the counties. A familiar argument of social welfare bureaucrats and educational bureaucrats is to compare Pennsylvania with other States of the Union to the disadvantage of our Commonwealth, but in making laws to bring our State in line with the others we are usually not bringing it up to the standard of the others but, on the contrary, down to their standards. Certainly, the more the functions of government are centralized in the bureaus at Harrisburg, the more power and authority those in control have and the larger the salaries that must be paid by the taxpayers. In view of the vicious and demoralizing system of giving WPA and relief benefits, I sincerely doubt the wisdom of placing more power in the State bureaus; but even if it should be granted that the State is better able to care for the mentally ill, surely that does not justify the theft of other people's property to put the system in force.

The amendments recently inserted in this bill make it worse instead of better. They have been suggested with the particular situation of Somerset County in mind. The large farm, water system, sewage disposal plant, coal mines, etc., are now used for the benefit both of the mental hospital and the home for the indigent. This bill proposes to take away the farm and auxiliary departments and leave us the indigent without the means to care for them. We are permitted to buy goods and farm products at cost, from the property stolen from us, but we can secure the same products more cheaply by importing them from the most distant parts of the earth. It is conceivable that the people of Pike County and the other counties concerned might conclude eventually that it is proper to turn over their institutions to the State, but it should be a voluntary transfer, and for a consideration.

If the Commonwealth intends to take charge of all mental cases it will need hospitals, and no better or more beautiful place can be found than that where our own Somerset institution is located, and it should be purchased in the proper manner.

But the chief reason for which this bill is objectionable is that there is a very fundamental question of government concerned in it. May the Commonwealth appropriate the property of a part of the citizens without their consent and without consideration, for the benefit of the whole? I believe that the bill is unconstitutional. If we may take the property acquired with the taxes of the people of one county and owned by them, in this manner, it will require only short successive steps to take the property of some of the public organizations such as utilities, of wholly private corporations, and of individuals, in like fashion. If the Supreme Court should hold that this bill is constitutional it will be the prelude to seizing the schools and municipal buildings of boroughs and citizens, and the operation of all government will be at Harrisburg. We have gone very far in that direction already by all sorts of bribes and empty gifts. We passed a bill at this Session along that line, but this bill goes very much further in its implications. If we continue to destroy local self-government, the capacity for government will also be destroyed. A democracy cannot exist with centralization of all governmental functions. The Democratic party may be led to pass this bill in the hope of benefiting in the November elections, but suppose the Republican party should win, and suppose that the centralization of power is continued and elective officers are gradually abolished, and all appointments are made from Harrisburg. What a powerful machine to maintain a party in office!

These bills can wait until the Regular Session. Give them full consideration. Let everyone interested be heard from and then write them so that proper consideration will be given to the rights of the people. Do not start a precedent that will lead but to evil consequences.

Mr. MALLERY. Mr. President, possibly the most vexing problem that is now confronting our federal government, particularly the State Department, is the policy of expropriation now being pursued by the Government of Mexico, and the attempt by the Government of Mexico to have all other countries of the South American continent do likewise. Now I do not think there is a member of this Senate who approves of that policy and I cannot see very much difference between Mexico stealing the property of the citizens of the United States and this Legislature enacting a law which in reality steals the property of a number of the counties, cities, and institutional districts in this Commonwealth.

I am speaking particularly now about the people of Blair County. The people of Blair County years ago saw fit, at their own expense, to erect at great cost an institution wherein they could properly maintain the insane of that county. That cost those people money. They have approximately half a million dollars invested in their mental institution. They did it because they wanted the people of Blair County who were unfortunate, to be at home where members of their families could see them as often as they wanted to. I have always been an advocate of economy in government and I believe the unfortunates, the insane, should be well taken care of, but I cannot approve of the measures in this bill which would take, without any compensation, the property of the people of Blair County without any assurance that a mental institution would be maintained in that county. Under the provisions of this bill the institution will be taken over and there is no assurance whatsoever that the mental institution will be maintained as a mental institution. Under the provision of this bill the ground surrounding the poor-house will also be taken over. The mental institution building can be used for a garage or for any purpose the State sees fit to use it for, or they do not need to make any use of it if they do not want to.

Now this is a problem that all of the people in my county are very much concerned about—both Republican and Democrats alike. During the time that this bill has been on the calendar I have contacted Democrats and Republicans and they are vehement in their reaction against the idea that such a bill should be proposed in this Legislature. This bill is loaded with political dynamite. If this Legislature sees fit to take from our country our mental institution without any compensation I know how our people, who are strong advocates of home rule, will express themselves when they are given the opportunity to do so.

At the public hearing on this bill I offered amendments

which would have enabled the State to defray the cost of mental patients wherever they are, and would have enabled the State, over a period of time, to have obtained ownership of these institutions. I do not think that there is anything in the argument that the people will be better taken care of if the State operates these institutions. If the State operates them they will be operated by human beings the same as the county operates them.

We have had inhuman acts occur in State-operated institutions as well as we have had them in city or county institutions. I can't help but recall that in the Industrial Home at Huntingdon, within the past year, a colored lad was killed. Those things will occur. None of us approve of them, but they will occur, members of this Senate, whether they are operated by the State or by local officials.

I hope that this Senate will not pursue the policy now followed by Mexico.

Mr. SHAPIRO. Mr. President, I regret exceedingly the necessity of prolonging discussion on this bill, but there have been some things said about it that cloud the issue, in my opinion. This is the most important piece of legislation that has come before any session of this Senate. I have been in the habit upon occasion of proclaiming to the public that a particular piece of legislation is the most important, or one of the most important. But when you consider the fact that Pennsylvania is one of only five states who have tolerated for over a period of forty-three years the dual management of the insane and mentally defective in the Commonwealth—only one of five states, and that forty-three other states have, for periods ranging from thirty-five to fifteen years past, been handling this as a State problem, you can realize the importance of it. If you consider the facts and not just talk into the air about this proposition, you will see that the fear that is being discussed here is rather mort apparent than real.

In the first place I don't contend that State ownership is going to mean that there will be no politics in the institutions. I don't think it is important to decide this question in order to show the value of the bill. I will take is from another point of view. There are 31,000 patients being cared for today in the Commonwealth of Pennslyvania, who are known as mental patients. Of those 31,000, sixteen thousand are in State institutions, and 15,000 in county institutions. There are 5,340 patients on the waiting list in all institutions, and there are 8,000 uncared-for insane throughout the Commonwealth of Pennsylvania. There are potentially insane patients in the Commonwealth of Pennsylvania in the proportion of one out of every twenty people.

This isn't a new proposition, that the State take it over. No county is in a position today to care for the 5,000 on the waiting list. No county is in a position today to share in the care of the 8,000 that are not even put on the list, and no one is in a position to complain about WPA funds, who wants to be fair about it, when they realize that as a result of WPA funds, those 5,400 some-odd patients, will be by the first of January all cared for in State institutions. Within the next thirty days at Norristown, 540 additional patients will be admitted because WPA funds have erected two additional buildings that will house that many patients. Within the next sixty days there will be established throughout the State in connection with the State institutions an increased capacity of at least 2,000, and a psychiatric department for the study and development of treatments for these patients will be constructed in western Pennsylvania and finished before the first of January, 1939. That is what State control means. No county and no set of counties are in a position to do that, and I think that is the answer and the only answer that need be given about the question of State control.

I do not maintain for one moment that any State institution is or ever will be, under our institutions of government, free from political influence, but I do maintain that my personal investigation of the thirteen existing State institutions shows that there is little, very much less than would be expected, political influence in those State institutions. As a matter of fact, out of the thirteen State institutions, since the present Governor of Pennsylvania was inaugurated, only four changes have been made, and nine out of thirteen of the men have been maintained in their offices. They have been there for years, and were Republican appointments. There is a good reason for that. It is very difficult to find men with psychiatric experience and institutional experience to place at the head of those institutions, and any Governor who would be so low as to interfere and remove a competent man in charge of such institutions, would not only be low in his own estimate, but would be just as low in the estimate of the people and would take his political future in his hands.

That the State should control the institutions has not only been my idea but has been the idea of the gentleman from Blair, Mr. Mallery, who when he filed his report on county government said, "The Commission recommends that the entire cost of maintenance of mental patients be assumed by the Commonwealth, that the county and poor districts be relieved of contributions toward this maintenance. Here is an instance of overlapping functions. The mental defectives are wards of the State, which should assume full responsibility. The Commission recommends that all county and poor-district institutions erected and dedicated to the treatment and maintenance of mental patients, deemed proper for such purposes by the Department of Welfare, be turned over to the State for future management, and the liability of the State to contribute toward the maintenance to mental patients properly maintained in such institutions be eliminated. Legislation to accomplish this object will be submitted."

This report was filed sometime last year. No legislation has yet been offered to correct that condition by anybody in this Senate, neither by the gentleman from Blair, nor by anyone else. But when a condition which existed such as exists in Philadelphia was disclosed to the public mind and to the public view, then once again the agitation came forward. Apparently the imagination of the people is limited. No one believes that there is suffering on relief, no one believes that a person is injured, and no one believes that institutions are mismanaged until they see the blood run before them. In Philadelphia today there is a great to-do about the fact that four people were scalded to death at Holmesburg. If it weren't for the fact that those bodies were carried out in the presence of a great many witnesses, no one would even believe that a terrible condition existed at Holmesburg, and gentlemen of the Senate, they have existed at Holmesburg and in other prisons for years. The only thing that happened is that they didn't have the imagination to know it until it had been laid before them.

I suppose the only way we can convince people of the

necessity of what is being done here today is for us to go out and disinter the six hundred bodies which have been buried from Byberry every year, 50% of them, at least, due to neglect and incompetence and mismanagement. That might raise an agitation. If we parade them through the streets then everybody will throw up their hands in holy horror and say that something should be done about it. But in Philadelphia today, the man who is responsible for those conditions, which continue day in and day out, is still in charge of that institution, in charge there because he is a political appointee, in charge there because no one has the fairness and decency, no one in authority can stand up and say that he be removed, with the exception of one person, Dr. Keegan, who came here before the committee.

In that institution today, the supervising night nurse, who has charge of several hundred children, has to be guarded by two Philadelphia policemen, paid by the city, because an attendant who gets fifty dollars a month has enough political influence to keep himself there in spite of the fact that his removal has been recommended. In this case the supervising nurse is not the woman who has had the training for it, but is the attendant from whom she has to be protected. Those conditions will continue as long as Philadelphia and other counties control the management of these institutions, and warrants what I am saying—that State control is the only thing that can reduce these conditions to a minimum.

What is your picture in Blair County? Are you supporting the insane today? Are you doing that which you say you do? Certainly not! In Blair County in 1937, you spent $97,000 to care for the few patients that you have there. Out of that $97,000, you got $30,000 from the State and $17,000 from your patients, so that your total expenditure was $50,000. In Blair County, you have no bonded debt but you say you spent for the poor, the indigent poor and insane persons, $197,000, to build these institutions. Very well, when the State of Pennsylvania takes these over, the $50,000 which you have been contributing will be removed from your county budget and you will be saving $50,000. Within five years you will have your money back and immediately after the 31st of May, you will be enabled to reduce your taxes in Blair County to the extent to which you are today appropriating annually for the care of these insane. And yet you say to us that the State is trying to be bureaucratic, that it is trying to take something away from you which is an asset. There isn't a county in the State that can say that their institutions aren't a liability, and when you consider that in your own county and in my county today there are people walking the streets that are a menace to the community that should be in the institutions, and are a sad sight to see because they are not receiving proper care, your institutions become a great liability, and your vote against these bills makes you responsible for the perpetuation of a condition of which we should all be ashamed.

Let me say to you men, that this bill was studied, and submitted to this Senate on the 3rd of August, that it was sent out for second reading and went back into committee on the 9th of August, that public hearings were held, and outside of Senator Mallery's amendment, there has not been a single amendment nor a single suggestion from the floor as to how these bills should be corrected. Today was the first time that this has been done, after we have been wrestling with this problem for so long, a problem which is a real problem and one to which these bills can serve as the only solution. Today I was asked to appear before a committee of which Mr. Mallery was one, and Mr. Fertig another, to explain these bills and to see what could be done about them.

The reason for the amendment which was offered last night was because I am personally troubled about the fact that there is a dual condition existing and something must be done to protect the various counties. So we have provided that all of the ground and buildings used for the insane go to the State, and the buildings used for the indigent remain in the county. That isn't as big a problem as you think when you realize that in all the counties except Pittsburgh, there are only 1,600 indigent patients involved. In Pittsburgh, there are 2,500 indigent patients involved, but the County of Allegheny and the City of Pittsburgh have endorsed whole-heartedly this plan.

Dr. Keegan, the only member of the Philadelphia City Council who was sufficiently interested to appear, although the Mayor and all the members of the Council were given information as to the effect of the bill and invitations to appear here, never showed up,—Dr. Keegan said, regarding Byberry, "We would like you to give us some money, if you can, but if you can't, take it and God bless you."

What about giving you some money? You will find that the Constitution says, "The Commonwealth shall not assume the debt, or any part there of, of any city, county, borough or township, unless such debt shall have been contracted to enable the State to repel invasion, suppress domestic insurrection, defend itself in time of war, or to assist the State in the discharge of any portion of its present indebtedness."

How can we assume in view of this provision, that the State is obligated in this respect to any county? Why should we, in exchange for what we are giving you, a release from an annual burden, and the permission to reduce your taxes annually—taxes which I reiterate we have all been crying about as needing reduction? If there is any more than can be said in favor of the passage of the bill I would like to hear it.

Aside from that I say there is still a problem. We find that some of these institutions have merged their hospitals for mental cases and homes for the indigent. I have said to the gentlemen that are dealing with this, that if they will give me a solution that will solve it, if it can be constitutionally inserted in the bill it will be done. If there is a solution, why not put it in now? I have waited for a month for a solution from anyone and I haven't received any. I firmly believe that you can't correct the condition yourself and I am convinced that even if we do it in its worst form and take these buildings and farms and leave you with no nurses' homes, you will still be a thousand per cent better off financially and morally. You will be able to look at yourself with greater respect, with greater respect than if you vote against these bills and permit these people not to get the treatment to which they are entitled.

I am perfectly satisfied that there are a number of these institutions which should not be taken over. Constitutionally, these must all be taken over at once, but a provision can be inserted in the bill that can provide that the State, between now and the 31st of May, determine whether or not to take over an institution, and the ground and buildings could be deeded back to the county, if the State

decides the institution need not be taken over. I am assured by some gentlemen that that is constitutional. I have agreed that I will have the matter looked into independently so that the bill will not be endangered. If anyone else can suggest any other amendment, no matter how late it is, if it can be done, we will ask the members of the House to submit those amendments.

Why the hurry? Because the 30th of September is the last day on which this plan must be submitted to the State Authority. The State Authority will contribute $32,000,000, seven and a half million dollars of which will be used in Philadelphia, and $25,000,000 throughout the State to create hospitalization for 8,000 more patients. Gentlemen, if you want to vote against this bill under those circumstances, it is your privilege.

Mr. WOODWARD. Mr. President, I had the honor of serving on the committee with my colleague the Senator from Philadelphia and I want to say a brief word of congratulations to him and express my admiration for the very thorough piece of work he has done. I do not care whether it is a Democratic measure or a Republican measure, I will vote for it because I think it is right. I have been for years brought up with the idea that it is all wrong to house the indigent and mentally afflicted under one management. This is not a New Deal measure. This proposition as far as Philadelphia hospitals are concerned passed this Assembly during Pinchot's administration. Pinchot vetoed the bill, but I do not want my Republican colleagues to consider this as a partisan measure. It is not.

Mr. EALY. Mr. President, the argument of these two Senators from Philadelphia entirely overlooks the most important question here. These properties belong to the counties. If you want to deal fairly with them, submit to them whether they want to give them up to the State without consideration. This talk about haste seems to me is what we hear day in and day out from the men on the other side. What if the State Authority should cease its operations at the close of this year? If this institution at Byberry was so bad, surely the people of Philadelphia knew it and could have ferreted it out during the last three years. There ought to be an amendment put into this bill to permit a submission to the people of the counties as to whether or not they are willing to turn over their properties, free and without any consideration.

The Senator from Philadelphia who is the sponsor of this bill, a few weeks ago in apologizing for the conduct of our Governor in seizing a State police plane and going off to Mexico, said that he was going down there to investigate police methods. Well, of course we know that the methods in force in Mexico are the firing squad and imprisonment without trial. It has been suggested by the Senator from Blair that perhaps Mexico was the first country on this continent to seize property without payment. Possibly the Governor was going down to investigate their methods of seizing property without payment, and of course it will be necessary, if this bill is carried to its logical conclusion, to introduce those police methods in this State.

Mr. REED. Mr. President, I wonder if I may ask the Senator from Somerset, one question.

The PRESIDENT. Will the Senator from Somerset, Mr. Ealy, permit himself to be interrogated?

Mr. EALY. Mr. President, I will.

Mr. REED. Mr. President, I would like to know from Senator Ealy whether the institution in Somerset has been receiving any State aid?

Mr. EALY. Mr. President, it has been—the same aid as any county would receive.

Mr. REED. Mr. President, does the Senator know how much that would amount to per annum?

Mr. EALY. Mr. President, I have the figures here somewhere.

Mr. REED. Mr. President, about what would it be?

Mr. EALY. Mr. President, it will be hard to determine that exactly because there are, in this institution, patients from Blair, Cambria, Fayette, Greene, Indiana, and Westmoreland counties, besides Somerset. To separate the amount for our own patients. is something I cannot do.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Barthold,	Henney,	Lanius,	Rodgers,
Cavalcante,	Heyburn,	McCreesh,	Ruth,
Dando,	Howell,	McGinnis,	Shapiro,
Dent,	Jacobs,	Mundy,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Frey,	Kahle,	Reed,	Thompson,
Gilson,	Kilgallen,	Rice,	Woodward,
Haluska,	Kunkel,		

NAYS—7

Buckman,	Deitrick,	Eroe,	Owlett,
Chapman,	Ealy,	Mallery,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

ADJOURNMENT IN MEMORY OF THE LATE SENATOR JOHN G. HOMSHER

Mr. OWLETT. Mr. President and members of the Senate, I have a sad duty to perform at this time. I must announce to the Senate the death of one of our colleagues at 2:15 P. M. today at the Lancaster General Hospital, where Senator John G. Homsher passed away.

I therefore move that the Senate do now adjourn until Monday, September 19, 1938 at 8:00 o'clock P. M., (E. S. T.).

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned out of respect to the memory of Senator John G. Homsher at 3:28 o'clock, P. M., (E. S. T.) until Monday, September 19, 1938, at 8:00 o'clock, P. M. (E. S. T.)

HOUSE OF REPRESENTATIVES

TUESDAY, SEPTEMBER 13, 1938.

The House met at 1:00 p. m.

The SPEAKER, (Roy E. Furman), in the Chair.

PRAYER

The Rev. CLARENCE H. SCHNARS, Pastor of the First

Church of Christ Disciples, Lemoyne, Pa., offered the following prayer:

Our Father, the God of us all, we invoke Thy blessing upon this assembly of lawmakers today. We ask Thee to guide them in their deliberations, in all that they say and do; help them to keep before them the great ideals of the prophet of old, that justice rolling down as waters and righteousness is a mighty stream, to the end that they might contribute towards the welfare and the happiness of all the people. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. GANSER, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Messrs. LEWIS and REUBEN E. COHEN.

HOUSE BILL No. 68.

An Act abating certain penalties authorized by law to be hereafter imposed upon delinquent taxes in cities and school districts of the first class.

Referred to Committee on Cities.

By Mr. MARINO. HOUSE BILL No. 69.

An Act relating to the constitutionality of statutes; prescribing the duty of the Supreme Court of Pennsylvania in the determination of the constitutionality of statutes; and providing that statutes shall not become effective until their constitutionality shall be determined; and imposing certain duties on the Secretary of the Commonwealth.

Referred to Committee on Judiciary General.

By Mr. MARINO. HOUSE BILL No. 70.

A Joint Resolution proposing an amendment to section three, article five, of the Constitution of the Commonwealth of Pennsylvania.

Referred to Committee on Constitutional Amendments.

By Mr. MARINO. HOUSE BILL No. 71.

A Joint Resolution proposing an amendment to section one article five of the Constitution of the Commonwealth of Pennsylvania.

Referred to Committee on Constitutional Amendments.

LEAVES OF ABSENCE

Mr. Broad asked and obtained leave of absence for Mr. PERSHING for today's session.

Mr. Readinger asked and obtained leave of absence for Mr. HESS for today's session.

Mr Valibus asked and obtained leave of absence for Mr. BIERLY on account of illness.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. MOOMAW asked and obtained permission for the Committee on Judiciary Special to meet during the session of the House.

REPORT FROM COMMITTEE

Mr. POWERS from the Committee on Cities reported as committed, House Bill No. 62, entitled:

An Act to ratify, confirm and make valid the joint legislative committee to investigate governmental costs of Philadelphia. Concurrent Resolution No. 2, approved the thirteenth day of January, one thousand nine hundred and thirty-seven, (P. L. 2869), which committee was provided with an appropriation under Appropriation Act No. 9-A, entitled "An act making an appropriation for the expenses of the joint legislative commission created by Senate Concurrent Resolution Serial Number 102, approved January thirteenth, one thousand nine hundred thirty-seven," together with its actions, proceedings, expenses and expenditures.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from House of Representatives, as follows:

In the House of Representatives,
Harrisburg, September 12, 1938.

Whereas, The 1935 Session of the General Assembly passed a Resolution creating a Pennsylvania Commission to Arrange for the 75th Anniversary Reunion of the Blue and Gray at Gettysburg and Governor Earle, in accordance with this Resolution, appointed a number of Pennsylvania citizens to cooperate with a similar commission created by the Federal Government to make the necessary plans for this celebration, and

Whereas, One of our collegues in the General Assembly, the Honorable John S. Rice, the Senator from the Adams-Franklin Senatorial District was appointed Chairman of the Pennsylvania Commission and also Chairman of the joint Federal-State Commission and in this capacity served most efficiently, ably and tirelessly and gave generously of his time to direct the various activities which culminated in a most appropriate and successful final reunion in honor of the Heroes of the Civil War, and

Whereas, The Honorable Joseph F. Guffey, United States Senator from Pennsylvania and the Honorable Harry L. Haines, a Member of Congress from the 22nd Pennsylvania District were Pennsylvania citizens ably serving on the Federal Commission, and

Whereas, The Honorable Edward G. Shannon, the Honorable William A. Schnader, the Honorable Gerald P. O'Neil, Dr. Henry W. A. Hanson, the Honorable William S. McLean, Jr., the Honorable Frederick B. Kerr, the Honorable Victor C. Mather, and the Honorable Willis D. Hall, also ably assisted Senator Rice as Members of the Pennsylvania Commission, and

Whereas, The President of the United States honored this Commonwealth by participating in the most impressive ceremonies dedicating the Eternal Peace Monument,

Therefore, Be It Resolved, if the Senate concur, that the General Assembly extend their most deep appreciation to the President for his active participation in these ceremonies, and

Be It Further Resolved, That the General Assembly extend its appreciation and most hearty congratulations to our Collegue, Senator John S. Rice, for the able manner in which he guided to a successful conclusion this everlasting memorial to the Heroes of the Civil War, and

Be It Also Further Resolved That our appreciation and congratulations be extended to all the other Pennsylvania citizens who were members of either the Federal or State Commissions who ably assisted our Collegue in this Memorial Reunion, and

Be It Further Resolved, That the other members of the Federal Commission who are not residents of the State of Pennsylvania be extended our sincere thanks and appreciation for their cooperation and assistance to our Collegue in this Memorial Reunion and Celebration, and

Be It Also Further Resolved, That the Chief Clerk send copies of this resolution to the President and to all Members of the Federal and State Commissions.

BILL SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 14.

An Act providing for the adjournment and readjournment of county treasurers' sales of seated and unseated lands that were to have been held in the years one thousand nine hundred thirty-seven or one thousand nine hundred thirty-eight for nonpayment of taxes in counties except those of the first and second class and preserving the lien of all taxes on such lands.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

RESOLUTION INTRODUCED AND REFERRED

By Mr. PERRY. RESOLUTION No. 14.

A RESOLUTION REQUESTING INFORMATION RELATIVE TO THE CONSTRUCTION OF THE TUNNEL HIGHWAY AUTHORIZED BY THE 1937 SESSION OF THE GENERAL ASSEMBLY

In the House of Representatives,
Harrisburg, September 13, 1938.

Whereas, The Governor's call for this special session of the General Assembly included as one of the additional subjects for the consideration of the General Assembly "appropriations to the Pennsylvania Turnpike Commission to provide for payment of salaries, rights-of-way and other expenses;" and

Whereas, Act No. 211, of the session of 1937, creating the Turnpike Commission provided that the Department of Highways may make unlimited expenditures for emergency and other purposes, to be repaid to the Department if, and when, bonds were sold; and

Whereas, The total of such advances, made for the preliminary expenses of the Commission to date are currently estimated at more than $1,000,000; and

Whereas, The payment of these continuing advances is a serious handicap to the necessary normal construction-repair and maintenance work of the Department of Highways; and

Whereas, In the absence of convincing proof that there is a possibility that tolls from the road may amount to enough to repay the proposed loan from the Reconstruction Finance Corporation, the loan may have to be paid out of the Motor Vehicle Fund and thus further cripple the future construction and maintenance of the primary and secondary road systems of the state; and

Whereas, The Hurnpike Commission, despite more than a year of effort, failed to convince private capital that investment in the toll highway bonds would be a sound investment and was forced to turn to the Federal Government; and

Whereas, Both the continued advancement of Motor License funds and the ultimate collapse of the project as toll highway constitute a serious threat to the greatly-needed normal road program of the future; now, therefore, be it

Resolved, That the House of Representatives call upon the Pennsylvania Turnpike Commission and the Department of Highways to furnish the following information for the General Assembly and the people of the Commonwealth:

(1) The amount of Motor License Fund moneys actually spent to date in connection with the preliminary surveys, tunnel clearance and other work done in advance of the start of the construction of the tunnel highway;

(2) The cost of, and necessity for, the elaborate office building in Harrisburg which bears the name of the "Pennsylvania Turnpike Commission;"

(3) The amount of such expenditures, returnable and now owing to the Motor License Fund under the Act of 1937, together with any available figures on the cost of Highway Department's facilities on the tunnel highway;

(4) The latest available, official estimate regarding the final cost of the tunnel highway, showing estimated costs of rights-of-way, tunnel clearance, property damages, actual road construction, and interest and amortization costs, as well as current estimates of the annual debt service and administration costs incident to the operation of the toll highway;

(5) The latest available estimates of the traffic likely to be diverted to the proposed toll highway, together with previous estimates included in Federal and State surveys covering the Lincoln Highway and William Penn Highway, together with an interpretation of the information by the Bureau of Public Roads, U. S. Department of Agriculture, and the Pennsylvania Department of Highways; and

(6) The latest available proposed schedule of toll rates for passenger cars and commercial motor vehicles, together with current estimates of toll revenue over the full period of the proposed bond issue.

Referred to the Committee on Rules.

REPORT FROM COMMITTEE

Mr. REUBEN E. COHEN from the Committee on Judicoary Special, reported as committed, House Bill No. 65, entitled:

An Act creating a joint legislative commission to study and report on use of devices and methods of transmission of information for advices in furtherance of gambling, and making an appropriation.

BILL ON FIRST READING

Mr. RUEBEN E. COHEN asked and obtained uninimous consent to have the ollowing bill read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 65, entitled:

An Act creating a joint legislative commission to study and report on use of devices and methods of transmission of information for advice in furtherance of gambling, and making an appropriation.

And said bill having been read at length the first time,

Ordered, To be laid aside or second reading.

BILL RECOMMITTED

Mr. REUBEN E. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

STATEMENT BY MR. REISING

Mr. REISING asked and obtained unanimous consent to address the House:

Mr. Speaker and members of the House, after listening to considerable debate with respect to committees, committee reports and expenses in connection therewith, I feel it is proper at this time, that I give my views on this subject.

When people are in distress, they must be comforted and helped in order that their existance in the future may be worth while for them, both here, and hereafter. The obligation of helping one another is recognized by almost every one, and as a result, we have organization—government agencies, national, state and local; churches and church societies; fraternal, labor and farm groups, along

with the presence of numerous civic enterprises who are chiefly concerned with the rendering of aid and comfort to persons who are in need, physically, mentally, economically, socially and morally.

It is reasonable to state that what is true of an individual is also true of groups of individuals as corporations. For the past nine years, at the present time and for some time to come, we have had and will have the problem of helping distressed people, whether singly, or in groups. In attempting and succeeding in giving help, our national government has conducted many investigations, through obtaining appropriations from Congress to finance and for the expense of the committees making the investigation. Reports are made and recorded. Some are acted upon immediately, others are merely shelved for future use. But the fact remains that some where along the line, money was obtained to pay for the investigations whether they were ever acted upon, or not.

The same thing has occurred again in the state administrations. It is, however, definitely true here in Pennsylvania, where investigations are constantly going on at practically all seasons of the year, covering all branches of private and public activity; the administration of government in certain cities and counties; business practices of banks, trust companies, loan corporations and other financing concerns; public utilities; the oil industry; causes of depression and recession; relief, relief administration; the coal industry, and most notable, the present investigation of the conduct of certain civil officers of the Commonwealth, now in progress.

Many appropriations providing large sums of money to pay for the several investigations, and often supplemental appropriations after the principal requests are granted, are asked for, to complete the work of the committee, or often to settle unpaid bills of the committee which have accrued as a result of the investigation. But although there have been innumerable reports submitted by these committees, there has never been an itemized account furnished to the members of the House of Representatives or the people of Pennsylvania, showing just what the money was spent for, or who received it. I therefore feel that the members of the House should be furnished with such an itemized account of all money received by investigating committees indicating for what it was paid, to whom it was paid, and what service or goods was given the committee in exchange.

Another highly important question I feel impelled to raise at this time on the same subject of investigations is: Does the committee, when these inquiries are made, particularly regarding corporations that are in need of assistance from an outside source such as a government agency, go into the question of determining the status of the capitol structure of the enterprise from the date of its incorporation to the present time, thereby effecting a disclosure of the capital load placed upon the business, by the business its-self, through the time worn custom of adding water to its stocks at the time of incorporation and periods of reorganization and mergers, and at other periods when capital structures are pyramided for the purpose of providing dividends.

Anyone seriously interested in the question of unsound business practices need only to read the history of the American Railroads to be amazed at the business skullduggery employed to load the industry down with a capital structure so great that the railroads cannot carry their own capital load. The Railroad Industry can carry all of the nations passengers, and all of its tonnage safely, but it cannot carry its own paper weight-capital foundation—watered stock.

This brings us to the question of the anthracite coal industry, and if the report which was submitted in a magazine on that business and its fanaegeling and contorted malpractices over the period of its existence is even approximately correct, it is my opinion that the chief trouble with the industry is its match-box underpinnings based on watered capital structures.

I would therefore insist upon the capital structure of the distressed industries that are crying for help, being run through a wringer and relieve it of that vicious and fictitious part of its capital which has caused it to bleed itself white.

I am not willing to have the taxpayers of Pennsylvania assume any financial obligations for which they do not receive any satisfaction as to the purpose of the collection, or the ultimate use to which it is put. Must the taxpayers pay for "pigs in pokes" that are bundled onto them with the bare explanation, if any at all is given—of "Investigations."

If an individual is in distress because he wants to continue to drink, gamble, and carouse, and if by discontinuing the bad habits and practices, he can in some way relieve his own distress, even though it might mean giving up these vices, in order to receive the assistance that society will offer him, so let industry give up its insidious vice of watering stock and set in order its house, economically, then there will be less cause for distress and more willingness to provide a channel of assistance to bring aid.

Then, and only then will the people know just where help is needed and can apply the remedy.

The SPEAKER. The remarks of the gentleman will be spread upon the Legislative Journal.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 58, entitled:

An Act to ratify confirm and make valid the commission to make certain studies in respect to bituminous mines appointed pursuant to the joint resolution approved the fifth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws one thousand six hundred eighty-nine) entitled "A joint resolution creating a commission to make certain studies in respect to bituminous mines defining its powers and duties and making an appropriation" together with its actions proceedings expenses and expenditures

And said bill having been read at length the first time,

Ordered. To be laid aside for second reading.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 51, as follows:

A Joint Resolution proposing an amendment to article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section twenty

WHEREAS The Congress of the United States in section twelve of the Hayden-Cartwright Act of June eighteenth one thousand nine hundred and thirty-four known as 48 Statutes 993 said "It is unfair and unjust to tax motor vehicle transportation unless the proceeds of such taxation are applied to the construction improvement or maintenance of highways" now therefore

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That article nine of the Constitution be amended by adding thereto section twenty as follows

Section 20 All motor vehicle registration fees operators' license fees gasoline excise taxes and other similar special taxes fees duties and excises imposed by law on motor vehicles and trailers and the owners and operators thereof and on liquid or motor fuels and dedicated for highway purposes shall be appropriated and used only to pay for the cost of laying out constructing reconstructing maintaining repairing improving and policing the public highways and bridges for the costs of administration in connection therewith and for the payment of the interest and principal of any State and local debt incurred for highway and bridge purposes and for no other purpose whatever

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection, House Bill No. 10, Printer's No. 46, was passed over at the request of Mr. SCHOR.

RECESS

The SPEAKER. If there are no objections the Chair will declare a recess for five minutes. Are there objections? The Chair hears none and a recess is declared for five minutes.

ANNOUNCEMENTS

The Committee on Rules will meet immediately in the Conference Room in the rear of the House.

The Committee on Municipal Corporations will meet immediately in the Senate Caucus Room to conduct a public hearing on House Bill No. 26, known as the Tax Abatement Bill.

AFTER RECESS

The SPEAKER. The time of the recess having expired the House is called to order.

The SPEAKER, (Roy E. Furman), in the Chair.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. TUMELTY. RESOLUTION No. 15.

In the House of Representatives, September 13, 1938.

Whereas The constitutionality of many acts passed by the last session of the General Assembly were attacked; and

Whereas The Judges of the Supreme Court and other subordinate courts have seen fit to hold many of these acts unconstitutional although they were enacted for the general welfare and interest of the majority of the people of this Commonwealth; and

Whereas The amendment proposing the calling of a Constitutional Convention for the purpose of drawing up a new constitution was defeated, no doubt due to lack of familiarity with the constitution and its provisions; and

Whereas The pupils have never been properly educated in the public schools of this Commonwealth as to the great principles involved or presented in the constitution; and

Whereas It is highly desirable that the knowledge of the public be increased in regard to the constitution and the provisions thereof in order that they may be in a better position to decide whether they wish to be governed by ideas of 1874 should an amendment be presented to them in the future; therefore be it

Resolved That the Department of Public Instruction is hereby requested to require every school district in this Commonwealth to include in their required instruction "A graded course of studies on the Constitution of the Commonwealth of Pennsylvania" so that the provisions of the constitution may be introduced and incorporated in the work of each grade from the fifth to the last grade of the public school system of this Commonwealth, and be it further

Reseolved That a copy of this resolution be transmitted to the Secretary of Public Instruction.

Referred to the Committee on Rules.

By Mr. SIMON. (Concurrent), RESOLUTION No. 16.

In the House of Representatives, September 13, 1938.

Errors occur in printing pink bills and are repeated in subsequent printings.

Errors may creep in at the time of any reprinting, and reprinting is sometimes necessary solely for the purpose of correcting error.

The number of reprints can be reduced greatly, and a very substantial saving made in the cost of legislative printing, by an orderly procedure in inserting amendments and in reading bills for typographical and other errors, and by fixing the responsibility therefor in one place.

The time of members of both Houses can be conserved by reducing the number of times bills appear upon the Calendar for consideration on the floor; therefore be it

Resolved (if the Senate concur), That the preparation of copy for all bills reported by committees and the preparation of copy for all amended bills be made a function of the Legislative Reerence Bureau; and be it further

Resolved, That the Legislative Reference Bureau read for errors all pink and white bills as delivered by the printer, assuring correction of errors on subsequent reprint if one is made necessary by amendment in either House, and obtaining a correct reprint from the printer, without charge to the Commonwealth, if the bill is not amended.

Resolved, That the Legislative Reference Bureau be given the authority and the necessary funds to augment the force of the Bureau to the extent required to properly discharge these responsibilities.

Referred to the Committee on Rules.

REPORTS FROM COMMITTEES

Mr. SCHOR from the Committee on Public Health and Sanitation re-reported as amended, House Bill No. 21, entitled:

An Act to prohibit the sale offering or exposing for sale of fireworks defining fireworks and providing for licensing and regulation of the manner of using fireworks and providing penalties.

Mr. O'KEEFE from the Committee on Rules, reported as amended, House Resolution No. 10.

Mr. O'KEEFE from the Committee on Rules reported as committed, House Resolution No. 12.

COMMITTEE MEETINGS

A public hearing will be held before the Committee on Education on House Bill No. 24, on Tuesday, September

20, 1938 at 10:00 a. m. Eastern Standard Time, in the Senate Caucus Room.

A public hearing will be held before the sub-Committee of the Committee on Mines and Mining on House Bills Nos. 43, 44, 45 and 46, known as the Anthracite Coal Bills, on Wednesday, September 21, 1938 at 2:00 p. m. Eastern Standard Time, in the Senate Caucus Room.

ADJOURNMENT

Mr. HOLMES. Mr. Speaker, I move that this House do now adjourn until Monday, September 19, 1938, at 8:00 p. m.

The motion was agreed to, and (at 3:09 p. m.) the House adjourned until Monday, September 19, 1938, at 8 p. m.

COMMONWEALTH OF PENNSYLVANIA

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SENATE

MONDAY, SEPTEMBER 19, 1938.

The Senate met at 8:00 o'clock P. M., (E. S. T.).

The PRESIDENT (Lieutenant Governor, Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, LL.D., offered the following prayer:

Our God and our Father, as we assemble for the duties of another week, we ask for Thy presence and Thy guiding hand. We pray for our Commonwealth, and for our sisterhood of states. May the wisdom from above lead us into right paths, and in the wideness of Thy mercy, we await the dawning of a brighter day. With a sense of kinship and common loss, we would stand for a moment in silence and stillness before Thee.

We are thinking of a new made grave in God's acre, a quiet church yard in Strasburg. The body of an honored comrade is resting there. The silver cord is loosed; the golden bowl is broken; the pitcher is broken at the fountain. Earth to earth, ashes to ashes, the body will soon return to earth, and mingle with the dust of many gone before but he is not there . He is in our hearts in our memories in the bosom of his God. He lives forever!

We thank Thee for the life of this good man. The heavens declare Thy glory, and the firmament sheweth Thy handiwork, but an honest man is the noblest work of God. Sustain the widow and loved ones by Thy Grace. Comfort those, his intimates here, who reciprocated with him their confidence and affection through years of collaboration in affairs of state. Help us to be true to the higher self, to one another, to our country and our God. Amen.

JOURNAL APPROVED

The PRESIDENT—A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. RICE, the further reading was dispensed with, and the Journal was approved.

LEAVES OF ABSENCE

Mr. Rice asked and obtained leave of absence for Mr. HUFFMAN on account of illness.

Mr. Buckman asked and obtained leave of absence for Mr. HOWELL.

QUESTION OF PERSONAL PRIVILEGE

Mr. THOMPSON. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Centre, Mr. Thompson, will state his question of personal privilege.

Mr. THOMPSON. Mr. President, to my mind the Democratic Party in the Earle administration has been entirely too modest concerning the accomplishments of the last four years, particularly the accomplishments with reference to the fiscal affairs of our government.

We have hidden our light under a bushel so to speak and I think it is high time, with all of the dribble that is coming from the mouths of Republican thunder-makers, that we throw off our cloak of modesty and tell the people of Pennsylvania some of the things that have been accomplished in this State during the last four years.

When the Earle administration came into office in January of 1935, it came in at a time that was unquestionably the low point in our entire State history. The State government had been so plundered by the preceding Republican administration that there was practically no money in the State Treasury. The balance in the Treasury in January 15, 1935, was not much over $700,000, a sum that was utterly inadequate to meet a two-weeks pay-roll of the State. Practically all of our special funds had been plundered; our highway funds were practically exhausted; the firemen's relief fund had been taken; special funds for relief of distressed school districts had been stolen; almost every way you turned the Republican administration had used the funds of the State for some purpose other than that for which these funds had been raised.

In order to keep the State government from collapsing utterly it was necessary for the officers of the Earle administration to go out and beg from the larger corporations of the State that they advance taxes, which were not due until March, so that we could save the State from an entire collapse.

Not only was the Treasury of the State empty, but we were so far in debt that it looked as though the State would never get back on an even keel. The preceding Republican administration had left nearly $40,000,000 of unpaid current bills. In addition to this, the preceding Republican administration had involved the State in $85,000,000 of additional bonded indebtedness and had made no provision for the payment of any part of the principal or the interest on the State debt. We had $28,000,000 of debt service to provide almost immediately, in addition to this, there were five months left of the Republican biennium which extended until the 31st of May, 1935, for which no provision had been made. The relief bill in Pennsylvania at that time was running in excess of $20,000,000 a month and there was no money in the State Treasury to pay relief and when the Republican administration went out of office, they left the five months relief bill of the remaining part of their biennium unprovided for. In other words, Mr. President, when the Earle ad-

ministration assumed office in January of 1935 they found this State $168,000,000 worse off than broke.

How can the Republican party ever pretend to governmental sagacity or boast of the business ability of its leaders in the face of a record such as this?

It is with a great deal of pleasure, Mr. President, that we can report to you that every bill of the Earle administration during the last three and a half years has been faithfully met when it was due, every obligation of the State of Pennsylvania faithfully discharged, even including the obligations which we inherited from our predecessors and, Mr. President, when the Treasurer of the State of Pennsylvania issued his monthly statement on the 31st day of August, 1938, he revealed a balance in bank of $94,827,287.96. I say to you, Mr. President, that this is the greatest piece of good business that has ever been carried out in the history of Pennsylvania. Nothing like this has ever been accomplished in the history of this State before and probably will never have to be accomplished again in our life time, and, I say to you, Mr. President, that the Democratic Party is justly proud of a record of this sort and needs make no apologies when it goes before the voters of this State today for its business-like conduct of the affairs of our State government.

Almost every day we pick up the newspapers and read where the "False Front" Breaker Boy has attacked the Earle administration on its tax program. It is an interesting note in this connection that about a month ago when the "False Front" and I spoke at the same meeting, I publicly challenged him to meet me on the platform any place that he should desire to debate this question of taxes and to this day there has been no acceptance of the challenge. I don't believe that "False Front" has the slightest conception of what taxes are levied by the State of Pennsylvania, even though he did serve four years as Lieutenant-Governor as the spearhead of all anti-labor legislation during that period. Have any of you ever read a speech where "False Front" refers to any particular tax?

Just to digress one moment, Mr. President, from the thought of this speech, I want to call the attention of yourself and this Senate to something which I borrowed from one of my Republican friends on the way down here this afternoon. I took it off of his automobile. It is one of the familiar bumper cards reading "James for Governor." I want you to notice that among other things there is no union label on that bumper card.

Our section of the State today is being flooded with the bumper cards, and I think that for the first time in the history of Pennsylvania we have a major political party and a candidate for governor who is too cheap to spend the extra funds necessary to get a union label on his campaign advertising.

Let's consider in the first place what the new taxes levied by the Earle administration consist of. Only two new taxes have been levied during the four years of the Earle administration, and during that time a number of nuisance taxes, such as the tax on building and loan shares, have been repealed. A 2 cent tax on cigarettes was placed, and cigarettes are selling for less in Pennsylvania today than they were when this tax was enacted. At the time this tax was enacted cigarettes were selling for seventeen cents and today they sell almost universally for fifteen cents. It is, of course, absurd under these circumstances to say that such a tax was confiscatory.

The other new tax that was levied during this administration was the tax on theatre admissions. This tax was levied in 1935 and was repealed in 1937 and, of course, it is equally silly to maintain that this tax is confiscatory.

There were some increases in taxes in this State during the last four years. At the request of the Pennsylvania Chamber of Commerce the corporate net income tax was raised to 10% rather than have another tax enacted, but certainly no business when it is making money could object to sharing its net income with its State government.

The gross receipts tax on untilities was raised to twenty mills but this certainly couldn't be confiscatory because utility rates, as a whole, throughout the State have been reduced at least 15% during the period this tax has been in effect, and, during this period some of our utilities have had the greatest earning of any in their history.

The personal property tax in this State was put on a business-like basis and is now being collected in this State for the first time, although it was originally enacted in 1913, and every County in the State has benefited by it. As a matter of fact, all of the well-managed Counties of the State by reason of the State's business-like administration of personal property taxes have been able to reduce their millage upon real estate in their Counties three or four mills, on account of the additional income which the County has received by virtue of the personal property tax.

There are none of the Republican orators who want to go into detail about state taxation because they realize that the argument is all against them when facts are really presented. Let me say, Mr. President, why the Republican party is really concerned about taxation.

For a great many years the Pennsylvania Manufacturers' Association regularly each year contributed about $2,000,000 to the Republican State Committee which kept the wheels of Republican politics well oiled. Now, the Manufacturers' Association didn't do this out of the goodness of their heart, but they received a magnificent return on their investment. The Republican party as a return for this $2,000,000 investment maintained the exemption, which Pennsylvania manufacturers enjoyed, from the payment of the five mills capital stock tax levied against all other forms of corporations in this state.

The coal companies in my district had to pay this tax; the clay companies in my district had to pay this tax; the lumber campanies had to pay this tax; insurance companies had to pay this tax; in fact, every form of corporation in this state had to pay this tax except the group that was with regularity furnishing the fuel for the Republican furnace.

In 1935 when we found this State in the deplorable financial condition in which it had been left by the Republican party the Earle administration repealed this discrimination which this group had enjoyed for so many years as one of its first fiscal measures. For twenty years the public of Pennsylvania had been trying to get a bill out of committee to repeal this discrimination in favor of the one class of corporations and had never succeeded, and, when it finally came upon the floor of the Senate there was so much public pressure behind it that twelve Republican Senators were forced to vote in favor of the repeal of this discrimination (Senators Aron, Ealy, Har-

ris, Homsher, Howell, Prince, Salus, Staudenmeier, Thompson (Westmoreland County), Trainer, Woodward, Ziesenheim).

This tax has been yielding thirty to thirty-five millions of dollars a year. Isn't it a handsome investment when you can pay $2,000,000 a year and receive back in return $30,000,000 to $35,000,000 a year which belongs to the people of Pennsylvania. Is it any wonder that the people who are wailing so loudly about taxes in Pennsylvania can get together a $5,000,000 slush fund to buy Pennsylvania back where they can again save this $30,000,000 to $35,000,000 a year favoritism in their own behalf?

Did anyone ever hear of a Republican administration doing anything to reduce the burden of local taxes on real estate? Certainly it was never attempted in this State for a period of forty years, but instead, the good old Republican principle was applied of loading all tax burdens on to real estate.

The Democratic Party in its platform of 1934 promised a shift of this tax burden and has come a tremendous distance in fulfilling its promises.

In the first place, we have seen that the burden of the maintenance of out-door poor relief is no longer borne by the real estate of the Commonwealth. Real estate has been completely freed from this item of taxation. The administration has likewise taken over the burden of the maintenance of township and county roads which need no longer be borne by local taxation.

In the third place, we have seen of recent weeks a program initiated which will take the burden from the real estate of the Commonwealth of school building construction.

In the fourth place, Mr. President, last week we passed here in the Senate of Pennsylvania, a bill which will relieve our counties from the maintenance of those who are mentally ill in our state sanitoriums. This burden will no longer have to be borne by the real estate tax-payer, and, in the fifth place, as stated before in well-managed counties, the County Commissioners have effected very substantial reductions in county tax on real estate on account of their increased income from the personal property tax.

I say to you, Mr. President, that for the first time in the history of Pennsylvania, an administration of our State government has reached into our local communities to assist the individual burdened with a load of taxes upon his home, his farm, his small place of business. Let these Republican vaporizers show where their party ever did anything but load these taxes upon the real estate taxpayer and let them admit, as they must admit, that if they expect to re-instate a preferred tax free class in Pennsylvania, that such preference must go right back on the real estate of the Commonwealth.

For all of these reasons, Mr. President, I say that the best business management that this Commonwealth has ever seen in its history has occurred during the last four years. We have seen an administration which by modern and business-like methods could restore this state from a fiscal position of being $168,000,000 worse off than broke to a point where it is carrying the largest treasury balance in its history.

We have seen that with all of this there has been no real tax burden imposed upon the people of this Commonwealth and we have seen how that for the first time in this State we have eliminated a class which heretofore went substantially tax free. We have seen, Mr. President, how for the first time in the history of this State a political party has truly and honestly initiated a program to relieve real estate from its burden of local taxation.

I say, Mr. President, that the above reasons, if for none other, the people of Pennsylvania on November 8 will reaffirm their confidence in the Democratic Party.

Mr. REED. Mr. President, Senator Thompson in his fine discourse referred to the great work that has been done by the Administration in the relief of real estate from the tax burden. I am glad to know that he says that something has been done in that respect but with all that has been done the burden still remains extremely heavy on the little home owner and on the farm owner and I want to again call the attention of the Senate to two resolutions that the real estate owners have been crying for for years; that which has to do with homestead exemptions and that which has to do with a graduated income tax, both of which are on the Real Estate Association's program. And yet, Mr. President, I am sorry to say and I call the particular attention of my colleagues on the Democratic side to this fact, that many of them last week voted contrary to what Senator Thompson has said in killing both of these very fine, efficacious real estate reduction resolutions. I hope that when they come up again my colleagues will follow the Democratic platform and vote favorably on both of them.

Mr. WOODWARD. Mr. President, it is easy enough for any administration to accumulate a full treasury if they are perfectly reckless in their methods. That is the situation in Pennsylvania, which is popularly known as the Little New Deal.

The Senator from Centre has spoken about real estate, also the Senator from Washington. I happen to be in the real estate business. I have houses to rent, and I would like to say that I have lost about half a dozen tenants who have deliberately moved away from Pennsylvania on account of the eight mills personal property tax. Now that is a small item perhaps in the shrinkage of the real estate values in Philadelphia but I have in my hands some figures given me by the Board of Education showing that between 1930 and 1938, there has been a shrinkage of real estate values in Philadelphia of one billion dollars.

Now I cannot explain that but I can give you a little advice from my own experience. You cannot have your cake and eat it. I clipped the following from the New York Times of September 15th. "The reorganization program of the Philadelphia and Reading Coal & Iron Company proposed to close five mines and throw three thousand men out of employment. The referee in the case told the Court that in general it must be allowed that hardship more or less substantial would result from the discontinuance of all five of the mines, but he declared however, that the time has come when the company must end excessive expenditures if the debtor is to survive."

Now the Senator from Centre leaves out of the story the survival of the debtor. It reminds me of the story of the French aristocrat in the French Revolution who was not guillotined, and some friend, after the Revolution, asked him what he had done for his Country in the French Revolution and he said, "I survived." Just so, many people will be lucky, I think, to survive the Little New Deal.

I quote from a New York Times editorial which was

headed, "Something for Nothing." "The worst thing that can be said of the Roosevelt administration," and of course that applies to Pennsylvania, "is that it has encouraged numbers of American people to believe that they can grow richer by working less. It has done this by putting so little emphasis on the necessity of working himself and so much emphasis on the theory that there exists a great fund of wealth which has only to be divided more equitably in order to make everybody happy."

In all the past history of State income taxes, of which Massachusetts is a good example, the top notch rate for a graduate income tax has been six percent. In Pennsylvania today we have in fact, (I was talking to an officer of the Department of Revenue, and he frankly admitted that the personal property tax is a capital levy), a levy on capital, not on income, but if you translate four mills, as it used to be, it makes an income tax of ten percent, and the Earle Administration has doubled that to eight mills so that Pennsylvanians are now paying twenty percent, translated in terms of an income tax. Well, if you are going to do that kind of thing and exact capital a levy, of course any Senator can stand up and point with pride to the amount of money in the treasury of the State.

The PRESIDENT. The Chair would observe that the Senator from Philadelphia has a psychic personality and has anticipated what Senator Thompson was to say here this evening.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

COMMUNICATIONS FROM THE GOVERNOR

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows:

APPROVAL OF SENATE BILLS NOS. 5, 16 and 17

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, September 14, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

Senate Bill No. 5, Printer's No. 16, entitled "An Act To amend section two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2,051) entitled 'An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board by re-defining "assistance" so as to provide for medical care in place of services."

Senate Bill No. 16, Printer's No. 38, entitled "An Act Authorizing the Commonwealth or any of its agencies or instrumentalities of Government including the General State Authority to contract with and to lease or acquire from any housing authority any area acquired or about to be acquired for slum clearance purposes."

Senate Bill No. 17, Printer's No. 39, entitled "An Act Authorizing housing authorities to contract with and to lease or convey to the Commonwealth or any of its agencies or instrumentalities of Government including the General State Authority any area acquired or about to be acquired for slum clearance purposes."

GEORGE H. EARLE.

APPROVAL OF SENATE BILL NO. 14

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, September 16, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 14, Printer's No. 12, entitled "An Act Providing for the adjournment and readjournment of county treasurers' sales of seated and unseated lands that were to have been held in the years one thousand nine hundred thirty-seven or one thousand nine hundred thirty-eight for nonpayment of taxes in counties except those of the first and second class and preserving the lien of all taxes on such lands."

GEORGE H. EARLE.

BILL INTRODUCED

Mr. MALLERY read in his place and presented to the Chair, Senate Bill No. 52, entitled:

An Act placing on the Commonwealth the liability for the cost and care of maintenance of indigent mental patients in State institution district and city mental hospitals; and repealing inconsistent laws.

Which was committed to the Committee on State Government.

EMPLOYE OF THE SENATE

Mr. JACOBS offered the following resolution which was twice read, considered, and agreed to:

In the Senate, September 19, 1938.

RESOLVED, That Paul C. Trout, Mifflin, Juniata County, be elected Page to the Senate, vice Banks Ol Jacobs, Mifflin, Juniata County, resigned.

TIME OF NEXT MEETING

Mr. McCREESH offered the following resolution which was twice read, considered, and agreed to:

In the Senate, September 19, 1938.

Resolved (if the House of Representatives concur) That when the Senate adjourns this week it reconvene on Monday evening, September 26, at 9 o'clock; and when the House of Representatives adiourns this week it reconvene on Monday evening, September 26, at 9 o'clock.

Ordered, that the Clerk present the same to the House of Representatives for concurrence.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 10, entitled:

A Supplement to the act approved the sixteenth day of June one thousand nine hundred and thirty-six (Pamphlet

Laws sixteen) entitled "An act making an appropriation to the Department of Health to defray the cost of pumping the water from slate quarries and anthracite and bituminous coal mines which have been flooded directly or indirectly by the high waters during March one thousand nine hundred thirty-six" by making a further appropriation to supply the deficiency incurred and needed under the provisions of said act.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

Mr. WOODWARD. Mr. President, as I understand this bill it is to provide additional money for pumping water from slate quarries and anthracite and bituminous coal mines. I remember very distinctly receiving a telegram from Governor Earle asking me whether I was for an appropriation for pumping water out of the coal mines flooded during the great flood of 1936 and I replied that I would be, but when the bill came to be amended I found that it was amended to include slate quarries so I stood up and said I had not bargained to vote money to pump water out of a quarry hole and I am in that same position tonight, and therefore must vote against this bill.

I understand that one of the arguments for pumping water out of quarry holes is that at the bottom of every quarry hole there is a dead body and I know when I traveled in Northampton County I was very careful not to stand on the brink of any quarry hole for fear I might be pushed in.

And the question recurring,

Will the Senate concur in the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—37

Barthold,	Gilson,	Lanius,	Rice,
Cavalcante,	Haluska,	Law,	Rodgers,
Dando	Henney,	McCreesh,	Rupp,
Deitrick,	Heyburn,	McGinnis,	Ruth,
Dent,	Jacobs,	Mundy,	Shapiro,
DiSilvestro,	Jaspan,	Owlett,	Sipe,
Ealy,	Kahle,	Pytko,	Sones,
Erne,	Kilgallen,	Rankin,	Stiefel,
Frey,	Kunkel,	Reed,	Thompson,
Gelder,			

NAYS—6

Buckman,	Mallery,	Scarlett,	Woodward,
Chapman,	Pierson,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 25, entitled:

An Act relating to and removing the remaining additional persons now serving as Pennsylvania members of the Delaware River Joint Commission by virtue of appointment by the General Assembly under the act approved June twelfth one thousand nine hundred and thirty-one (Pamphlet Laws five hundred seventy-five) entitled "An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River and the improvement of the facilities for transportation across the river authorizing the Governor for these purposes to enter into an agreement with New Jersey creating The Delaware River Joint Commission and specifying the powers and duties thereof including the power to finance projects by the issuance of revenue bonds transferring to the new commission all the powers of the Delaware River Bridge Joint Commission and making an appropriation" and providing for the appointment of their successors.

which was returned from the House of Representatives with amendments.

Said amendments having been twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

Mr. BUCKMAN. Mr. President, I would like the privilege of interrogating the sponsor of this bill, the Senator from South Philadelphia, Senator DiSilvestro.

The PRESIDENT. Will the Senator from Philadelpnia, Mr. DiSilvestro, permit himself to be interrogated?

Mr. DiSILVESTRO. Mr. President, I will be delighted.

Mr. BUCKMAN. Mr. President, I would like to ask the Senaotr if this is not a ripper bill somewhat similar to many bills that were passed at the Session of 1937.

Mr. DiSILVESTRO. Mr. President, I would like to use a more polite term in this case. This is a removal bill.

Mr. BUCKMAN. Mr. President, is it not a fact that these are Republican members that they seek to remove?

Mr. DiSILVESTRO. Mr. President, the men are named in the bill and I would like to inform him that the men to be removed are Thomas B. Smith and Richard Weglein.

Mr. BUCKMAN. Mr. President, may I ask the Senator why he wants to remove them other than the fact that they are Republicans.

Mr. DiSILVESTRO. Mr. President, it is not because they are Republicans but for the information of the Senator from Bucks and the Senate, it is because the Commission of New Jersey and the Commission of Pennsylvania defined that under the Act of 1931, which specified that the eight members from Pennsylvania were comprised of the Governor, the Auditor General, the State Treasurer and the Mayor of Philadelphia and four citizens of Pennsylvania, that those serving on the Commission should serve for no more than five years. Now when Governor Earle asked Mr. Smith and Mr. Weglein to resign they would not resign so Governor Earle removed them and placed two other gentlemen from Philadelphia on that Commission. Afterwards the men that Governor Earle displaced from the Commission protested and brought their case up in Common Pleas No. 5. Common Pleas No. 5 ruled that the Governor was in full right when he removed Thomas B. Smith and Mr. Weglein. The Supreme Court reversed the decision of the Common Pleas Court, for the information of my colleague from Bucks, and stated that the Legislature had the power to remove these men, and tonight I ask the members of this Senate to vote favorably on this bill so that we can make it an Act and remove Thomas B. Smith and Mr. Weglein.

And the question recurring,

Will the Senate concur in the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Barthold,	Henney,	Law,	Rupp,
Dando,	Heyburn,	McCreesh,	Ruth,
Dent,	Jacobs,	McGinnis,	Shapiro,
DiSilvestro,	Jaspan,	Mundy,	Sipe,

Eroe,	Kahle,	Pytko,	Sones,
Frey,	Kilgallen,	Rankin,	Stiefel,
Gilson,	Kunkel,	Rice,	Thompson,
Haluska,	Lanius,	Rodgers,	

NAYS—12

Buckman,	Deitrick,	Mallery,	Reed,
Cavalcante,	Ealy,	Owlett,	Scarlett,
Chapman,	Gelder,	Pierson,	Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 36 (House Bill No. 8) as follows:

An Act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed with the General State Authority of various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects

Whereas By Act Number Eighty-nine A adopted by the General Assembly of the Commonwealth of Pennsylvania at the session of one thousand nine hundred and thirty-seven and approved by the Governor July second one thousand nine hundred and thirty-seven the sum of two million seven hundred fifty thousand dollars ($2,750,000) was appropriated to the Department of Property and Supplies of the Commonwealth for the payment during the period ending May thirty-first one thousand nine hundred and thirty-nine by the Commonwealth of annual rates and rentals and other charges for the use and occupancy of or the right to use or occupy the projects structures buildings and facilities leased by the General State Authority and

Whereas Leases and contracts to lease have actually been entered into which will require payment of approximately one million five hundred thousand dollars ($1,500,000) out of the said appropriation to The General State Authority as rent for projects which have been and are being constructed and improved by the Authority for the Commonwealth of Pennsylvania and

Whereas The Executive Department of the Government of the Commonwealth is about to apply to The General State Authority for the construction of projects additional to those which were undertaken by the Authority on behalf of the Commonwealth and the Pennsylvania State College during the years one thousand nine hundred and thirty-seven and one thousand nine hundred an thirty-eight in the financing of which additional projects the Authority will be aided by United States Government Grants amounting to forty-five (45) per centum of the cost of construction and

Whereas Such additional projects though commenced prior to January first one thousand nine hundred and thirty-nine will not be completed and leased to the Commonwealth until after May thirty-first one thousand nine hundred and thirty-nine Therefore

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of two million dollars ($2,000,000) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for the payment during the period ending May thirty-first one thousand nine hundred and forty one by the Commonwealth of annual rates rentals and other charges for the use and occupancy of or the right to use or occupy the projects structures buildings and facilities leased by The General State Authority or for services rendered by the Authority or its projects construction of which projects structures buildings and facilities may have been commenced after the date of this act and prior to January first one thousand nine hundred and thirty-nine payment of such annual rates rentals and other charges shall be made in equal monthly or quarterly installments or otherwise as required by the respective leases

Section 2 The appropriation made by this act shall be budgeted and expended in accordance with the requirements and provisions of the leases referred to in section one and shall be allocated by the Governor to provide payment of the rentals reserved in such leases The Auditor General and the State Treasurer shall honor the requisitions of the Secretary of Property and Supplies in accordance with such allocations

Section 3 The appropriation made by this act or as much thereof as may be necessary shall be earmarked and retained as a fund in the General Fund to meet the payments which may become due during the period from June first one thousand nine hundred and thirty-nine to May thirty-first one thousand nine hundred and forty-one under the terms of such contracts as by virtue of the provisions of the General State Authority Act of one thousand nine hundred and thirty-five as amended may be entered into by the Commonwealth acting by and through the Department of Property and Supplies as lessee and The General State Authority as lessor to lease such additional projects to be undertaken by the Authority

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. BUCKMAN. Mr. President, my position on this bill is perhaps a peculiar one. This bill makes an appropriation of two million dollars, I think, to pay rental for the properties occupied by the General State Authority. The reason I am going to vote for this bill is not because I believe in the General State Authority, which was thrown out the window by the Supreme Court once and then for reasons which have never been satisfactorily explained to me, the Supreme Court reversed itself and now holds that the General State Authority is constitutional. But the reason I am going to vote for this bill is that I know that it is going to be a great deal of help to Pennsylvania State College, or perhaps I should now say Pennsylvania State University.

At the end of the Session of 1937 I was greatly honored by the President pro tempore of this body in appointing me as a minority member of the Commission to go to State College to study the subject of having it made a real State institution, in the first place, by changing its name, which I understand has been done, and in the second place by having the title to the property, the very valuable real estate occupied there by that institution, turned over to the Commonwealth of Pennsylvania. And I had the honor of serving on that Commission with the Senator from Centre, Mr. Thompson, my close personal friend and political antagonist, and also my close personal friend the Senator from Fayette, Mr. Cavalcante, who is now my left handed political colleague.

In the performance of our duties, the three of us went to State College last November. I want to express my gratitude not only to State College but to the Senator from Centre for the royal manner in which we were entertained there. We went over the institution as best we could in the short time we were there and also took in a football game. I learned many things while I was there and the Committee of which I was a minority member seems to be unanimous in the opinion that the name should be changed and that the title to the real estate

should be turned over to the Commonwealth. I learned that we would be able to change the name alright, as has been done, but that we would probably not be able to have the title turned over to the Commonwealth for what seems to me to be the very poor reason that at present there is in State College a line of insurance of some five or six million dollars, I am told, and as long as the title of State College is in the name of a private institution insurance is carried in private companies and someone benefits from the commissions on that insurance of from somewhere between twenty-five and thirty thousand dollars a year. I learned that perhaps it would not be permitted at this time to have the title of that very fine institution turned over to the Commonwealth for the reason that all of the insurance of property owned by the Commonwealth is carried by its own insurance fund rather than by the writing of insurance in private companies.

Now Mr. President, that seems to me to be entirely wrong and out of order and I am not afraid to speak for fear I might be subpoenaed before the Committee which is now functioning in the House. I shall not call them a Whitewash Committee—they seem to resent that name. I am not sure it is appropriate; I would rather term them the Peroxide Committee, because once a thing is turned white by peroxide that thing will never turn back but when it is whitewashed it will eventually resume its former color.

I understand that in the building operations being carried out up there, Mr. McCloskey already has some five or six million dollars of contracts and perhaps they are not through yet. I do not know who will carry the insurance on those State Authority buildings that they are putting up up there but it does seem to me a shame that an institution like State College should be held back for the reason that someone is getting a large amount of annual commissions out of that place. I am going to vote for this bill but I intend to do so for that reason and for that reason alone.

Mr. WOODWARD. Mr. President, I would like to get some information from Senator Thompson about the General State Authority.

The PRESIDENT. Will the Senator from Centre, Mr. Thompson, permit himself to be interrogated?

Mr. THOMPSON. Mr. President, I will.

Mr. WOODWARD. Mr. President, I understand that when the super-highway bonds mature that the super-highway will revert to the highway system of the State. Is that not true?

Mr. THOMPSON. Mr. President, I must confess that I am not as well informed on the super-highway as perhaps I should be and I will not attempt to either verify or deny that assertion.

Mr. WOODWARD. Mr. President, then may I ask the Senator from Centre about the seven hundred and fifty schools he is going to build. I am told, mere gossip of course, that at the maturity of that loan the schools will be left up in the air, and they will not go back to the school boards. Is that true?

Mr. THOMPSON. Mr. President, well that is not exactly true at all. The unfortunate part about one phase of our jurisprudence in this State is that the Supreme Court, when it underwent that magnificent somersault that the Senator from Bucks referred to a few minutes ago when passing upon the General State Authority Act, said that if you provided for a return of title at the end of a rental period it made it an installment contract and would make the operation of the Authority unconstitutional. Consequently the General State Authority is going through the form of not stipulating, in accordance with the mandate of the Supreme Court, any particular return of title at the end of the period of amortization of the financing for which they provide. But I think that I can assure the Senator from Philadelphia that at the end of the period, the titles to all of the lands will revert to the places where they should properly go.

Mr. WOODWARD. Mr. President, one more question about State College. I do not understand how the General State Authority can spend money on an institution which does not belong to the State. I understand about the super-highway belonging to the State and about the schools belonging to the State, but State College does not belong to the State, as I understand it.

Mr. THOMPSON. Mr. President, let me say that the erudite Senator from Philadelphia is apparently not as well informed about some of the mechanics of our State Government as he should be.

Mr. WOODWARD. Mr. President, I never will understand the State Authority.

Mr. THOMPSON. Mr. President, as far back as 1864 the Commonwealth of Pennsylvania entered into a compact with the United States government. The United States Government passed what was known at that time as the Morell Act, an Act granting—

Mr. WOODWARD. Mr. President, that was in 1862.

Mr. THOMPSON. Mr. President, the Morell Act was passed by the Federal Government in 1862. In 1864 the Commonwealth of Pennsylvania passed an Act adopting the provisions of the Morell Act and promising to maintain in Pennsylvania such an institution as Pennsylvania State College is, and in compliance with this covenant with the Federal Government the State Government has since that time, Mr. President, maintained State College as a sort of quasi-public institution.

Mr. WOODWARD. Mr. President, I am all for State College and expect to vote for the bill.

Mr. THOMPSON. Mr. President, may I inquire whether that answers the Senator's question? Does it enlighten the Senator in the way that he desired?

Mr. WOODWARD. Mr. President, yes, but I am sorry that the Senator from Centre made a mistake in the date of the Morell Act.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barthold,	Gelder,	Law,	Rodgers,
Buckman,	Gilson,	Mallery,	Rupp,
Cavalcante,	Haluska,	McCreesh,	Ruth,
Chapman,	Henney,	McGinnis,	Scarlett,
Dando,	Heyburn,	Mundy,	Shapiro,
Deitrick,	Jacobs,	Owlett,	Sipe,
Dent,	Jaspan,	Pierson,	Sones,
DiSilvestro,	Kahle,	Pytko,	Stiefel,
Ealy,	Kilgallen,	Rankin,	Thompson,
Eroe,	Kunkel,	Reed,	Woodward,
Frey,	Lanius,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 27, entitled:

An Act to amend section two of the act, approved the eleventh day of April one thousand nine hundred twenty-nine (Pamphlet Laws four hundred eighty-seven) entitled "An act authorizing the Department of Welfare to determine the legal residence of indigent insane feeble-minded and epileptic persons returned to this Commonwealth by the authorities of another State or transferred from one poor district to another by the department and requiring the proper district to pay the costs of the care and treatment of such persons in accordance with the laws relating to indigent insane persons" by relieving poor districts of certain costs and placing such costs on the Commonwealth.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barthold,	Gelder,	Law,	Rodgers,
Buckman,	Gilson,	Mallery,	Rupp,
Cavalcante,	Haluska,	McCreesh,	Ruth,
Chapman,	Henney,	McGinnis,	Scarlett,
Dando,	Heyburn,	Mundy,	Shapiro,
Deitrick,	Jacobs,	Owlett,	Sipe,
Dent,	Jaspan,	Pierson,	Sones,
DiSilvestro,	Kahle,	Pytko,	Stiefel,
Ealy,	Kilgallen,	Rankin,	Thompson,
Eroe,	Kunkel,	Reed,	Woodward,
Frey,	Lanius,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 29, entitled:

An Act to amend the act, approved the eleventh day of July, one thousand nine hundred twenty-three (Pamphlet Laws, nine hundred ninety-eight), entitled "An act for the prevention and treatment of mental diseases, mental defect, epilepsy, and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients; providing for the payment by individuals, counties, or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties," as amended, by further defining and limiting the institutions in which persons metally ill may receive care and treatment; relieving counties and poor districts of the payment of the cost of admission, care, and discharge of mental patients, with certain exceptions; imposing such costs on the Commonwealth; and repealing inconsistent laws.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barthold,	Gelder,	Lanius,	Rice,
Buckman,	Gilson,	Law,	Rodgers,
Cavalcante,	Haluska,	McCreesh,	Rupp,
Chapman,	Henney,	McGinnis,	Ruth,
Dando,	Heyburn,	Mundy,	Scarlett,
Dent,	Jacobs,	Owlett,	Shapiro,
DiSilvestro,	Jaspan,	Pierson,	Sipe,
Ealy,	Kahle,	Pytko,	Sones,
Eroe,	Kilgallen,	Rankin,	Stiefel,
Frey,	Kunkel,	Reed,	Woodward,

NAYS—2

Deitrick,	Mallery,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill 31 (House Bill No. 17), entitled:

An Act to amend Article two of the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder," as amended, by adding a new section two hundred and one and one-tenth thereto; imposing the presumption of negligence upon employers; providing for admission of certain evidence and providing for double damage under certain circumstances.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. RODGERS. Mr. President, may I arise in explanation of my vote on this next measure? May I be permitted to read two news items which appeared recently on House Bill No. 17?

"Work Progress Administrator Harry L. Hopkins said today that WPA rolls reached a new high of 3,066,953 during the week ended August 27, and indicated that they soon may reach the tentative maximum of 3,100,000 which he previously estimated as the peak load this year.

"WPA officials disclosed they were relying largely on fall business improvement to reduce unemployment figures. Unless the upward trend is arrested by private business, they said, the relief agency may exhaust its $1,425,000,000 appropriation in January. Originally the funds were intended to run to March 1, or February 1, at the earliest.

"The number of WPA employes for the week ended August 27, was 28,078 more than for the previous week, Hopkins said.

"The figures showed that more than twice as many workers were employed by WPA during this period compared with the corresponding period a year ago, when the agency was contracting and 1,479,836 persons were employed. The previous weekly high prior to the week

ended August 20 was in February, 1936, when 3,036,000 persons were on WPA rolls."

Again I read from a news item. "The Emergency Council of State Association reports, on the authority of Secretary of Labor Perkins, that while factory employment in the United States as a whole increased in July, with 26 states showing gains, it decreased in Pennsylvania.

"The Federal Reserve Board states that industrial activity in the United States increased in July, but the Pennsylvania Departmemnt of Public Assistance reports that relief cases have increased in sixty counties, indicating an industrial slump.

"Pennsylvania payrolls show a much greater falling off from last year than payrolls for the nation as a whole, and according to the Federal Census of Unemployment, unemployment in Pennsylvania is twenty-five per cent above the national average.

"Something peculiar to Pennsylvania is retarding our industrial recovery."

Mr. President, I am convinced in my own mind that the greatest need today in Pennsylvania is work, employment, re-employment. Nothing should stand in the way of re-employing men and women at this time. I am sure, and you are, that able-bodied men and women are not going to be satisfied with relief wages, and House Bill No. 17 in my judgment acts as just a sprag in the wheels of industry. The disastrous effect of this bill may be entirely psychological so far as industry is concerned but the effect upon the workers of this State will be less jobs. The cure of industrial recovery has just started to move upward. Business never was more sensitive to the actions of this Legislature. Let us do something to re-establish confidence in the industrial group. Let us do nothing to stop a rapid recovery of business. It is necessary to bring all industry under compensation and I would favor some sort of a compulsory compensation act. But surely there is some reason for the great number of industries that are out from under compensation at this time and are in the position that we find them, but I say that through some kind of an act we should bring all industry under workmen's compensation.

The Dent Resolution which was passed last week unquestionably gives this Senate an opportunity between now and the regular session in January to study this bill thoroughly and to find out what is the reason that industry is going out from under compensation, and I feel that we are doing nothing right now in the passage of this bill that will be of particular value to the working man within the short period of time between now and January 1st. In those three months we may have an industrial upturn that will reflect credit on all of us and particularly re-employ a vast number of men and women,—a greater number, I am quite sure, than would be benefited by the passage of this bill. This Commission which we authorized last week should ascertain the reason for the rejection by so many companies which should be under workmen's compensation and recommend to the next regular session of the Legislature any proposed changes in the Act if any are necessary for the best interests of the people of the State.

We threw out prohibition because the people rejected it. Maybe there is a real reason for industry rejecting the present Workmen's Compensation Act. The industries of Pennsylvania have taken a little spurt forward in September. Let us do nothing that will slow the progress of industrial recovery at this time.

Mr. DENT. Mr. President, and members of the Senate, I cannot understand how the failure to pass this Act will increase employment in any way in Pennsylvania. I only know that this bill does not add one cent of cost to compensation carriers in Pennsylvania. It does not in any way increase the burden of cost for those who pay compensation costs in Pennsylvania. Therefore the arguments given by the good Senator from Allegheny do not phase the voting on this bill in any manner. This bill only makes it possible for those men who are the victims of circumstances, working for companies who have rejected the Compensation Act to have their day in court. It gives them a better opportunity to go into court and get damages for injuries sustained during employment. It does not effect any company carrying compensation.

I do not feel that this Senate can pass over this bill lightly. I worked as hard as any man in the Senate to try to get a workable compensation bill at the last session. I am interested also in getting down to the evils that there are in the Compensation Act that may be brought up later by some other Senator, so that you may see some of the things that are wrong, that may not be in the Compensation Act, but do pertain to compensation.

I want to say to the Senators that if they are interested in Pennsylvania's welfare not only from the employees' standpoint but from the employers' standpoint, they should pass this bill this evening. Compensation can not be carried by just a few companies. To make it successful they must all pitch in and carry it. When the larger companies reject the Act it makes the burden greater for those who are carrying insurance. Smaller companies can not afford to reject and go into court in many cases, as the larger companies can do.

I say to you that this is a fair piece of legislation. We are not changing the structure of the Compensation Act itself. We are not in any way increasing the cost and as far as putting men to work or out of work, that has nothing to do with this amendment. This amendment makes it possible for the man injured in employment to go into court and gives him a better chance of getting into court in order to get his case before the court.

Mr. EALY. Mr. President, I should like to vote for this bill. It seems to me that every workman ought to be protected by compensation or insurance in some way against injury, but I think that the passage of this bill is in a way dishonest to labor because every lawyer here knows that this bill is unconstitutional and the Supreme Court of Pennsylvania will necessarily have to declare it so. A proper Compensation Law properly administered is valuable both to the employer and to the employee but there is something wrong with either the compensation laws or their administration, or both, in Pennsylvania.

I have in my hand the record of experience of a coal company of western Pennsylvania for the years 1936 and 1937. This record is typical of other years, as I understand it, and is typical of the experience of other employers. In the year 1936 there was paid to the employee of this company for injuries received, the sum of $681.22 and there was paid for medical and hospital claims the sum of $426.80. This is one of the smaller companies. Now these two items, the payment to employees as compensation and the payment for medical and hospital

bills, totals $1,108.02, but this company paid as premiums to the insurance carriers, I think in this case it was the State Fund, the sum of $15,865.54.

The next year, I understand, the company secured a private corporation as the insurance carrier and during the year 1937 there was paid by this insurance carrier to employees for compensation the sum of $880.70 There was paid for medical and hospital payments the sum of $700.50. The company set up a medical reserve of $159 and a compensation reserve of $1,360.71 or a total of $3,100.91. But during the year the company paid as premiums for this insurance $18,411.44.

It seems to me that by the beginning of the next session of this legislature the Department of Labor and Industry of this State and the Insurance Department of this State ought to find out and tell us why there is such a vast difference between the amount which the employer pays for insurance and the amount which the employees get as compensation. There is something radically wrong here and until we get the reason for this we can not adequately and efficiently determine our compensation laws.

Mr. THOMPSON. Mr. President, I do not think any of us should deceive ourselves in not admitting that within the past year there has been one of the greatest conspiracies throughout Pennsylvania in connection with the application of our Workmen's Compensation Act. Last year we had in this body a Compensation Act which was calculated to make the workmen's compensation of this State compulsory. The employers of this State principal among which were the anthracite coal operators came down and, before the committee of this Senate, plead with us not to make the act compulsory but to continue the act on the voluntary basis which had been in effect in this State since 1915. In deference to the wishes of these employers we kept the act on a voluntary basis. This Legislature had hardly adjourned before practically all the principal anthracite operators rejected the terms of the Workmen's Compensation Act in deliberate contravention of the implied promise that they made to this Legislature last year.

Not only that, Mr. President, but the act that we passed last year should not in any event have caused an increase in the rate of compensation insurance in this State of more than 10 or 15 percent. What do we find going into effect almost immediately, in fact as soon as the act itself went into effect? We find increases in the rate of compensation insurance by the Compensation Rating Board of this State which, Mr. President, is a group of men controlled by Republican Insurance companies, which raised compensation rates 35 to 40 percent without absolutely any justification for those increases on an actuarial basis.

In 1936, Mr. President, to carry out Senator Ealy's figures a little further, there was paid in Pennsylvania by all classes of people paying compensation payments, that is, the State Fund, mutual and stock insurance companies and self insurers, $11,504,742 worth of compensation. And in 1937, $13,306,405 of compensation. During the same period, and I have the figures here for the last five years in this State but I will only read the last two years in order to shorten things, in 1936 there was paid in insurance premiums for compensation in the State of Pennsylvania, $20,264,285, and in 1937, $24,039,838. That is the amount of compensation premiums paid in Pennsylvania the last two years, and all that in the face of the fact that 45% of the employees of Pennsylvania are covered by self insurance.

In other words, what is happening in this State today? The insurance companies who write compensation coverage are expending about three times as much in premiums every year as the actual underwriting cost of compensation insurance in Pennsylvania and I say that that fact is part of an arch conspiracy on the part of this Compensation Rating Board which is controlled by these insurance companies, on the part of a group of reactionary employers of labor in this State to ruin compensation in Pennsylvania, to kill, if you please, once and forever Workmen's Compensation in this State.

Mr. President, while probably it isn't apropos of the debate on this bill I want to tell you when this issue will be settled. This issue as to whether we are going to to continue compensation in Pennsylvania or whether be settled. This issue as to whether we are going be settled on the eighth day of November of this year by the people of Pennsylvania at the polls. The people of this State are going to go to the polls and vote this fall and vote on a major issue between the two parties in this State as to whether they want workmen's compensation continued in Pennsylvania or whether they do not want workmen's compensation continued. The history of these two major political parties and their subordinate agencies like the Workmen's Compensation Rating Board bears out this theory.

Look at the background of the Republican candidate for Governor in Pennsylvania today. The Republican candidate for Governor was put on the Superior Court to cut the Workmen's Compensation Act in this State out from under its very foundation and he was not on the Superior Court of this State more than a few months before the Superior Court handed down that decision in Romig vs. The Blower and Forge Company, which literally wiped the foundation out from under compensation in Pennsylvania. That man is running for Governor of Pennsylvania today on the same basis although he is not courageous enough to declare to the people of Pennsylvania that he is pledged to kill workmen's compensation in this State. And these insurance companies and the Workmen's Compensation Rating Board of this State and these companies who are rejecting the Workmen's Compensation Act in Pennsylvania, I say, Mr. President, are all a part of an arch conspiracy to kill Workmen's Compensation in Pennsylvania.

Will you let me call your attention to an instance in my own district that is going on right tonight? In a little town in my district there are about 400 miners out on strike because the coal company they work for rejected the terms of the Workmen's Compensation Act and those men have not worked for over a month since they went out on strike because their company rejected the act. And do you know what that compensation cost that company? It is a self-insured company and the most that their compensation has cost them any time in the last ten years has ben 2.19 cents a ton on the part of production of their coal as a self-insurer. We all know, as we heard testified last year and this year, that West Virginia's companies pay 4.5 cents and 5 cents a ton for Workmen's Compensation on coal. That company from a fiscal standpoint had absolutely no reason for rejecting the terms of this compensation act but that company is controlled by a group of reactionary Republican poli-

ticians in Pennsylvania and I say they are a part of this conspiracy, Mr. President, to destroy workmen's compensation in Pennsylvania. How can any one stand up and say that this company by refusing the terms of this Compensation Act when it has cost them so little in aiding employment in Pennsylvania? They throw 400 men out of their jobs when it cost them little or nothing, as little as almost any employer in this State to carry their workmen's compensation and I say they rejected the terms of the act for no good reason whatsoever.

These figures show what should have happened. We were fooled in this Senate last year and our Republican brethren were the loudest in that policy. We had before us in this Senate last year a bill which removed the State Workmen's Insurance Fund from the control of the State Rating Board, allowing the State Workmen's Insurance Fund to fix its own rate, and largely out of deference to our Republican brethren in this Senate who were so much interested in the affairs of the insurance companies in this State, we did not pass this bill and it was the biggest mistake that we made, because all of this situation could have been corrected if we could have gotten workmen's compensation in Pennsylvania out from under the noose of this Compensation Rating Board which is cheating every employer and every employee and even every citizen of Pennsylvania.

I say, Mr. President, that at this special session, if it is within the Call of the Governor, we should pass an act before we leave here this year, to allow compensation to be written on an actuarial basis, and in accordance with the underwriting cost and not in accordance with the claims of this Compensation Rating Board, because you can see from these figures that we are paying a compensation insurance in this State today at least three times as much as the actual compensations actually are. Unfortunately with all the programs that this administration is attempting, we missed on this one. We have got to face it and I say to you that if the electors in my district return me to this Senate next year one of the things I am coming down here to fight for is to get the State Workmen's Insurance Fund in a position where it can write compensation on an actuarial basis and on a basis of underwriting cost and not according to the rates of that rating board.

Getting back to the bill, there is no provision in this bill that will add one item of overhead to any employer in the State of Pennsylvania but it will prevent a bunch of conspirators like that coal company in my district which is driving people out of work because they will not protect them with compensation insurance—it will make it hard for conspirators of that kind to impose on their laborers. Certainly my voice could not be raised in anything but praise of this bill.

Mr. SHAPIRO. Mr. President, this is one of the few occasions on which debate on the floor of the Senate about a bill has brought to light some real facts. I think from my own experience that you can talk yourself into voting for this bill without much difficulty. When I first saw this bill I was somewhat afraid of it and I expressed my fears to a number of my colleagues.

Over the weekend I have thought about workmen's compensation and I listened tonight to what Senator Ealy said and I listened particularly also to what Senator Thompson said and it recalls to my mind that when I was engaged in business some years ago we used to pay, in the early days of compensation, a premium of about $250 a year. With the advancement in legislation and new bills, they raised our premium to around $1100 a year. Some of that may of course been due to the increased payroll because compensation is based primarily on payroll. In the years that we have paid compensation we have not paid a dollar in lawyers' fees and when I think back to the time when I was associated with that business and recall that in the years we did not have compensation we paid more in lawyers' fees than we did in damage claims against the company. I begin to see just what compensation means.

All we did in the early days when we had some one injured in the plant was to send the matter over to the lawyer and the lawyer looked up the books and found the various defenses that could be raised for the purpose of showing that this workman could not recover for the injuries sustained against the firm because he had committed some act over which he had no control. For instance, he had a fellow worker with him and some negligence on the part of that fellow workman would give the injured person no compensation, or he was told by some court or figured it out himself that there was a voluntary assumption of risk that he had taken in becoming employed, or he would be told that because he had turned too sharply in moving around the floor he contributed to the negligence that caught his arm in the belt that was whirling the machinery. The Workmen's Compensation Act was passed for the purpose of avoiding just those cases. I am quite sure that if the question of constitutionality had not been raised we would have today a compulsory workmen's compensation law.

The reason for making it optional was based solely on the fact that the claim was made that this new advance in legislation would violate the provisions of the Constitution with regard to the freedom of contract, and so it was made optional. In the State of Pennsylvania today the comparisons were given here tonight, and the reasons back of them are shown by the fact that many of the companies, the larger companies, who were afraid to go under the terms of the Compensation Act paid their own compensation and you will find that in these larger companies no matter what law we pass legalizing the Workmen's Compensation Act, and no matter what we are told about it by the insurance companies as to how these premiums would increase to such an extent that it would compel the people to go out of business or compel them to drop their compensation, not a single one of these larger companies has discontinued their workmen's compensation self-insuring plans. Why? Because they have enough employees and have a large enough spread so that the condition that the gentleman from Somerset was talking about would not occur.

Does not it strike anyone forcefully when they hear that $1100 was paid out for injuries and $15,000 was paid as an insurance premium to protect against losses in that very factory? Two things are obvious from that. First, there is undoubtedly an overcharge in the insurance, and secondly, there is a condition that exists in this State that should not be tolerated. Naturally the spread of compensation insurance is growing less every day by the refusal of the companies to come under the Workmen's Compensation Act, and the reasons for refusal as shown during the last two years, in my opinion are purely political, for the purpose of destroying one

of the most fundemental principles of the social laws of the State. It is the duty of industry to protect the persons who in the performance of their duties receive an injury, to the same extent that they would normally receive in an accident in the course of employment. Under the present law, the person who is injured has no sure way of receiving the damages which he suffered unless you have some law which gives him compensation irrespective of contributory negligence or other negligence. You will never strike at the root of that evil and correct it, unless you compel everyone to behave in industry in the same manner as his competitor and compel every industry to come within the terms of the law. If it is not a statute law you will always have the condition to which the gentlemen refer.

These $15,000 premiums were set up and created by virtue of the fact that the moment we passed the law the insurance companies immediately said "that is going to triple your rate," and they immediately tripled the rate and set up a reserve that they used up in the payment of salaries of officers, and to stock-holders in many cases. Unless you maintain a spread you will have that condition. It is not only true in Workmen's Compensation, it is true in life insurance and fire insurance. In Philadelphia you can get a polcy of insurance on an automobile for $40 if you live in South Philadelphia, and if you live on Girard Avenue it costs you $90. But if you happen to have a summer residence in a suburban town and insure your car there your rate will be much less even than in South Philadelphia.

Life insurance companies will sell you an ordinary life premium policy at age 35 for $20 a thousand and they will tell you the story that after fifteen years you will have a $500 surrender value. But when you borrow that and pay them 6 per cent, and you happen to die, when your wife collects your insurance she collects $1000 less the $500 which you borrowed which was supposed to be your money. But if you borrow the money and do not pay, you lose the policy. If you keep the policy you lose the so-called surrender value. These surpluses that are set up beyond the necessary amount for protection in insurance are accumulated and taken by the companies for distribution under what is known as the surplus, into which the salary fiends creep.

The same thing is true when you compare Philadelphia with Boston, Massachusetts. In Boston throughout the depression there was no necessity for any of these savings bank insurance companies which issued insurance in $1000 policies to ask relief from the State but in Pennsylvania, in spite of these large surpluses which they had accumulated on account of bad investments they had to get the help of the State to protect them so that they could protect the policy holders. In Massachusetts you have compulsory automobile insurance and the rate is less in Massachusetts than it is in Pennsylvania, but when we tried to pass a compulsory law here the insurance companies brought their lobbyists in and killed every effort to put the bill through. We have every excuse for a compulsory law but if you attempt to enact compulsory insurance you will never get it through the Senate as long as you have people threatened with the statement made by lobbying insurance companies.

The same thing is true of workmen's compensation. Unless you make it a compulsory act the insurance rate will be high and you will give insurance companies and industry a right to cry about it. Certainly insurance companies, as the Senator from Centre pointed out, are glad to take advantage of the occasion to increase the rates. I do not know whether it is a conspiracy, but I certainly know it is a habit by now to increase the rates and bring discredit upon what I think is one of the finest social advancements put through any legislative hall.

When you read this bill in this light, that a man pays $1100 now and pays no money to lawyers but does pay compensation of thousands of dollars to injured persons where before this act he paid more than $1100 to lawyers and no money to injured persons, you realize what this means. You read in the papers when there has been a mine cave-in about how solicitous the mine owners are for the poor families and for the poor men who are injured in the mine. Once the excitement is over and the miners are buried, then the lawyers begin to raise the defenses against the claims that are brought for recovery compensation and provisions for these widows. I think that this picture warrants us in putting a stop to all that kind of an argument and saying once and for all that nobody has yet gone out of business because of compensating an injured workman under our Workmen's compensation plan. Nobody will go out of business if we do our duty, and it seems to me that the time is ripe for the Senate to invesigate, and as soon as possible, just as the Senator from Centre pointed out, investigate not only this but every form of insurance in the Commonwealth of Pennsylvania, so that we will not always be in the position of locking the stable after the horse is gone.

I have no objection to this bill. I have convinced myself that this bill is a step in the right direction. This bill merely does what we did in the original Workmen's Compensation Act when we said to these men—you can choose about coming in because the Supreme Court has said that unless we make it voluntary it will be unconstitutional. Very well, you can come in but if you don't come in the three defenses of fellow servant, voluntary assumption of risk, and contributory negligence, are out. The elimination of those three defenses did much to make recovery real for an injured person. Now we are adding another law which says to the injured person, that all these excuses about your having violated a rule and been injured, all these defenses of regulation, are out, when you come to work. And to the employer we say, when a workman is injured in your place if you don't take this compensation then when you go into court you start in and take the burden of proving that the man is not entitled to recovery. That is all we have said here. We remove another defense. In other words, we have accessed a presumption, and instead of making it the burden of the injured person to prove that the defendent was negligent, we have said that the burden is on the employer, and we have presumed that he is negligent. For the employee wouldn't have gotten hurt.

I see nothing wrong in this bill. I think it is a step in the right direction, and I think when you view that bill in that light, there is no reason why this bill should not be voted for unanimously by the members of this Senate. I don't think that clause B is going to help. I think that clause B should have been left out of this bill. It opens up the defenses we have been talking about by allowing statements of injured persons to be offered in evidence within a maximum of twelve hours. Nobody,

knows the state of mind of the injured person during that period of time, and he may say something that can be used as a defense by the employer. Such, as "it was my fault."

But in principle, this bill is in line with the progressive proceedings of the Democratic party since it had a chance to get into power in Pennsylvania. And every Democrat regardless of his own principles is bound as a party matter to go forward with the party in more liberal workmen's compensation.

Mr. BUCKMAN. Mr. President, in looking over this bill tonight a new thought has occured to me. I am not speaking for the mine operators or the insurance companies, but I am speaking for the farmers and householders of this State. And as I read this act, this act will apply to the farmers and the householders who are supposed to be exempted from compensation just the same as it would apply to the the coal operators, or manufacturers or any other person in the State. This is for the reason that Section 201.1 very clearly refers to any action brought to recover damages for personal injuries to an employee in the course of employment, and for deaths resulting. It goes on to take away first the res justa rule, and it provides for presumption of negligence and in some cases provides for double indemnity, and I say that the members of this Senate had better look to their knitting because if they are going to pass this act, in my judgment it is going to apply to the farmers and householders just as well as it will apply to the mine operators, and as far as the Senator from Centre, Mr. Thompson, has spoken of the underwriting board, as I understand the law, the Democratic insurance commissioner has entire veto power over all compensation rates that are promulgated in this State. I see no reason why the rate should be improper, and I should like to interrogate the Senator from Westmoreland, Mr. Dent.

The PRESIDENT. Will the Senator from Westmoreland, Mr. Dent, permit himself to be interrogated?

Mr. DENT. Mr. President, I will.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator whether in his judgment the act applies to farmers and householders of this Commonwealth, just the same as it applies to other employers.

Mr. DENT. Mr. President, it does not.

Mr. BUCKMAN. Mr. President, why not?

Mr. DENT. Mr. President, because it only amends the original compensation act, which doesn't apply to the farmers and householders.

Mr. BUCKMAN. Mr. President, I understand the gentleman's answer, but I still think that what I have said is correct, and until I am advised by the Senator from Mercer, Mr. Law, that I am not correct, I am of that opinion.

The PRESIDENT. The Chair suggests that it would save a lot of arguments if we leave that question to the Supreme Court.

Mr. OWLETT. Mr. President, I had not intended to say anything on this bill. I was in hopes that it might be a discussion of the bill itself, and not a discussion along political lines, but I presume that that was too much to expect, with the Senator from Centre in the room. I do want to challenge, however, what the Senator says with reference to the policy of the Republican party regarding the Workmen's Compensation Act, and particularly do I want to call the Senate's attention to the New Deal idea of what is adequate compensation.

I hold in my hands a government pamphlet issued in Washington, by the Government Printing Office, setting forth the compensation provided for injured employees working for the federal government. And this is what the New Deal in an Act passed in 1934, thinks is adequate compensation for an injured employe. The schedule that the pamphlet gives goes on to say that the compensation allowances for permanent, total, and partial disability were approved by President Roosevelt, as provided in the Act of 1935. And this is the rate which they made: "For the first three days during which you are disabled and lose pay because of injury, no compensation is paid. Beginning on the fourth day of pay loss, you are entitled to compensation benefits at the rate of two-thirds of the monthly wage you are receiving at the time of injury, and now note this, "but not at a rate in excess of twenty five dollars per month."

In other words, not in excess of six dollars per week. That is considered by the New Deal in Washington as adequate workmen's compensation. No one under the compensation act of 1934 is entitled to more than twenty-five dollars a month while he is disabled from working because of injury, and not more than a total of thirty-five hundred dollars may be paid in any case. Now when a Senator on the floor of this Senate stands up and says that this is a conspiracy to wipe out compensation and claims that the New Deal is so interested in compensation for injured employes, I think it is very pertinent that I call the Senate's attention to what the New Deal really does consider adequate compensation as determined by the act approved by President Roosevelt.

It seems to me that this whole question has been approached from the wrong angle. We are all interested in compensation and the idea that the workmen of this State should be under compensation laws is a proposition which every member of this Senate can subscribe to. This act was made not compulsory not for the reason stated by the Senator from Centre, if my memory serves me correctly, but because Mr. Devers, the counsel for the United Mine Workers, stated to the Committee that he thought the bill would not be constitutional if it was made directly compulsory.

Now what do we have facing us here tonight? A situation exists in this State where hundreds of thousands of our workers are not under compensation. It is a deplorable situation. It is a situation that there isn't a man on the floor of this Senate would subscribe to. Everybody accepted the principles of adequate workmen's compensation but because it was believed by Mr. Devers, and other lawvers, that this act if made directly compulsory would not be constitutional, they put in a bill here that violates every precept of the common law of this country, and provided in this bill, as Senator Buckman pointed out, that in any case where suit is brought there is a presumption of negligence.

There isn't a Senator on the floor who would vote for a bill that would change the common law rule that when a man is charged with a crime he is presumed to be innocent until he is proven guilty, but that is what you are doing in this bill. You are saying that a man merely because he commits the crime of employing labor is presumed to be guilty, until he is proven innocent and then you violate every fundamental rule of evidence by pro-

viding that declarations made within twelve hours are admissible in evidence. I can't see how any lawyer in this Senate can vote for this bill.

I want to say, Mr. President, I am going to vote "No" on this bill and I want to make it clear that I am just as much interested as any man in this Senate in seeing a Workmen's Compensation Law which is workable, which pays adequate compensation, and is drawn in such a way that every employer of labor will have to come under that bill. That is proper and right because we all know that when men are injured in industry it is an accepted principle that industry owes care and compensation to those men. But to ask us to pass this bill on the pretense of great interest in labor, when the very people that are asking us to do this pass a bill in Washington giving only six dollars a week compensation, and to come into this Senate and tell us that we are against labor if we vote against this bill, just isn't fair. It isn't fair, and it is along the lines of the demagoguery that we have been used to hearing in the last your years in Pennsylvania.

Mr. MUNDY. Mr. President, I, too, am deeply concerned about the industries of Pennsylvania. If I were to consider this from a selfish point of view perhaps my vote would have to be registered against this bill, but I believe that each Senator should consider this bill from the wider scope of the humane stand-point, considering the fact that men who labor day by day are entitled to protection under the law.

I derive a great deal of humor out of a situation where I see suddenly rise up a self-styled champion to decide immediately the great and grave causes of unemployment. Let me say that I recall that in the latter days of the Hoover Administration, Mr. Hoover summoned business men to Washington and gave a great many other men invitations to come to Washington to discuss the grave economic conditions of the country. While a hundred and one of the best trained minds in this country responded to that invitation, and they labored for about a week, they came out of the conference with absolutely nothing to offer as a cure for the evils which were besetting this country. So I say it is distinctly humorous to me to see somebody suddenly, after all this turmoil and all this confusion that has existed in this country for so long a time, get up on the floor of this Senate, and say, "I say to the Senate of Pennsylvania that this condition is distinctly due to a single act."

I come from a territory where we have a very very sick industry, the anthracite coal industry. But I would hesitate to get up on the floor of this Senate and say that all the evils that beset that great industry are due to the fact that certain taxes were levied on it. I might say without fear of contradiction that the anthracite industry went through an era when the products of the mines of Pennsylvania sold themselves all over the United States and Canada, and that it had very little competition. The industry itself did not anticipate what might occur in the future, and was not on a sound business basis, and that industry today is simply plugging through that changing period to accommodate itself in a business way to the pursuit of things which are entering into competition now.

I, too, am very greatly interested in the anthracite industry, but I want to say definitely that the present condition of that anthracite industry is not due in any measure, as many would have it believed, to any distinct taxes levied upon it. I would like to see a little more of business principles, just a little more of activity, just a little more pursuit of the things with which we have to contend today. I was a member of the Labor Committee of which Senator Dent is chairman. I took a very deep interest in the compensation bill when it was before this Senate, because I was deeply interested in it, and I think that that committee and Senator Dent himself extended to the people of my community and to the people of other communities extreme courtesy and very great kindness.

We brought into that committee members of labor and members of industry and listened intentively to the things they offered, and in addition to that we employed expert statisticians to give us the proper figures upon which to base our final conclusion, and we came back to this Senate as a committee reporting out a bill which we were given to understand would be thoroughly tried by the industry itself. But to my personal consternation and surprise, only a short time elapsed before these gentlemen, I say, broke faith with this Senate and this committee and me personally by immediately rushing into court to break the promise which they had given. I say to my Democratic colleagues, that regardless of what the Senator from Tioga says about the national policies, we in Pennsylvania have gone forth through all the communities and all the hamlets in this State, and gentlemen of the Senate, we have been elected on a definite program. We have gone out and promised to the people of Pennsylvania certain definite things. As a part of a great party, each a cog in that machine, we have dedicated ourselves to adhere to the policies of that party.

I say to you, my Republican colleagues, that only last week at Pittsburgh there was borne out by the Republican platform committee, a platform that stated that they too, approved of a great many good things that have been accomplished under the New Deal. But only three days after that platform was made known, your candidate for Governor openly repudiated that, and said "I favor execution of the New Deal and everything it means." He is the man who leads your ticket and he repudiated your platform.

Now, I say it is up to you Republican Senators of Pennsylvania to add the second repudiation of that platform by a united vote against this bill. I call upon my colleagues the Democratic Senators of Pennsylvania and say to you that you have a firm pledge with the people of Pennsylvania; your pledge is to go out and do the things which are of benefit to the greatest number of people. and you cannot break that pledge. Despite the fact that my Republican colleagues like to get up when they are in a hole and defend the Constitution of the United States. I say that this gives to an individual a prime right that is given him under that Constitution. And if you are so anxious to defend the Constitution then I say you must vote for this bill because this simply gives a man the right to appear before a jury of his peers who decide whether he is entitled to compensation or not.

Mr. LAW. Mr. President, I have never held myself out as an authority on labor legislation and it comes somewhat as a surprise and an embarrassment that the gentleman from Bucks should ask me to advise him as to the effect of this blil upon agricultural and domestic labor, especially in view of the fact that at the time the compensation act and the special act exempting agricultural and domestic labor was passed, the gentleman from Bucks was a member of this Senate, back in 1915. However, I want to call

that gentleman's attention to the fact that this bill which we have before us tonight is an amendment to the second Article of Act No. 338, of the Session of 1915, the original Workmen's Compensation Law approved on the second day of June, 1915, and that the question of the exemption of domestic and agricultural labor is covered by a separate act which was passed and finally approved on the next day. This was very carefully done at that time, I have been told, for the purpose of making sure that agricultural and domestic labor were properly excluded and constitutionally removed from the effects of the Workmen's Compensation Law. There is no change in Act No. 343, approved on the third day of June, which exempts agricultural and domestic labor and which is a general exemption from all the other provisions of the act.

Mr. BUCKMAN. Mr. President, I would like to interrogate the gentleman from Mercer, Mr. Law.

The PRESIDENT. Will the Senator from Mercer, Mr. Law, permit himself to be interrogated?

Mr. LAW. Mr. President, I will.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator whether he considers this amendment as a compensation act or whether he considers it as applying to people who do not go under the compensation act?

Mr. LAW. Mr. President, this act is an amendment to the compensation act, but specifically provides for the case of actions involving employers when they do not come under the compensation act.

Mr. BUCKMAN. Mr. President, then why would not this apply to farm and domestic labor in view of the fact that this was passed at a later date than the Act of 1915, which was passed by a Republican administration and which I had the honor of voting for?

Mr. LAW. Mr. President, for the simple reason that this Act only purports to be an amendment to the first Act, and is not general legislation.

Mr. DENT. Mr. President,—

The PRESIDENT. The Chair recognizes the Senator from Westmoreland, Mr. Dent, who is not a lawyer.

Mr. DENT. Mr. President, I will read Section 104, "All actions of persons including minors who perform services of any kind, except agricultural or domestic services." So that answers the question of the Senator from Bucks.

I want to say to the Senator from Tioga, Mr. Owlett, that if my memory serves me right the Federal government passed that act in 1934 to cover relief workers specifically. Civil employees of the Federal government are paid on a basis of 66-2/3 percent of their wages, and there is no maximum to the amount that they can draw per week. If their wages are sufficient they can draw as high as fifty dollars a week. So that covers the New Deal attitude on compensation in Washington. They were liberal enough to think of these on relief.

The PRESIDENT. As a matter of parliamentary information, I would say that the Senator from Westmoreland is absolutely correct with respect to the act mentioned by the Senator from Tioga.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—29

Barthold,	Gilson,	Lanius,	Reed,
Cavalcante,	Haluska,	Law,	Rice,
Dando,	Henney,	McCreesh,	Ruth,
Deitrick,	Jaspan,	McGinnis,	Shapiro,
Dent,	Kahle,	Mundy,	Sipe,
DiSilvestro,	Kilgallen,	Pytko,	Stiefel,
Eroe,	Kunkel,	Rankin,	Thompson,
Frey,			

NAYS—13

Buckman	Heyburn,	Owlett,	Rupp,
Chapman,	Jacobs,	Pierson,	Sones,
Ealy,	Mallery,	Rodgers,	Woodward,
Gelder,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 34, entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto Section twenty.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. CAVALCANTE. Mr. President, I have been very much pleased by these remarks of the gentleman from Centre on his question of personal privilege when he made mention of the motor license fund, and I was pleased by the remarks of the gentleman from Centre, wherein he condemns the practice of robbing and depleting the motor fund and then not paying the money back. We now have on the calendar this resolution that is now before the Senate, a resolution that calls upon the Democratic members of this Senate to decide whether they actually mean that they don't want the motor fund robbed and whether they will put this administration on record to that effect right now and not wait until 1941 or 1939,—that the Democratic Administration absolutely means that the motor fund shall not be robbed and that we will stop it now, not after November the 8th, and that we mean what we say by voting for this resolution, which will allow a constitutional amendment forbidding the use of the motor fund for anything else than the purposes for which it is dedicated.

Mr. THOMPSON. Mr. President, I think that the drafting of this resolution has neglected one very important thing which to my mind, if nothing else, would compel me to vote against it. As it is now in this session it would only be a declaration of policy by reason of the fact that the passage of this resolution would have no legal effect at the present time. But even as a declaration of policy I would say, Mr. President, that I would be compelled to vote against this resolution in its present form for this reason: the drafting of this resolution has ignored a very important and a very fast growing industry in Pennsylvania which out of necessity participates in the distribu-

tion of the liquid fuel tax, and that industry is the aeronautical industry.

We are going to have to take large sums of money in this State from our tax on liquid fuel to build up the industry of aeronautics. The industry itself is now beginning to contribute to the fund in very generous sums, and we certainly can't take away from the industry at least the money which the aeronautics industry contributed to the fund itself. In the second place, in the infant stage of this industry, it appears to me that it is not unwise to take even a portion of the funds that come from highway transportation and devote a portion of that fund to the building and priming of the aeronautic industry in this State. I say this, Mr. President, that if a resolution of this sort should pass this Senate it should be adjusted so that the funds from our liquid fuel tax should include every form of transportation and not simply highway transportation alone.

Mr. RUPP. Mr. President, the proposition which this joint resolution expresses has been before the Senate in various forms during the past few years. The purpose of it is expressed in the preamble of the joint resolution as set forth in the Hayden-Cartwright Act as passed by Congress, wherein it says that it is unfair and unjust to tax motor vehicle transportation unless the proceeds of such taxation are applied to the construction, the improvement or the maintenance of highways.

I am glad the Senator from Centre states that he believes in this resolution as an expression of policy. Personally, as one of the sponsors of this bill, I am agreeable to having this resolution amended so as to include the construction and maintenance of airports.

And the question recurring,

Will the Senate agree to the bill on third reading?

REQUEST TO PUT BILL OVER IN ORDER

Mr. RUPP. Mr. President, I ask that this bill go over in order.

The PRESIDENT. Is there objection?

Mr. SHAPIRO. Mr. President, I object.

The PRESIDENT. The Chair hears objection.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. RICE. Mr. President, last week I made a motion that several proposed amendments to the Constitution be returned to committe as nothing could be gained by passing them at this session, since they could not be voted on again, according to a ruling by the Attorney General, before the session of 1941. I think it well that all of these constitutional amendments be held over until the regular session so that they will be given more consideration. In the case of this resolution, this proposed amendment in particular, I see nothing which provides for any exemption for farmers who are paying gasoline taxes on tractors which are used exclusively on the farms. I proposed such a bill to exempt farmers from such taxation at a previous session of the legislature, and I was informed that such a bill would be unconstitutional. Now, if we are going to amend the Constitution in any form relative to this gasoline tax, I certainly think that farmers should be exempted from paying a tax on tractors and farming implements that don't use the highways. Since no time can be gained in passing this resolution at this time, it would simply be an expression of policy and would prevent further consideration at the session of 1939.

And the question recurring,

Will the Senate agree to the bill on third reading?

MOTION TO RECOMMIT

Mr. RICE. Mr. President, I move that this bill be remitted to the Committee on Constitutional Changes.

Mr. FREY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. GILSON. Mr. President, I think there are a number of angles on this resolution and one of them which appeals to me particularly is this: For a number of years we have tried to make it clear to the electorate of Pennsylvania that the Legislature is restricted in the kind of taxes that it can levy to meet the unusual demands that have been forced upon the Legislature in the last few years and apt to recur every time there is any change in the normal business conditions of this State.

The rank and file of people have regarded the tax levying function of the Legislature as some trick of legerdemain by which, with some peculiar magic, the members of the House and Senate and the Governor and those responsible, can pull taxes out of a hat without affecting anybody and relieve the condition of everybody. It must be demonstrated again and again that as a consequence of the refusal of the electorate of the State of Pennsylvania individually and personally to share the burden of the cost of government in all its forms, the Legislature will continue to be hampered by a public point of view which absolutely precludes the levying of the only sensible, logical, fair, burden-sharing tax that there is.

I can see the difficulty in this particular resolution but I believe that it is saying again to the public in Pennsylvania—"Until each of you are willing to share the fair burden of taxes the Legislature has got to notify you that it will not continue to relieve your burden by passing it on to some special particular class which appears to have the ability to pay." Now the reason I am for this resolution and against recommitting this bill to Committee is that I think that we ought to say here and now to the people of Pennsylvania, "We are through with all kinds of subterfuge. It is absolutely necessary for the members of the Legislature to enact kinds of taxation you do not like. It is necessary for us by Constitutional amendments to make it impossible for this Legislature to go from one fund to the other in the State of Pennsylvania to borrow money in order that the man who has an income may not have to pay simply because he does not like the idea of an income tax."

I think that this measure is a fine measure. I am ready to concede that there is a constitutional inhibition against its becoming immediately effective but I think that, as a declaration of policy, as a matter of educating the voters in Pennsylvania to the inevitable result that they must become tax conscious, that they must be willing to bear the fair share of the tax burden whether it is for relief of the operation of government or for any other public purpose, this resolution is simply another form of notice in a fair and frank manner to the public in Pennsylvania that the Legislature is through trying to pass the buck from one place to another and is telling them that that day is over and until the citizen does his part by sanctioning a constitutional amendment which will permit of a sensible and fair levy of taxes he must know that we

are through trying to pass taxes where they do not belong.

For that reason I think that this bill ought not to go back to committee. I think we ought to vote on it and I can see no harm in serving that notice and emphasizing that fact every chance we get.

Mr. LAW. Mr. President, I agree entirely with the gentleman from Erie as to the fact that we should make a declaration of policy on this. However I do feel that there is nothing to be gained by action at this time especially in view of the fact that there seems to be such difference of opinion as to the exact form of the resolution and I fear that if this resolution is passed at this session the next session will pass a somewhat similar resolution going a little bit further or perhaps a little less further into the matter of gasoline taxes received from the farmer and the aviator and that we will have confusion when we come into the 1941 session, or possibly have a situation which we had once before in recent years when we had before the public two amendments covering practically the same thing at the same time.

Personally I do not think it goes far enough in simply protecting the Motor License Fund. I think that there are some other special funds in Pennsylvania that are also entitled to protection. The fishermen and the sportsmen of Pennsylvania contribute to funds which are raised for the special purpose of taking care of the interests of those wanting to go after game and fish in Pennsylvania. There is also a Firemen's Fund and I would like to see this amendment made broad enough to cover all of these special funds which are raised from special sources for special purposes.

And the question recurring?

Will the Senate agree to the motion?

The yeas and nays were required by Mr. RODGERS and were as follows, viz:

YEAS—18

Barthold,	Jacobs,	McCreesh,	Shapiro,
Dando,	Jaspan,	McGinnis,	Sipe,
DiSilvestro,	Kilgallen,	Pytko,	Stiefel,
Frey,	Kunkel,	Rice,	Thompson,
Henney,	Law,		

NAYS—22

Buckman,	Eroe,	Mallery,	Rodgers,
Cavalcante,	Gelder,	Owlett,	Rupp,
Chapman,	Gilson,	Pierson,	Ruth,
Deitrick,	Haluska,	Rankin,	Sones,
Dent,	Heyburn,	Reed,	Woodward,
Ealy,	Lanius,		

So the question was determined in the negative.

And the question recurring?

Will the Senate agree to the bill on third reading?

Mr. SHAPIRO. Mr. President, I desire to call attention to the fact that the way this bill is drawn no county can receive any portion of the fuel taxes which now under the law are received by the county. All the moneys that have been paid in by various counties must be subject to return to the counties in a proportionate amount. This bill provides; "All motor vehicle registration fees, operators' license fees, gasoline excise taxes and other similar special taxes, fees, duties and excises on motor vehicles and trailers and the owners and operators thereof and on liquid or motor fuels which by laws in force at the date of the adoption of this provision of the Constitution are dedicated and appropriated to pay for the costs of laying out, constructing, reconstructing, maintaining, repairing, improving and policing the public highways."

Therefore none of this money could be used by the county.

Mr. BUCKMAN. Mr. President, I must take exception at this late hour to the remarks of the Senator from Philadelphia. I would not vote for this amendment if I thought it would take the money away from the counties. According to law now the money which is paid by the counties must be used for general road purposes and if that is being done now it will be done under this resolution just the same as at present. It would not interfere with the return of the moneys to the counties.

Mr. SHAPIRO. Mr. President, I should like to call the Senator's attention to the fact that although it may be true the Commonwealth of Pennsylvania cannot appropriate any money to the City of Philadelphia for highway purposes since this bill provides that the money would be appropriated only for the cost of laying out or improving our highways and bridges, etc., the Commonwealth of Pennsylvania has never yet been able to appropriate money to the City of Philadelphia.

Mr. CAVALCANTE. Mr. President, I would like to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, how would the reading of that resolution prevent the General Assembly allotting to a county money out of that fund for the purposes stated in the resolution?

Mr. SHAPIRO. Mr. President, it may be true that the Commonwealth of Pennsylvania may appropriate to the City of Philadelphia for highways but it cannot appropriate a specific portion of the tax as it does now and I do not propose as coming from Philadelphia to allow the Legislature to say every year how much will be returned to the City of Philadelphia. Today we have the amount of that return to them stated. Under this Act we would be subject to every Session of the Legislature and having had the experience with my good friends from upstate of trying to get money for roads in Philadelphia and having gotten only one million dollars in six years and that only after much haggling, I do not propose to vote for a bill that will make the City of Philadelphia dependent on the Legislature for the amount returned to it each year.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution.

Mr. CAVALCANTE. Mr. President, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—25

Buckman,	Frey,	Law,	Reed,
Cavalcante,	Gelder,	Mallery,	Rodgers,
Chapman,	Gilson,	McGinnis,	Rupp,
Deitrick,	Haluska,	Owlett,	Ruth,
Dent,	Heyburn,	Pierson,	Sones,
Ealy,	Lanius,	Rankin,	Woodward,
Eroe,			

NAYS—15

Barthold,	Jacobs,	McCreesh,	Shapiro,
Dando,	Jaspan,	Mundy,	Sipe,
DiSilvestro,	Kilgallen,	Pytko,	Stiefel,
Henney,	Kunkel,	Rice,	

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 43, entitled:

An Act making a deficiency appropriation to the Lieutenant Governor

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barthold,	Gelder,	Law,	Rodgers,
Buckman,	Gilson,	Mallery,	Rupp,
Cavalcante,	Haluska,	McCreesh,	Ruth,
Chapman,	Henney,	McGinnis,	Scarlett,
Dando,	Heyburn,	Mundy,	Shapiro,
Deitrick,	Jacobs,	Owlett,	Sipe,
Dent,	Jaspan,	Pierson,	Sones,
DiSilvestro,	Kahle,	Pytko,	Stiefel,
Ealy,	Kilgallen,	Rankin,	Thompson,
Eroe,	Kunkel,	Reed,	Woodward,
Frey,	Lanius,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 46 (House Bill No. 38), entitled:

An Act making an appropriation for the expenses of the special committee appointed by the Speaker of the House of Representatives the second day of August one thousand nine hundred thirty-eight pursuant to a resolution adopted by the House of Representatives on the thirtieth day of July, one thousand nine hundred thirty-eight by authority of the act approved the thirtieth day of July, one thousand nine hundred thirty-eight (Act No. 2) entitled "An act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment, authorizing the Speaker of the House to appoint a special committee for any such investigation, authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated, providing for the summoning of witnesses and for the punishment of persons refusing to appear, produce evidence or testify and authorizing the employment and compensation of counsel and other assistants."

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. REED. Mr. President, I desire to interrogate the gentleman from Adams, Mr. Rice, as chairman of the Appropriations Committee.

The PRESIDENT. Will the Senator from Adams, Mr. Rice permit himself to be interrogated?

Mr. RICE. Mr. President, I will.

Mr. REED. Mr. President, is not this appropriation bill drawn in support of an investigation under Article VI, Section 1 of the Constitution of Pennsylvania which provides that the House of Representatives will have the sole power of impeachment?

Mr. RICE. Mr. President, as I understand this appropriation bill it is drawn pursuant to the act which was passed by the General Assembly creating the Investigating Committee and for which this bill provides for the expenses.

Mr. REED. Mr. President, wherein is it necessary in support of that investigation to have such an appropriation bill passed?

Mr. RICE. Mr. President, very obviously if the Committee is going to do a thorough job of investigating it will have to have money to pay for its operating expenses the same as do the other investigating committees that have been approved by the Legislature in the past.

Mr. REED. Mr. President, what expenses does the Senator have in mind?

Mr. RICE. Mr. President, the act provides for expenses including the compensation of counsel, investigators, stenographers, reporters, and other employees that may be necessary for the conduct of its work, postage, telegraph and telephone, the cost of subpoenaing an attachment of witnesses, witness fees, supplies and printing, and any other expense of every kind and description which may be authorized by a majority of the Committee in connection with the conduct of its work.

Mr. REED. Mr. President, the power of impeachment was reposed in the lower House both in this country and in England many centuries ago. In the reign of Edward III in 1376 the liberal statesmen of that time rested from the King the right of the power of impeachment and placed it in the House of Commons. After that time one of the first cases to come before the House of Commons was the impeachment of Lord Bacon in 1621 and after a hearing Lord Bacon pleaded guilty and then in 1640 under the fine leadership of John Pym one of the liberal members of the House of Commons, Lord Strafford and Archbishop Laud were investigated by the House of Commons. Then in 1788 Warren Hastings who was then the ruler of India was brought up for investigation and three liberal members of the House of Commons, Edmund Burke, Fox and Sheridan, carried on over a period of seven years an investigation of Warren Hastings' activities in India.

Now coming down to our State, in 1846 there was a man by the name of Daniel McCook who was brought up before the lower house of this Commonwealth on the charge of offering bribes to members and his case was thoroughly investigated by the lower house. Then in 1879 a bill known as the Riot Bill created quite a stir in Pennsylvania and corruption was supposed to be rampant in the House at that time in connection with the passage of that bill and a long investigation was carried on by the lower house through a committee selected by the Speaker.

Now, Mr. President, I offer those several historical illustrations for the purpose of showing that in all my

historical investigation of these cases I find no reference to any appropriation bills. If you will go back to the time before the reign of Edward III, you will discover in this connection that the people were clamoring for a method of impeachment and as a result that power was placed in the House of Commons and later in the lower house of our own Federal Government and also in our State Government, because that was the body that was the closest to the people, because that was the body which had the greatest representation from among the people.

Referring to this bill for the purpose of determining whether there is any necessity for this appropriation, are the facilities of today any different from what they were at the time that Daniel McCook was investigated in 1846 or the time of the investigation of the Riot Bill in 1879? If there are any changes I would say that they would militate against the passage of this bill because today we have a fine telephone system, today we have a fine system of State constabulary, the Motor Police, we have in the lower house a fine group of attorneys. Even on the Committee, as I sat and listened the other night, I noticed three or four prominent attorneys of the State. Now, has there been such a change from the times I have referred to when these questions were up in both the House of Commons and the lower house here, to warrant the passage of this appropriation bill? Some people may say, "Well, it is only $50,000." I know that to some of those who came from the bigger centers of population $50,000 is not much money but to us from the small districts $50,000 is a lot of money and I say if there is no necessity for the passage of this appropriation in connection with this investigation in the lower house then it falls within the class known as governmental extravagance and I believe that no one in this body, if it does fall in that category, should lend its aid to its passage. If they need in connection with this investigation more legal ability than they have in the House, then this bill provides for it—it says that the Attorney General can also be called in, and not only the Attorney General but a large corp of assistants can also give aid to this very important investigation.

So in conclusion, Mr. President, I want to raise this as the issue, whether or not there is any necessity for this appropriation bill as a matter of fact. That is the question as I see it and if there is a necessity then we should pass the bill. If there is no necessity then I repeat it is a matter of governmental extravagance and I say at all times that governmental extravagance should be discouraged.

Mr. CAVALCANTE. Mr. President, this appropriation bill should be defeated for the following reasons:

(1) The Committe that will spend this money is an intrenchment upon the constitutional powers of this Senate.

(2) The Committe was appointed to deal with a matter beyond the scope of Act No. 2, of this Extraordinary Session and

(3) The passage of this bill will impeach the integrity of this General Assembly and the Attorney General and destroy public confidence in both.

I will discuss these reasons in the order given:

Section 1 Article VI of the Constitution provides:

"All impeachments shall be tried by the Senate; when sitting for that purpose the Senators shall be upon oath or affirmation; no person shall be convicted without the concurrence of two-thirds of the members present."

This provision, without any equivocation, constitutes this Senate the Judicial tribunal before whom all impeachments must be tried. It is this Senate that must pass upon the admissibility or inadmissibility of the evidence in all impeachments. It is this Senate that must pass upon the sufficiency or insufficiency of the evidence. It is this Senate that must determine the guilt or innocence of the accused. The evidence upon impeachments must satisfy the minds of 2/3 of the Senators present and who are upon their oath or affirmation.

Let us see what are the duties of the Committee for which this appropriation is demanded. In the "resolve" clause of the Resolution it is stated that the Committee:

"Shall inquire into, and concerning, the official conduct of those named and charged, touching their conduct in regard to matters mentioned in the aforesaid petitions of the District Attorney of Dauphin County, and especially whether the said Governor and other civil officers aforementioned or any of them, have been guilty of any impeachable offense—"

Section No. 2 of the Act No. 2, of this Extraordinary Session, and mentioned in the bill now before us and in the House Resolution creating the Committtee, provides: "The Committee investigating such charges may hold executive sessions to discuss plans, give directions to investigators and other employes of the Committee, review the evidence, reach conclusions, and draft its report, but all evidence shall be presented to the Committee at hearings open to the public."

Section 5 of the same Act provides:

"All civil officers against whom charges are being investigated by a Committee of the House of Representatives, may appear before such Committee in person, and may be represented by counsel, whether or not he appears in person; and the Committee shall hear such evidence as such civil officer may wish to present to refute the charges made against him."

Section 6 of the same Act, gives the Committee the power to adopt the rules of practice except that the rules governing the admissibility of evidence before the Committee shall be the same as those prevailing in judicial proceedings. In short, the appropriation bill now before us demands that we give $50,000 to a Special House Committee which is, at this moment, usurping the constitutional powers of this Senate. No one who dispassionately and with reason reads the House Resolution and the Acts therein mentioned can deny that this House Committee is endowed with all the attributes of a judicial tribunal sitting upon the trial of impeachments. This is a flagrant entrenchment upon the powers of this Senate and our constitutional form of government.

A person may justly ask at this point this question:

If the Special House Committee, by some miraculous whim, should find that those charged are guilty of impeachable offenses, what then will the Senate be required to do and will the Commonwealth be called upon to pay for the expenses of another extended trial of the same defendants, on the same evidence before the bar of this Senate?

I now come to the second reason why this appropriation should be defeated. The House resolution creating the Committee does not set forth specific charges against any person. Under Act No. 2, of this Extraordinary Ses-

sion, no Committe can be created by the House of Representatives unless some civil officer is charged with misdemeaner in office. Section 1 of that Act provides:

"Whenever the House of Representativs of the General Assembly shall undertake the investigation of charges of, or involving, misdemeanor in office, against any civil officer who is liable to impeachment such investigation shall be made through a special committee of the House, consisting of seven members, to be appointed by the Speaker of the House, for the purpose of investigating any particular charge or charges....."

At this point a very marked difference can be seen in the Resolution appointing the Committee and the provisions of this Act. The Resolution requires the Committee to find out if any of the persons mentioned, "have been guilty of any impeachable offense." The Act authorizes the investigation of "misdemeanor in office."

It is apparent that those who are tinkering with the constitutional limitations of our government in creating this Special House Committee, do not realize that what may amount to an "impeachable offense" may fall considerably short of a "Misdemeanor in office." A civil officer may be impeached even though he is not guilty of "Misdemeanor in office."

The averments in the petitions of the District Attorney of Dauphin County do not arise to the dignity of charges contemplated by Act No. 2. Nowhere in this Commonwealth has anyone formally made or lodged any charge of "misdemeanor in office" against the persons mentioned in the District Attorney's petitions. No such charges have been made in the House of Representatives or this Senate. The only possible matter that the House Committee can investigate is a mass of political prattle and rumor. This august Senate should not lend itself to the passage of this bill. On the third reason why this appropriation should be defeated, may I be allowed to make the following observations:

The whereas clauses of the resolution creating this Committee say among other things that, "such charges intend to destroy public confidence in the integrity of the government itself and thus threaten the ability of the government to function."

Does not the employment of strangers to conduct the examination of witnesses create the logical inference that the brilliant legal talent of many a member of the House of Representatives is not equal to the task before the Committee?

Does not this impeach the integrity of the House itself and destroy public confidence in the ability of its members to conduct its functions with honor and sincerity?

Does not the employment of outside counsel impeach the integrity of the Attorney General and destroy public confidence in his ability to assist and counsel the House Committee with honor and sincerity?

I regard the members of the House to be men and women of integrity and honor. I regard them as possessing the calm and coolness of reason to discharge their duties patriotically and conscientiously and to inspire public confidence.

As to the Attorney General I entertain the highest regard for his integrity and honor.

Why should we then destroy public confidence in him by imputing to him the inability to assist and counsel the House Cmmittee with honor and sincerity?

Mr. President, the very dignity and honor of this Senate requires that this appropriation bill should not be passed. I cannot guide the vote of my colleagues but again I call to their attention these observations and say most frankly that to vote for this bill impeaches the very integrity of this General Assembly to conduct an investigation without the aid of outsiders.

Mr. RICE. Mr. President, at this late hour I do not want to unduly prolong discussion but it seems to me that this Legislature would be acting in bad faith if after having created a Committee and specifically authorizing that Committee to incur expenses such as the employment of counsel and other expenses, I repeat that this Legislature would be showing bad faith if they did not give that Committee money to pay the bills which the Legislature authorized them to incur.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Barthold,	Haluska,	Law,	Rice,
Dando,	Henney,	McCreesh,	Rodgers,
Dent,	Jacobs,	McGinnis,	Ruth,
DiSilvestro,	Jaspan,	Mundy,	Shapiro,
Eroe,	Kilgallen,	Pytko,	Sipe,
Frey,	Kunkel,	Rankin,	Stiefel,
Gilson,	Lanius,		

NAYS—12

Buckman,	Gelder,	Mallery,	Rupp,
Cavalcante,	Heyburn,	Pierson,	Sones,
Chapman,	Kahle,	Reed,	Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 48, (House Bill No. 57), entitled:

An Act to provide for the expenses of the extraordinary session of the Legislature assembled July twenty-fifth, Anno Domini one thousand nine hundred thirty-eight in pursuance of the proclamation of the Governor of the Commonwealth dated July twenty-second, Anno Domini, one thousand nine hundred thirty-eight and the supplements thereto.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Barthold,	Gilson,	Law,	Rice,
Buckman,	Haluska,	Mallery,	Rodgers,
Cavalcante,	Henney,	McCreesh,	Rupp,
Chapman,	Heyburn,	McGinnis,	Ruth,
Dando,	Jacobs,	Mundy,	Shapiro,
Dent,	Jaspan,	Pierson,	Sipe,
DiSilvestro,	Kahle,	Pytko,	Sones,
Eroe,	Kilgallen,	Rankin,	Stiefel,
Frey,	Kunkel,	Reed,	Woodward,
Gelder,	Lanius,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 45 (House Bill No. 23), entitled:

An Act to amend paragraphs (d) and (e) of Section 202, paragraph (a) of Section 409, Section 412, paragraph (a) of Section 601, Sections 702, 704, 808, 1201 and 1311 of the Public Utility Law (Act of May 28, 1937, P. L. 1053), entitled: "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix tempory rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation the cost of administrating this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the Court of Common Pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the Commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by further defining and limiting exemptions, the transfer and acquisition of property, the crossing of facilities, the issuance of securities, relations between affiliated interests, the imposition of costs of administering the act, and otherwise clarifying and supplementing the provisions of the said sections of the act.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 50, entitled:

An Act making a deficiency appropriation for the expenses of the Joint Legislative Commission investigating certain courts of this Commonwealth and created by Joint Resolution No 11 approved the ninth day of March one thousand nine hundred and thirty-seven (Pamphlet Laws thirty-five)

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

HOUSE MESSAGES

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, September 19, 1938.

Resolved (if the House of Representatives concur) That when the Senate adjourns this week it reconvene on Monday evening, September 26, at 9 o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, September 26, at 9 o'clock.

RESOLUTION URGING GOVERNOR TO ACQUIRE FEDERAL FUNDS TO RECONDITION FLAGSHIP "NIAGARA"

He also presented extract from the Journal of the House, which was twice read as follows:

In the House of Representatives, September 6, 1938.

Whereas, On September 10th, 1938, we will celebrate in this country the one hundred and twenty-fifth anniversary of "The Battle of Lake Erie;" and

Whereas, The "Battle of Lake Erie" was one of America's most decisive naval victories; and

Whereas, In the consequence of the winning of this battle all the territory west of the Allegheny Mountains was saved for this country; and

Whereas, The half of this mighty fleet which won this victory was built at the city of Erie, then known as Erietown, and the fleet was under the seamanship of Pennsylvania citizens, and therefore especially the State of Pennsylvania should take a preeminent position in the celebration, and endeavor to have restored the Flagship "Niagara" to a proper condition; therefore be it

Resolved, (if the Senate concur), That the General Assembly of Pennsylvania hereby urges the Governor of the Commonwealth to secure the necessary Federal funds or, if unable to obtain the Federal funds, to urge upon the proper Federal agency, the desirability of undertaking and completing the work of restoration, so that the Flagship "Niagara" shall be in the original condition she was in at the time of the Battle of Lake Erie, and shall for all time be maintained as a historic memorial of a glorious page in American History.

Mr. RICE. Mr. President, I ask unanimous consent that rule 39, which requires resolutions be referred to an appropriate committee, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

Ordered, that the Clerk inform the House of Representatives accordingly.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILLS NOS. 8 AND 17

He also presented communication from the House of Representatives, informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 8, entitled:

An Act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by such department with the General State Authority for the use and occupancy by the Commonwealth of various projects, structures, buildings, and facilities of the Authority or for the services rendered by the Authority or its projects.

He also presented communication from the House of Representatives, informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 17, entitled:

An Act to amend Article two of the act, approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled "Workmen's Compensation Act of 1915" as amended, by adding a new Section two hundred and one and one-tenth thereto; imposing the presumption of negligence upon employers; providing for admission of certain evidence and providing for double damage under certain circumstances.

HOUSE BILL FOR CONCURRENCE

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 10, (Senate Bill No. 53), entitled:

An Act authorizing the Secretary of Highways to change the width, grades and lines of Vine Street in Philadelphia, from the Delaware River Bridge approach to Parkway; the expense thereof and damages occasioned thereby to be paid by the Commonwealth. Authorizing the City of Philadelphia, persons, associations and corporations to enter into agreements with the Commonwealth to bear a portion of such expenses and damages and making an appropriation.

Which was committed to the Committee on Highways.

BILLS SIGNED

The President (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 10, entitled:

A Supplement to the act approved the sixteenth day of June one thousand nine hundred and thirty-six (P. L. 16) entitled "An act making an appropriation to the Department of Health to defray the cost of pumping the water from slate quarries and anthracite and bituminous coal mines which have been flooded directly or indirectly by the high waters during March one thousand nine hundred thirty-six" by making a further appropriation to supply the deficiency incurred and needed under the provisions of said act.

Senate Bill No. 25, entitled:

An Act relating to and removing the remaining additional persons now serving as Pennsylvania members of the Delaware River Joint Commission by virtue of appointment by the General Assembly under the act approved June twelfth one thousand nine hundred and thirty-one (P. L. 575) entitled "An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River and the improvement of the facilities for transportation across the river authorizing the Governor for these purposes to enter into an agreement with New Jersey creating The Delaware River Joint Commission and specifying the powers and duties thereof including the power to finance projects by the issuance of revenue bonds transferring to the new commission all the powers of the Delaware River Bridge Joint Commission and making an appropriation" and providing for the appointment of their successors.

House Bill No. 8, entitled:

An Act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed with the General State Authority of various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects.

House Bill No. 17, entitled:

An Act to amend Article two of the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder" as re-enacted and amended by adding a new Section two hundred and one and one-tenth thereto imposing the presumption of negligence upon employers providing for admission of certain evidence and providing for double damage under certain circumstances

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn until Tuesday, September 20, 1938 at 11:00 o'clock, A. M., (E. S. T).

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:59 o'clock, P. M. (E. S. T.) until Tuesday, September 20, 1938, at 11:00 o'clock, A. M. (E. S. T.).

HOUSE OF REPRESENTATIVES

MONDAY, SEPTEMBER 19, 1938.

The House met at 8:00 p. m.

The SPEAKER, (Roy E. Furman), in the Chair.

PRAYER

The Chaplain, Rev. EPHRAIM Z. GALLAHER, offered the following prayer:

Our Heavenly Father, the prophet of old declared the day would come when swords would be beaten into plowshares and spears into prunning hooks. But we see no significant evidence of such a day within the near future. On the yesterday, throughout our land, in churches, in special convocations, and by use of the radio, petitions were offered unto Thee to restrain those who would cause

war. Prayers too, unheard, possibly inaudible prayers, from those who bear the brunt of war ravages and receive no benefits thereby, are now going up from all parts of the world unto Thee, to stay the hand who brandish the sword and make for wars. Tonight we just commend unto Thee all those petitions, and prayers. We know Lord if half the effort to make force rule the world were spent to promote universal brotherhood of man, there would be no need of great armies and navies.

With malice towards no people, we do pray unto Thee. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Tuesday, September 13, 1938.

The Clerk proceeded to read the Journal of Tuesday, September 13, 1938, when, on motion of Mr. McELROY the further reading was dispensed with and the Journal approved.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency, the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 22

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, September 16, 1938.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 22, Printer's No. 22, entitled "An Act to confirm and validate past tax levies or assessments made by school districts of the first class and liens filed thereon."

GEORGE H. EARLE.

COMMUNICATION

The SPEAKER laid before the House the following communication which was read by the Clerk.

The House of Representatives of Pennsylvania:

The family of Francis Thompson Baker acknowledge with sincere gratitude the very beautiful flowers sent at the time of Mr. Baker's death and, during his illness.

The presence of such a large delegation from the House of Representatives at the funeral servics, as well as the many personal messages of sympathy from the individual members, spoke eloquently of the friendly esteem in which Mr. Baker was held by his associates.

Such a fine tribute has brought great comfort and will remain an enduring memory.

Very sincerely,

VIRGINIA L. BAKER.
EDNA M. BAKER.

The SPEAKER. The communication will be noted in the Journal and printed in the Legislative Journal.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces that he appointed, on September 14th, the following Members as a Committee on the part of the House to attend the funeral services of the Senator from the 13th district, Lancaster County, the Honorable John G. Homsher: Messrs. Wood, Trout, Mrs. Horting and Mr. Royer.

LEAVES OF ABSENCE

Mr. Thompson asked and obtained leave of absence for Mr. BRIGERMAN, on account of illness.

Mr. Gillette asked and obtained leave of absence for Mr. MERRELL, for the week, on account of illness.

Mr. Trout asked and obtained leave of absence for Mr. ROYER, on account of illness.

Mr. Tronzo asked and obtained leave of absence for Mr. BROWN.

The Speaker asked and obtained leave of absence for Mr. MURRIN, for the week's session.

Mr. Huntley asked and obtained leave of absence for Mr. STACKPOLE, on account of serious illness in the family.

RESOLUTION INTRODUCED AND REFERRED

By Mr. ZAPPALA.

(Concurrent) RESOLUTION No. 17.

In the House of Representatives, September 19, 1938.

Whereas, The newspapers have published the recent correspondence between the American and the Mexican Governments and we believe that all the statements of fact made by Secretary Hull are true; and

Whereas, From that correspondence it appears that soon after the success of the Mexican revolution in 1914, the Mexican Government started confiscating properties belonging to American citizens, for which no compensation has ever been awarded; and

Whereas, Although in 1923 the United States of America and Mexico entered into a convention by virtue of which an American-Mexican Claims Commission was created, and although the claims of American citizens for compensation for said confiscation were referred to it for one reason or another, it has not been possible for said commission to pronounce any decision on said confiscations and the respective compensations; and

Whereas, Since 1927 new confiscations have taken place, and many small American owners have been deprived of their properties; and

Whereas, After twenty-four years of patience and forbearance, the American Government has finally undertaken to obtain compensation for past confiscations and to stop future confiscations without compensation; and

Whereas, The Mexican Government refuses to take any serious step toward compensation for the past confiscations and to stop confiscations in the future; and

Whereas, Mr. Hull's policy consists in obtaining compensation for past confiscations and in stopping future confiscations without prompt, adequate, and fair compensation; therefore, be it

Resolved (if the Senate Concur), That the General Assembly approves of the position taken by Secretary Hull and the policy adopted by him to bring about the settlement of American claims for compensation for lands and properties of American citizens seized by the Mexican Government and urges upon Secretary Hull that he advises the Mexican Government of the desire of the citizens of the United States that future seizures shall not be made unless fair and adequate compensation be paid immediately; and be it further

Resolved, That a copy of this resolution be duly engrossed and be transmitted to Secretary of State, Cordell Hull.

Referred to the Committee on Rules.

BILL INTRODUCED AND REFERRED

By Mr. HERBERT B. COHEN. HOUSE BILL No. 72.

A Supplement to the Act, approved the second day of July, one thousand nine hundred thirty-seven (Appropriation Acts, page seventy-four), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth,

interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven," making a deficiency appropriation to the Department of Property and Supplies for the payment of certain expenses, for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine.

Referred to the Committee on Appropriations.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. HERBERT B. COHEN asked and obtained permission for the Committee on Appropriations to meet during the session of the House.

RECESS

The SPEAKER. If there are no objections the Chair declares a recess for five minutes.

Are there objections?

The Chair hears none and a recess is declared for five minutes.

AFTER RECESS

The time of recess having expired the House was called to order.

The SPEAKER, (Roy E. Furman), in the Chair.

SENATE MESSAGES

SENATE BILL FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 28 (HOUSE BILL No. 73).

An Act relating to institutions of counties, cities, and institution districts for the care, maintenance and treatment of mental patients; providing for the transfer of such institutions to the Commonwealth; providing for the management and operation, or closing thereof, and the maintenance of mental patients therein; conferring and imposing upon the Governor, the Department of Welfare, and counties, cities and institution districts certain powers and duties; prohibiting cities, counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients; and repealing inconsistent laws.

Referred to the Committee on Welfare.

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, September 13, 1938.

Whereas, The Governor in Section 2 of his Second Supplemental Proclamation of the twenty-fifth day of July, 1938, designated as one of the subjects for the consideration the amending of Article 2 of the Workmen's Compensation Act (Act of June 2, 1915, P. L. 736, as re-enacted amended or further amended by Act of June 4, 1937, P. L. 1552), and

Whereas, House Bill No. 17, Senate Bill No. 31, covering this subject has been introduced and is now on passage through the Assembly, and

Whereas, It is the concensus of opinion of men adequately informed that this subject should be thoroughly investigated with a view of ascertaining whether legislative action can be employed to conciliate the views of employers and employees and thereby promote the general welfare, and

Whereas, A thorough investigation can only be made by bringing together representatives of the parties affected now be it

Resolved (if the House of Representatives concur), That the President Pro Tempore of the Senate appoint three members of the Senate and the Speaker of the House of Representatives appoint three members of the House who shall constitute a committee to bring together such representatives of Labor and Industry and other interested parties as wish to be heard, to affect a conciliation among them and make a report of its activities, findings and recommendations to the next General Session.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

Referred to the Committee on Rules.

ANNOUNCEMENT

There will be a Democratic Caucus immediately in the Senate Caucus Room.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess for thirty minutes. Are there objections? The Chair hears none and declares a recess for thirty minutes.

AFTER RECESS

The time of recess having expired the House was called to order.

The SPEAKER, (Roy E. Furman), in the Chair.

SENATE MESSAGE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, September 19, 1938.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvenes on Monday evening, September 26, at 9 o'clock; and when the House of Representatives adjourn this week, it reconvene on Monday evening, September 26, at 9 o'clock.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 62, entitled:

An Act to ratify, confirm and make valid the joint legislative committee to investigate governmental costs of Philadelphia, Concurrent Resolution No. 2, approved the thirteenth day of January, one thousand nine hundred and thirty-seven, (P. L. 2869), which committee was provided with an appropriation under Appropriation Act No. 9-A, entitled "An act making an appropriation for the expenses of the joint legislative commission created by Senate Concurrent Resolution Serial Number 102, approved January thirteenth, one thousand nine hundred thirty-seven," together with its actions, proceedings, expenses and expenditures.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 52, as follows:

An Act to amend section one hundred and seventeen as amended and section two hundred and six of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing an additional method for creating independent school districts and the appointment of school directors therein

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one hundred and seventeen of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by section three of the act approved the twentieth day of May one thousand nine hundred and twenty-one (P. L. 1023) is hereby further amended to read as follows

Section 117 After the approval of this act a majority of the taxable inhabitants of any continguous territory in any school district or school districts as herein established may present their petition to the Governor or to the court of common pleas of the county in which each contiguous territory or a greater part in area thereof is situated asking that such territory shall be established as an independent school district which petition shall set forth a proper description of the boundaries of the territory to be included in such proposed independent school district and the desire of the petitioners for better school facilities than are or would be provided and maintained by the district or districts of which such proposed independent school district is a part whereupon the Governor or said court as the case may be after a hearing of which hearing the school district or districts out of whose territory such proposed independent school district is to be taken shall have ten (10) days' notice after taking into consideration the welfare of the pupils and taxpayers of such school district or school districts as well as of such proposed independent school district may make a decree establishing an independent school district and fix the boundaries thereof which may be more or less than those set forth in such petition Where the territory described in any such petition is to be taken from two or more school districts such petition shall be signed by a majority of all the taxable inhabitants of the part of each school district which is to be included in such independent district The Governor or the said court as the case may be shall also determine the amount if any of the indebtedness of the school district from whose territory such independent district is taken that it shall assume and pay In all cases where such school district if created or the remaining part of the original district would constitute a fourth class school district the merits of the petition for its creation from an educational standpoint shall be passed upon by the Superintendent of Public Instruction and it shall not be granted unless approved by him Provided That in case any such independent district so created shall include the territory of any former independent school district abolished by this act having any indebtedness such indebtedness shall be assumed and paid by such newly created independent school district Any independent district thus created shall belong to the class of school districts herein provided to which it is entitled to belong by its population as determined by the last United States census

In all cases where such procedings result in the creation of a new school district the cost and office fees shall be paid by said new district but if otherwise said costs and office fees shall be paid by petitioners themselves

Section 2 Section two hundred and six of said act is hereby amended to read as follows

Section 206 Every independent school district established as herein provided shall have its affairs except as to the election of school directors who shall be appointed as hereinafter provided administered by a board of school directors subject to all the provisions of this act relating to the class of school districts to which such independent district belongs And the Governor or the court as the case may be establishing such independent school district shall at the time of so doing appoint a board of properly qualified residents of the district of like number and for the same terms as is herein provided for such class of districts and in November of every odd year the Governor or such court as the case may be establishing such independent school district shall appoint the proper number of directors for the full term of six years whose terms shall begin on the first Monday of December following their appointment and any vacancy in such board shall be filled by the Governor or by the court as the case may be establishing such independent school districts for the unexpired term

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 58, as follows:

An Act to ratify confirm and make valid the commission to make certain studies in respect to bituminous mines appointed pursuant to the joint resolution approved the fifth day of June one thousand nine hundred and thirty-seven (P. L. 1689) entitled "A joint resolution creating a commission to make certain studies in respect to bituminous mines defining its powers and duties and making an appropriation" together with its actions proceedings expenses and expenditures

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The commission to make certain studies in respect to bituminous mines appointed pursuant to the joint resoltion approved the fifth day of June one thousand nine hundred and thirty-seven (P. L. 1689) entitled "A joint resolution creating a commission to make certain studies in respect to bituminous mines defining its powers and duties and making an appropriation" is hereby ratified confirmed and made valid together with all its actions proceedings expenses and expenditures whether the same have been paid or remain unpaid notwithstanding the fact that said commission was created by legislation designated "a joint resolution" and notwithstanding any other defect or informality in substance form or language in said legislation creating said commission

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 21, entitled:

An Act to regulate the sale storage offering or exposing for sale of fireworks defining fireworks and providing for licensing and regulation of the manner of using fireworks and providing license fees and penalties

The first section was read and agreed to as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The term fireworks shall mean and include any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion explosion deflagration or detonation

The second section was read as follows:

Section 2 Except as hereinafter provided it shall be unlawful for any person firm co-partnership or corporation to offer for sale to store expose for sale sell at retail or use or explode the following articles of fireworks

Torpedoes of all kinds

Paper caps containing more than thirty-five hundredths grain of explosive composition

Cannons canes pistols or other devices designated for use otherwise than with paper caps

Any fire works containing a compound or mixture of yellow or white phosphorus or mercury

Fireworks compositions that ignite spontaneously or undergo decomposition when subjected for forty-eight (48) consecutive hours to a temperature of one hundred sixty seven degrees (167°) Fahrenheit

Balloons carrying a lighted substance

Fireworks such as sparklers or fuses containing a matchtip or head or similar igniting point or surface unless each individual tiphead or igniting point or surface is thoroughly covered and securely protected from accidental contact or friction with any other surface or any fireworks which can be ignited or exploded by application of friction alone

Firecrackers and salutes containing black powder and firecrackers containing flash composition exceeding one and three-fourths (1-¾) inches in length and five-sixteenth (5/16) in in diameter

Roman candles exceeding twelve (12) balls

Fountains throwing a display more than twelve (12) feet in height

Any fireworks that contain a detonator or blasting cap

All skyrockets without sticks

All skyrockets with sticks exceeding twelve (12) ounces in weight not including the weight of the stick

Fireworks containing an ammonium salt and chlorate

Explosive fireworks in which the explosive compound is contained in a casing compound of a material harder than a paper case

On the question,

Will the House agree to the section?

Mr. OSTROFF. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 2, page 2, line 17, by striking out the words "thirty-five" and inserting in lieu thereof the word "twenty."

Amend Section 2, page 3, line 10, by striking out after the word "candles" the following "exceeding twelve (12) balls)"

Amend Section 2, page 3, line 11, by striking out after the word "display" the following: "more than twelve (12)"

Amend Section 2, page 3, line 12 by striking out the whole line.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third section was read and agreed to as follows:

Section 3 The Pennsylvania State Motor Police shall have power to adopt and promulgate reasonable rules and regulations consistent with the provisions of this act for the purpose of enforcing it issuing licenses to dealers granting permits for special displays and licensing operators to conduct special displays

The fourth section was read as follows:

Section 4 Every dealer in fireworks retail and wholesale and every operator of a special display shall be licensed Licenses to dealers and operators and permits for special displays shall be issued by the Pennsylvania State Motor Police upon application filed in accordance with rules and regulations promulgated under Section 3 hereof

License fees shall be payable to the State Treasurer and all fees derived therefrom shall go into the general funds of the Commonwealth License fees shall be as follows

For a wholesale dealer	$25.00 annually
For a retail dealer	5.00 annually
For operator's license and permit to conduct a special display	5.00

All licenses issued to dealers shall be prominently displayed on the premises where fireworks are to be sold

On the question,

Will the House agree to the section?

Mr. OSTROFF. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 4, page 4, by inserting after line 3 the following sentence: "an appeal shall lie to the Court of Common Pleas from the refusal to issue a license which appeal shall be final."

Amend Section 4, page 4, line 9, by striking out the following: "5.00," and inserting in lieu thereof the following: "1.00."

Amend Section 4, page 4, line 17, by inserting between the word "individual" and the word "organization" the words: "lodge, society, fraternal organization, or other."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fifth to the thirteenth sections inclusive and the title were separately read and agreed to as follows:

Section 5. A special public display shall be any display of fireworks the sale offering or exposing for sale use or exhibition of which is made unlawful by Section 2 hereof conducted by an individual organization or corporation including cities boroughs incorporated towns and townships before an assemblage of people for their entertainment or otherwise

Every such special public display shall be handled by a competent operator duly licensed by the Pennsylvania State Motor Police

Before issuing such permit the Pennsylvania State Motor Police shall be satisfied that the proposed special public display shall be of such character and so located discharged or fired as in the opinion of the Pennsylvania State Motor Police after proper inspection shall not be hazardous to property or endanger any person or persons

Applications for permits for special public displays shall be made in writing at least fifteen (15) days in advance of the date of display

Section 6 In all cases where permits for special public displays are granted the Pennsylvania State Motor Police

shall obtain from the individual organization or corporation to whom such permit has been issued a bond deemed adequate by the Pennsylvania State Motor Police in a sum not less than Five Hundred ($500.00) Dollars conditioned for the payment of all damages which may be caused either to person or property by reason of the permitted display and arising from any acts of such individuals organizations or corporations their agents employes or sub-contractors

Section 7 It shall be unlawful to store or sell fireworks

(a) In any building where paints oils or varnishes are manufactured or kept for use or sale unless such paints oils and varnishes are in original unbroken containers

(b) In any building where matches (other than approved safety matches) resin turpentine gasoline or other highly inflammable substances or substances which may generate inflammable vapors are used stored or kept for sale

c) In any building where stoves or exposed flames are used in the part of the building where fireworks are stored or offered for sale

(d) No smoking shall be allowed in any building where fireworks are offered for sale Over each entrance to such a store a sign in large letters shall be displayed reading "Fireworks" for Sale No Smoking Allowed"

(e) It shall be unlawful for anyone to sell fireworks of any kind at any time to children under the age of fourteen (14) years

(f) It shall be unlawful to sell at retail fireworks of any kind except toy pistol paper caps and except for special public displays at any time except between June 25th and July 5th both inclusive in any year

Section 8 Nothing in this act shall be construed so as to prohibit any person firm copartnership or corporation from storing for the purpose of selling at wholesale and selling at wholesale fireworks of any kind provided the same are to be shipped out of this State or the use of fireworks by railroads or other transportation agencies for signal purposes or illumination or the sale or use of blank cartridges for a show or theatre or for signal or ceremonial purposes in athletics or sports or for use by military organizations or for any lawful commercial or industrial use

Section 9 The Pennsylvania State Motor Police or any sheriff police officer or constable within the Commonwealth shall seize take remove or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale stored or held in violation of this act and hold the same subject to order of the court

Section 10 Nothing in this act contained shall prevent any municipality from prohibiting the retail sale of fireworks within its boundaries

Section 11 Any person firm copartnership or corporation violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than One Thousand ($1,000) Dollars or to suffer imprisonment in the county jail for not more than one (1) year or both at the discretion of the court

Section 12 The provisions of this act shall be severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect the validity of the remaining provisions of this act It is hereby declared as a legislative intent that this act would have been adopted by the General Assembly had such unconstitutional provision not been included therein

Section 13 All acts and parts of acts inconsistent herewith are hereby repealed

An Act to regulate the sale storage offering or exposing for sale of fireworks defining fireworks and providing for licensing and regulation of the manner of using fireworks and providing license fees and penalties

And said bill having been real at length the second time and agreed to as amended.

Ordered. To be transcribed for a third reading.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 10, as follows:

An Act authorizing the Secretary of Highways to change the location of State Highway routes in cities of the first class constituting part of the approaches to interstate bridges including the terminal points thereof Authorizing the abandonment of such relocated sections of State highways Authorizing the Secretary of Highways to enter into agreements with cities of the first class Interstate Joint Commissions persons associations and corporations for the sharing of the cost exclusive of property damages of widening streets and relocating highways forming part of the State highway system and constituting approaches to interstate bridges Authorizing cities of the first class Interstate Joint Commissions persons associations and corporations to enter into agreements with each other for the sharing of the cost of property damages direct and not merely consequential thereto in connection with the widening of said streets and relocating said highways and with the Secretary of Highways and each other for the sharing of the cost of widening said streets and relocating said highways exclusive of property damages and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Secretary of Highways may enter into agreements with cities of the first class Interstate Joint Commissions persons associations and corporations public or private for the sharing with the Commonwealth of the cost exclusive of property damages of widening such streets and relocating such highways as form part of the State highway system and constitute approaches to interstate bridges in cities of the first class And cities of the first class and Interstate Joint Commissions are hereby authorized and empowered to enter into agreements with the Secretary of Highways and with persons associations and corporations for the purposes of sharing the cost of widening said streets and relocating said highways exclusive of property damages and said cities of the first class and Interstate Joint Commissions are further authorized and empowered to enter into agreements with each other and with persons associations and corporations for the purpose of sharing the cost of property damage direct and not merely consequential thereto in connection with the widening of said streets and relocating of said highways

Section 2 All moneys received by the Commonwealth under any contract or agreement for sharing the cost of widening such streets and relocating said highways shall be deposited in the Motor License Fund and so much of the money in the Motor License Fund as may be necessary to carry out the provisions of this act on the part of the Commonwealth is hereby specifically appropriated to the Department of Highways for the purpose of this act

Section 3 Whenever it shall appear to the Secretary of Highways that any part or portion of a State highway route or routes in a city of the first class which constitutes or constitute a part of the approaches to an interstate bridge are dangerous or inconvenient to the traveling public in their then location either by reason of width grade lines curves or other conditions or that the expense to the Commonwealth in the construction or maintenance thereof could be materially lessened by a change of location the Secretary of Highways may with the consent of the Governor and of the city expressed by ordinance or resolution change the location of such State highways route including the terminal points thereof to pass over existing streets or new streets laid out and opened by the city in such manner as in his discretion may seem best in order to correct such danger or inconvenience or lessen the cost to the Commonwealth A plan showing the new location approved by the Governor and the Mayor of the city shall be recorded in the office of the Recorder of Deeds in the county in which such city shall be located

After the relocation has been opened to traffic the

Secretary of Highways by notice to the local authorities may abandon as a State highway route all or any part of the section of highway between the terminii of the relocation

Section 4 All acts and parts of acts inconsistent herewith are hereby repealed

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. McDEVITT. Mr. Speaker, will the gentleman from Philadelphia, Mr. Schor, explain to the House the provisions of the bill.

Mr. SCHOR. Mr. Speaker and members of the House, this bill in its present form is an enabling act purely and simply. It allows the Secretary of Highways to enter into an agreement with the city of Philadelphia, corporations, individuals and any other municipal authority or Federal creation, to permit new approaches to be made to the Delaware River Bridge, so that the vehicular problem in the city of Philadelphia can in some way be solved.

It entails no cost on the Commonwealth of Pennsylvania outside of some clerical work which may be involved in the preparation of such agreements. All condemnation proceedings shall be taken care of by the individuals named in the bill, exclusive of the Commonwealth of Pennsylvania.

The bill further provides that the Secretary of Highways and the City Council of Philadelphia may agree on some day of diverting traffic outside of Vine Street. We have refused to name streets in the bill in order to avoid any constitutional difficulties which may arise as a result of the special legislative feature or prohibition in the constitution. At present the proposals are in a tentative stage. This bill would enable a great deal of preliminary work to be done so that we can actually get some solution to this great traffic problem.

As the bill was originally drafted it would have involved a terrific cost in condemnation proceedings on real estate located in Vine Street. As presently drawn it constitutes a great saving to whatever authority, whatever corporation, whatever individuals enter into such an agreement. Again let me say there are no condemnation costs put on the State.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—183.

Achterman,	Flannery,	McCullough,	Shoemaker,
Alexander,	Flinchbaugh,	McDermott,	Shugarts,
Allen,	Ganser,	McDevitt,	Siegel,
Allmond,	Gerard,	McElroy,	Simon,
Arnold,	Gillette,	McFall,	Skale,
Atkins,	Gorski,	McGee,	Sloan,
Aukerman,	Habbyshaw,	McKinney,	Smith, James A.,
Baine,	Haberlen,	Melchiorre,	Smith, John A.,
Baker,	Hagerty,	Mellott,	Spengler,
Balthaser,	Hall,	Mihm,	Sproul,
Bierly,	Hamilton, F. P.,	Mooney,	Stank,
Blank,	Hamilton, R. S.,	Moran,	Stewart,
Bohn,	Harkins,	Moul,	Stockham,
Bois,	Harmuth,	Muir,	Strode,
Foltz,	Hays,	Nagel,	Thomas,
Boose,	Hering,	O'Brien,	Thompson,
Boyer	Hess,	O'Connor,	Tronzo,
Bradley	Hetrick,	O'Keefe,	Trout,
Brancato,	Hindman,	Ominsky,	Tumelty,
Broad,	Hirsch,	O'Neill,	Turner,
Burrows,	Holland,	Ostroff,	Valibus,
Cadwalader,	Holmes,	Patterson, C. S.,	VanAllsburg,
Caputo,	Holstrom,	Patterson J. W.,	Vogt,
Chervenak,	Hontz,	Peale,	Wagner,
Coakley,	Horting,	Pearson,	Wall,
Cohen, H. B.,	Huntley,	Perry,	Walsh,
Cohen, R. E.,	Imbrie,	Piole,	Wampole,
Coleman,	Keenan,	Powers,	Watkins,
Coolahan,	Kelso,	Preston,	Webster,
Corrigan,	Kilroy,	Readinger,	Weiss, D. H.,
Costanzo,	Kline,	Reese,	Weiss, S. A.,
Davies,	Kroll,	Reising,	Welliver,
Decker,	LaRue,	Robinson,	Welsh,
Dickinson,	Leisey,	Rothenberger,	Westrick,
Donohoe,	Lewis,	Rush,	Whalen,
Dougherty,	Long,	Sarraf,	Whitenight,
Downey,	Longaker,	Scanlon,	Wilson,
Dubbs,	Lopresti,	Schor,	Winner,
Dyson,	Lovett,	Schrock,	Wood,
Eckels,	Lyons,	Schrope,	Woodside,
Elpern,	Mallen,	Schumacher,	Wright,
Falkenstein,	Marino,	Serrill,	Yeakel,
Finnerty,	Matthews, H. T.	Shaw,	Yourishin,
Fiss,	Matthews, J. F.	Shea,	Zappala,
Flanagan,	McArdle,	Shepard,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 51, entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section twenty

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for further study.

The motion was agreed to.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. SHAW asked and obtained permission for the Committee on Welfare to meet during the session of the House.

RESOLUTION No. 10

Mr. ACHTERMAN. Mr. Speaker, I desire to call up Resolution No. 10, Printer's No. 52.

The resolution was read by the Clerk as follows:

In the House of Representatives, August 16, 1938.

Whereas, The space in the Capitol building at present occupied by the legislative branch of government, is less than was orginally allocated to that branch when the Capitol was first occupied thirty-four years ago; and

Whereas, The volume of bills introduced and the variety of subjects requiring consideration by the General Assembly have multiplied many times during the last thirty-four years; and

Whereas, The functions under the supervision of the Secretary of the Senate the Clerk of the Senate and the Clerk of the House are located on various floors of the Capitol not contiguous to the executive responsible for their administration thus making it impossible for the

efficient and economical discharge of the duties of these officials and

Whereas, The rooms at present available for the use of the Senate and House committees are inadequate both in number and equipment, making it necessary to assign several committees to each room, restricting the time each committee may occupy the room, and thereby preventing orderly and adequate consideration of bills which have been referred to the committee, resulting in the reporting out of bills in such form that amendments on the floor are necessary to a far greater degree than would have been had proper facilities been available to the various committees; and

Whereas, The Legislative Reference Bureau, created to serve the Members of the Senate and House, to aid in drafting legislation and the preparation of amendments to bills introduced to serve department heads in connection with legislation affecting their respective departments, etc., is located outside the Capitol building, thus substantially reducing its ability to perform its present functions, and making it quite impossible for it to discharge the added responsibility of assuring the accuracy of legislative bills therefore be it

Resolved (if the Senate concur) That so much of the space in the basement of the Capitol building now occupied by the Treasury Department on the first floor now occupied by the Treasury Department the Department of the Auditor General and the Pennsylvania Motor Police on the entrosole now occupied by the Bureau of Standards and other agencies of the Department of Internal Affairs on the third floor now occupied by the Department of Revenue as is indicated on the accompanying schedule be set aside for the use of the legislative branch of our government and its related agencies as soon as the Finance Building is available for occupancy by the departments which are to be housed therein and be it further

Resolved That the Department of Property and Supplies be authorized to have removed the vault now in Room 140 to have made such minor alterations as are essential to the purposes for which this room will be used to properly equip upon requisition from the proper officers this and other rooms for the purposes for which they are to be used and be it further

Resolved That the Legislative Reference Bureau be moved to and established in the Capitol building in quarters adequate to the performance of its present and added responsibilities

Schedule of rooms to be set aside for use of Legislative Branch of Government Room No. Present Occupant

Basement State Treasury

Room No.	Present Occupant
Basement	
6	State Treasury
8	State Treasury
9	State Treasury
9-x	State Treasury
First Floor	
110	State Treasury
113	State Treasury
115	State Treasury
129	Auditor General
140	State Treasury
149	Motor Police
150	Motor Police
151	Motor Police
152	Motor Police
153	Motor Police
Entrosole	
544	Bureau of Standards
545	Internal Affairs
547	Internal Affairs
Third Floor	
337	Revenue
337-A	Revenue

On the question,

Will the House adopt the resolution?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend 3rd Whereas Clause, page 1, line 9 from bottom of page, by inserting before the word "Clerk" the following: "Chief"

Amend 3rd Whereas Clause, page 1, line 10 from bottom of page, by inserting before the word "Clerk" the following: "Chief"

Amend 1st Resolve Clause, page 2, line 5, by striking out the words "in the basement"

Amend 1st Resolve Clause, page 2, line 6, by inserting after the word "floor" the following: "and in the basement"

Amend 3rd Resolve Clause, page 3, line 21, by striking out the word "Capitoll" and inserting in lieu thereof "Capitol"

Amend 3rd Resolve Clause, page 4, line 10, by inserting before the word "Motor" the following: "Pennsylvania"

Amend 3rd Resolve Clause, page 4, line 11, by inserting before the word "Motor" the following: "Pennsylvania"

Amend 3rd Resolve Clause, page 4, line 12, by inserting before the word "Motor" the following: "Pennsylvania"

Amend 3rd Resolve Clause, page 4, line 13, by inserting before the word "Motor" the following: "Pennsylvania"

Amend 3rd Resolve Clause, page 4, line 14, by inserting before the word "Motor" the following: "Pennsylvania"

On the question,

Will the House agree to the Amendments?

They were agreed to.

On the question,

Will the House agree to the Resolution as amended?

It was agreed to.

Ordered, That the resolution as amended lie over for printing.

RESOLUTION NO. 12

Mr. WAGNER. Mr. Speaker, I desire to call up at this time Resolution No. 12, Printer's No. 51.

The resolution was read by the Clerk as follows:

In the House of Representatives, September 6, 1938.

Whereas On September 10 1938 we will celebrate in this country the one hundred and twenty-fifth anniversary of "The Battle of Lake Erie" and

Whereas The "Battle of Lake Erie" was one of America's most decisive naval victories and

Whereas In the consequence of the winning of this battle all the territory west of the Allegheny Mountains was saved for this country and

Whereas The half of this mighty fleet which won this victory was built at the city of Erie then known as Erietown and the fleet was under the seamanship of Pennsylvania citizens and therefore especially the State of Pennsylvania should take a preeminent position in the celebration and endeavor to have restored the Flagship "Niagara" to a proper condition therefore be it

Resolved (if the Senate concur) That the General Assembly of Pennsylvania hereby urges the Governor of the Commonwealth to secure the necessary Federal funds or if unable to obtain the Federal funds to urge upon the proper Federal agency the desirability of undertaking and completing the work of restoration so that the Flagship "Niagara" shall be in the original condition she was in at the time of the Battle of Lake Erie and shall for all time be maintained as a historic memorial of a glorious page in American History

On the question,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTION

SYMPATHY EXTENDED

Messrs. WOOD, TROUT and ROYER offered the fol-

lowing resolution which was twice read, considered and unanimously adopted by a rising vote:

In the House of Representatives, September 19, 1938.

Whereas, Senator John G. Homsher, the dean of the Pennsylvania State Senate, a member of this House from 1901 to 1909, and of the Senate from 1909 to the present time, passed away at the Lancaster General Hospital on Tuesday, September 13, 1938 after an illness of two months. His illness had marked his first absence in the 38 years from his desk in the Legislature; and

Whereas, Senator Homsher was born and spent all his life in Lancaster County. His first political experience came in 1897 and 1898 when he was elected to the Republican State Convention as a delegate. He was serving his 16th year as Justice of the Peace when he resigned to enter the Legislature. His services there extended during the terms of ten Governors; and

Whereas, Senator Homsher was very popular with his home people as well as his colleagues in the Legislature. No man more faithfully and accurately typified the community and the people he represented than he. No time during the 38 years could any one point to any suspicion of misconduct in office. His colleagues in the Senate honored him by electing him twice President Pro Tempore, an honor accorded no other man in the history of the Commonwealth; therefore, be it

Resolved, That this House express its deep felt sorrow over the loss of an able and valuable Senator, one that we could not afford to lose at the present time; and be it further

Resolved, That a copy of this resolution be forwarded by the Chief Clerk to the widow and family of the late Senator.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 17.

An Act to amend article two of the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred thirty-six) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder" as amended by adding a new section two hundred and one and one-tenth thereto imposing the presumption of negligence upon employers providing for admission of certain evidence and providing for double damage under certain circumstances

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend the title, page 1, by inserting at the end of line 8 after the word "as" the words "re-enacted and."

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—175

Achterman,	Flanagan,	McCullough,	Shepard,
Alexander,	Flannery,	McDermott,	Shoemaker,
Allen,	Flinchbaugh,	McDevitt,	Shugerts,
Allmond,	Ganser,	McElroy,	Siegel,
Arnold,	Gerard,	McFall,	Simon,
Atkins,	Gillette,	McGee,	Skale,
Aukerman,	Gorski,	McKinney,	Sloan,
Baine,	Habbyshaw,	Melchiorre,	Smith, James A.,
Baker,	Haberlen,	Mellott,	Smith, John A.,
Balthaser,	Hagerty,	Mihm,	Spengler,
Bierly,	Hall,	Moomaw,	Sproul,
Blank,	Hamilton, F. P.,	Mooney,	Stank,
Bohn,	Hamilton, R. S.,	Moran,	Stewart,
Bois,	Harkins,	Moul,	Stockham,
Boltz,	Harmuth,	Muir,	Strode,
Boose,	Hays,	Nagel,	Thomas,
Boyer	Hering,	O'Brien,	Thompson,
Bradley	Hess,	O'Connor,	Tronzo,
Brancato,	Hetrick,	O'Keefe,	Trout,
Broad,	Hindman,	Ominsky,	Tumelty,
Burrows,	Hirsch,	O'Neill,	Turner,
Cadwalader,	Holland,	Ostroff,	Valibus,
Caputo,	Holmes,	Patterson, C. S.,	VanAllsburg,
Chervenak,	Holstrom,	Patterson, J. W.,	Vogt,
Coakley,	Hontz,	Perry,	Wagner,
Cohen, H. B.,	Horting,	Piole,	Wall,
Cohen, R. E.,	Huntley,	Powers,	Watkins,
Coleman,	Imbrie,	Preston,	Webster,
Coolahan,	Keenan,	Readinger,	Weiss, D. H.,
Corrigan,	Kelso,	Reese,	Weiss, S. A.,
Costanzo,	Kilroy,	Reising,	Welliver,
Davies,	Kline,	Robinson,	Welsh,
Decker,	LaRue,	Rothenberger,	Westrick,
Dickinson,	Leisey,	Ruffennach,	Whalen,
Donohoe,	Lewis,	Rush,	Whitenight,
Dougherty,	Long,	Sarraf,	Wilson,
Downey,	Longaker,	Scanlon,	Winner,
Dubbs,	Lopresti,	Schor,	Wood,
Dyson,	Lovett,	Schrock,	Woodside,
Eckels,	Lyons,	Schrope,	Wright,
Elpern,	Mallen,	Schumacher,	Yeakel,
Falkenstein,	Marino,	Serrill,	Yourishin,
Finnerty,	Matthews, H. T.,	Shaw,	Zappala,
Fiss,	Matthews, J. F.,	Shea,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 8.

An Act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by such department with the General State Authority for the use and occupancy by the Commonwealth of various projects, structures, buildings, and facilities of the Authority or for the services rendered by the Authority or its projects.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, line 4, by striking out after the work "executed" the words "by such department"; also in line 5 and 6 by striking out the words "for the use and occupancy by the Commonwealth."

Amend the preamble, page 2, line 3 by striking out after the word "Authority" the words "to the Commonwealth".

Amend section 1, page 3, line 1, by inserting after the word "of" the words and figures "two million dollars ($2,000,000)"; also line 9, by striking out after the word "Authority" the words "to the Commonwealth."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. HERBERT B. COHEN. Mr. Speaker, I ask that the House do concur in the Senate amendments.

Mr. TURNER. Mr. Speaker, I wish to call the attention of the House to the fact that this bill, when it left the House, had no amount stated therein for the appropriation to carry out the provisions of the bill. The bill returns from the Senate with an appropriation of $2,000,000 for the balance of this year, up to January 1st. I thought the members ought to know that, when voting upon its concurrence.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—174

Achterman,	Flanagan,	Matthews, J. F.	Shea,
Alexander,	Flannery,	McCullough,	Shepard,
Allen,	Flinchbaugh,	McDermott,	Shoemaker,
Allmond,	Ganser,	McDevitt,	Shugarts,
Arnold,	Gerard,	McElroy,	Siegel,
Atkins,	Gillette,	McFall,	Simon,
Aukerman,	Gorski,	McGee,	Skale,
Baine,	Habbyshaw,	McKinney,	Sloan,
Baker,	Haberlen,	Melchiorre,	Smith, James A.,
Balthaser,	Hagerty,	Mellott,	Smith, John A.,
Bierly,	Hall,	Mihm,	Spengler,
Blank,	Hamilton, F. P.,	Moomaw,	Sproul,
Bohn,	Hamilton, R. S.,	Mooney,	Stank,
Bois,	Harkins,	Moran,	Stewart,
Boltz,	Harmuth,	Moul,	Stockham,
Boose,	Hays,	Muir,	Strode,
Boyer	Hering,	Nagel,	Thomas,
Bradley	Hess,	O'Brien,	Thompson,
Brancato,	Hetrick,	O'Connor,	Tronzo,
Broad,	Hindman,	O'Keefe,	Tumelty,
Burrows,	Hirsch,	Ominsky,	Turner,
Cadwalader,	Holland,	O'Neill,	Valibus,
Caputo,	Holmes,	Ostroff,	VanAllsburg,
Chervenak,	Holstrom,	Patterson, C. S.,	Vogt,
Coakley,	Hontz,	Patterson, J. W.,	Wagner,
Cohen, H. B.,	Horting,	Perry,	Wall,
Cohen, R. E.,	Huntley,	Piole,	Watkins,
Coleman,	Imbrie,	Powers,	Webster,
Coolahan,	Kane,	Preston,	Weiss, D. H.,
Corrigan,	Keenan,	Readinger,	Weiss, S. A.,
Costanzo,	Kelso,	Reese,	Welliver,
Davies,	Kilroy,	Reising,	Welsh,
Decker,	Kline,	Robinson,	Westrick,
Dickinson,	LaRue,	Rothenberger,	Whalen,
Donohoe,	Leisey,	Rush,	Whitenight,
Dougherty,	Lewis,	Sarraf,	Wilson,
Downey,	Long,	Scanlon,	Winner,
Dubbs,	Longaker,	Schor,	Woodside,
Dyson,	Lopresti,	Schrock,	Wright,
Eckels,	Lovett,	Schrope,	Yeakel,
Elpern,	Lyons,	Schumacher,	Yourishin,
Falkenstein,	Mallen,	Serrill,	Zappala,
Finnerty,	Marino,	Shaw,	Furman,
Fiss,	Matthews, H. T.		

NAYS—2

Trout,	Wood.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILLS INTRODUCED AND REFERRED

By Mr. OSTROFF. HOUSE BILL No. 74.

An Act to amend section four hundred and twelve of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations; companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers and liabilities, and regulating the exercise, surrender or abandonment of their power, privileges and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administrative procedure before the commission and procedure for retering this act; prescribing and regulating practice and view by the courts of commission action; giving the Court of Common Pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by providing for the elimination of overhead wires along highways and in vicinity of aviation fields.

Referred to the Committee on Public Utilities.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 27. (HOUSE BILL No. 75).

An Act to amend section two of the act, approved the eleventh day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, four hundred eighty-seven), entitled "An act authorizing the Department of Welfare to determine the legal residence of indigent, insane, feebleminded and epileptic persons, returned to this Commonwealth by the authorities of another state, or transferred from one poor district to another by the department, and requiring the proper district to pay the costs of the care and treatment of such persons in accordance with the laws relating to indigent insane persons," by relieving poor districts of certain costs and placing such costs on the Commonwealth.

Referred to the Committee in Welfare.

SENATE BILL No. 29. (HOUSE BILL No. 76).

An Act to amend the act, approved the eleventh day of July one thousand nine hundred twenty-three(P. L. 998), entitled "An act for the prevention and treatment of mental diseases, mental, defect, epilepsy, and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients; providing for the payment by individuals, counties, or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties" as amended by further defining and limiting the institutions in which persons mentally ill may receive care and treatment; relieving counties and poor districts of the payment of the cost of the admission, care, and discharge of mental patients, with certain exceptions; imposing such costs on the Commonwealth; and repealing inconsistent laws.

Referred to the Committee in Welfare.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 8.

An Act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed with the General State Authority of various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects

HOUSE BILL No. 17.

An Act to amend article two of the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; and providing procedure for the determination of liability and compensation thereunder," as re-enacted and amended, by adding a new section two hundred and one and one-tenth thereto; imposing the presumption of negligence upon employers; providing for admission of certain evidence and providing for double damage under certain circumstances.

Whereupon,

The Speaker, in the presence of the House, signed the same.

REPORTS FROM COMMITTEES

Mr. WELLIVER, from the Committee on Appropriations, reported as committed, House Bill No. 66, entitled:

A Supplement to the act, approved the second day of July, one thousand nine hundred thirty-seven (Appropriation Acts, page seventy-four), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven," providing for the deficiencies in certain appropriations to the Department of Justice for the fiscal biennium ending May thirty-first, one thousand nine hundred thirty-nine.

Mr. YOURISHIN, from the Committee on Appropriations, re-reported as amended, House Bill No. 65, entitled:

An Act creating a joint legislative commission to study and report on use of devices and methods of transmission of information for advices in furtherance of gambling and making an appropriation.

Mr. TRONZO, from the Committee on Welfare, reported as committed, House Bill No. 73, (Senate Bill No. 28), entitled:

An Act relating to institutions of counties cities and institution districts for the care maintenance and treatment of mental patients providing for the transfer of such institutions to the Commonwealth providing for the management and operation or closing thereof and the maintenance of mental patients therein conferring and imposing upon the Governor the Department of Welfare and counties cities and institution districts certain powers and duties prohibiting cities counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients and repealing inconsistent laws.

BILL ON FIRST READING

Mr. TRONZO asked and obtained unanimous consent to have the following bill read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 73, (Senate Bill No. 28), entitled:

An Act relating to institutions of counties cities and institution districts for the care maintenance and treatment of mental patients providing for the transfer of such insitutions to the Commonwealth providing for the management and operation or closing thereof and the maintenance of mental patients therein conferring and imposing upon the Governor the Department of Welfare and counties cities and institution districts certain powers and duties prohibiting cities counties and institutions districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients and repealing inconsistent laws.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ANNOUNCEMENTS

COMMITTEE MEETINGS

The Committee on Education will hold a public hearing on House Bill No. 24 on Tuesday, September 20, 1938, at 10:00 a. m. Eastern Standard Time in the Senate Caucus Room.

The sub-Committee on Mines and Mining will hold a public hearing on House Bills Nos. 43, 44, 45 and 46 on Wednesday, September 21, 1938 at 2:00 p. m. Eastern Standard Time in the Senate Caucus Room.

A meeting of the sub-Committee on Welfare will be held in the Chief Clerk's office at 10:00 p. m. Eastern Standard Time, September 20, 1938.

ADJOURNMENT

Mr. TROUT. Mr. Speaker, as a further mark of respect to the late Honorable John G. Homsher, I move that this House do now adjourn until tomorrow at 11:00 a. m.

The motion was agreed to, and (at 11:39 p. m.) the House adjourned until Tuesday, September 20, 1938, at 11:00 a. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1938

Vol. 22 HARRISBURG, PA., TUESDAY, SEPTEMBER 20, 1938. No. 19.

SENATE

TUESDAY, SEPTEMBER 20, 1938.

The Senate met at 11:00 o'clock A. M. (E. S. T.).

The PRESIDENT (Lieutenant Governor, Thomas Kennedy) in the Chair.

PRAYER

The Rev. FRANK W. RUTH offered the following prayer:

Our Father, we come to Thee this morning and we thank Thee for life and for all the opportunities to serve. We thank Thee for the love which Thou hast given to us and may we through Thy Holy Spirit be guided today and in all the remaining days of our life to render our service in the spirit of love for our fellowman in our communities and in our State and to the ends of the earth, so that the time may soon come for which we have prayed so long, for which Thou didst come and gave Thy life that there shall be peace and love and brotherhood over the whole universe.

We ask it in the Master's name. Amen.

JOURNAL APPROVED

The PRESIDENT—A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. RICE, the further reading was dispensed with, and the Journal was approved.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess for twenty minutes.

Mr. RUTH. Mr. President, I second the motion.

The motion was agreed to.

ANNOUNCEMENTS BY THE SECRETARY

The Committee on State Boards will meet in the office of the President pro tempore immediately.

The Committee on Appropriations will meet in the outer office of the Lieutenant Governor immediately.

Following the meeting of the Committee on Appropriations, the Committee on Education will meet in the same room.

The Committee on State Government will meet in Room 265 immediately.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

HOUSE MESSAGE

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL NO. 57

The Clerk of the House of Representatives being introduced presented communication from the House informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 57, entitled:

An Act to provide for the expenses of the extraordinary session of the Legislature, assembled July twenty-fifth, Anno Domini one thousand nine hundred thirty-eight, in pursuance of the proclamation of the Governor of the Commonwealth, dated July twenty-second, Anno Domini one thousand nine hundred thirty-eight, and the supplements thereto.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 38, entitled:

An Act making an appropriation for the expenses of the special committee appointed by the Speaker of the House of Representatives the second day of August one thousand nine hundred thirty-eight pursuant to a resolution adopted by the House of Representatives on the thirtieth day of July one thousand nine hundred thirty-eight by authority of the act approved the thirtieth day of July one thousand nine hundred thirty-eight (Act No. 2) entitled "An act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment authorizing the Speaker of the House to appoint a special committee for any such investigation authorizing the presentation of evidence by the Attorney General and other counsel and the officers in-

vestigated providing for the summoning of witnesses and for the punishment of persons refusing to appear produce evidence or testify and authorizing the employment and compensation of counsel and other assistants"

House Bill No. 57, entitled:

An Act to provide for the expenses of the extraordinary session of the Legislature, assembled July twenty-fifth, Anno Domini one thousand nine hundred thirty-eight, in pursuance of the proclamation of the Governor of the Commonwealth, dated July twenty-second, Anno Domini one thousand nine hundred thirty-eight, and the supplements thereto.

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

REPORTS FROM COMMITTEES

Mr. EROE, from the Committee on Appropriations, reported as committed, Senate Bill No. 51, (House Bill No. 47), entitled:

An Act making a deficiency appropriation to the Anthracite Coal Industry Commission created by the act approved the eighth day of February, one thousand nine hundred and thirty-seven (Pamphlet Laws twenty-one) entitled "An act creating the Anthracite Coal Industry Commission, defining its powers and duties and making an appropriation."

Mr. RICE, from the Committee on State Boards, reported as committed, Senate Bill No. 42, entitled:

An Act to amend Article two of Section one of the act, approved the twelfth day of June, one thousand nine hundred and thirty-one (P. L. 575), entitled "An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River, and the improvement of the facilities for transportation across the river; authorizing the Governor, for these purposes, to enter into an agreement with New Jersey; creating The Delaware River Joint Commission and specifying the powers and duties thereof, including the power to finance projects by the issuance of revenue bonds; transferring to the new commission all the powers of the Delaware River Bridge Joint Commission; and making an appropriation," by fixing the term of office of certain members.

Mr. LAW, from the Committee on Education, re-reported as amended, Senate Bill No. 40, entitled:

An Act to amend Sections one hundred eight, five hundred six, five hundred seven, eight hundred thirteen, eight hundred fourteen, and one thousand one hundred thirty-three of the act approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, by providing for the merger of certain school districts with other districts; re-refining indebtedness of school districts; empowering the county boards of school directors to employ an attorney and fix his compensation; increasing the salaries of members of the county board of school directors; and providing for limitations on the appointment of district superintendents.

Mr. HENNEY, from the Committee on State Government, reported as amended, Senate Bill No. 49, entitled:

An Act to prohibit the sale, offering or exposing for sale of fireworks; defining fireworks and to regulate the manner of using fireworks, and providing penalties.

Mr. FREY from the Committee on Executive Nominations reported with a favorable recommendation the following nominations, made by His Excellency the Governor, of the Commonwealth.

ALDERMAN—CITY OF BUTLER

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 26, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

William C. Teabay, 301 West Fulton Street, Butler, for appointment as Alderman in the Fifth Ward of the City of Butler, vice John Bixler, deceased.

GEORGE H. EARLE.

MEMBER BOARD OF TRUSTEES, INDIANA STATE TEACHERS COLLEGE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, September 12, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

Harry C. Golden, Kittanning, Armstrong County, for appointment as a member of the Board of Trustees of Indiana State Teachers' College, for the term of four years and until his successor is qualified, vice D. R. Tomb, resigned.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES and Mr. McCREESH

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all the nominations reported at to-day's session.

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES and Mr. McCREESH.

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36.

Barthold,	Eroe,	Kilgallen,	Reed,
Buckman,	Frey,	Kunkel,	Rice,
Cavalcante,	Gelder,	Lanius,	Rodgers,
Chapman,	Gilson	Mallery,	Ruth,
Dando,	Haluska,	McCreesh,	Shapiro,
Deitrick,	Henney,	McGinnis,	Sipe,
Dent,	Heyburn,	Mundy,	Sones,
DiSilvestro,	Jacobs,	Pytko,	Stiefel,
Ealy,	Jaspan,	Rankin,	Thompson,

NAYS—0.

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. RICE. Mr. President, I move that the Senate do now proceed to the consideration of Nominations for appointment as Notaries Public, sent to the Senate, September 13, 19, and 20, 1938, by His Excellency, the Governor of the Commonwealth.

Mr. SONES. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, September 13, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public, for terms of four years to compute from the date set opposite their names:

DELAWARE COUNTY

Robert J. MacBride, Jr., Collingdale.

BEAVER COUNTY

James A. Darroch, Aliquippa.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, September 13, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for appointment as a Notary Public for a term of four years to compute from the date of confirmation:

LEHIGH COUNTY

Palmer O. Lentz, Allentown.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, September 19, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for re-appointment as a Notary Public, for a term of four years to compute from the date set opposite his name:

CUMBERLAND COUNTY

Cephas A. Willis, Lemoyne.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, September 19, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

C. L. Hoenshel, 1330 Locust St., Pittsburgh.
Harry L Hubbell, East pittsburgh.
W. V. Hunter, Tarentum.
Joseph J. Jerome, Tarentum.
Warren S. McKay, 1208 Diamond Bank Bldg., Pittsburgh.
Robert A. Maier, Forbes National Bank, 5th & Oakland Aves., Pittsburgh.
David Whitman, Union National Bank Bldg., 306-4th Ave., Pittsburgh.

BEAVER COUNTY

Mrs. Ruth G. Crary, Beaver.

CENTRE COUNTY

Toner A. Hugg, Milesburg.

CLEARFIELD COUNTY

Melvin W. McClure, Clearfield.

DELAWARE COUNTY

Robert W. Cuthill, Springfield Twp., 170 Saxer Ave., Springfield.

ERIE COUNTY

Mrs. Dorothy Dillon, Erie.
Paul C. Robins, Erie.

FRANKLIN COUNTY

D. E. Hoover, Letterkenny Twp., Upper Strasburg.

LANCASTER COUNTY

Miss Dorothy R. Hafley, Elizabethtown.
R. W. Mann, Lititz.

LEHIGH COUNTY

Edward J. Ritter, Allentown.

LYCOMING COUNTY

Miss Isobel Williams, Williamsport.

NORTHUMBERLAND COUNTY

Mrs. Ethel L. Trautman, Sunbury.

PERRY COUNTY

Donald H. Bernheisel, Tyrone Twp., Loysville.

PHILADELPHIA COUNTY

Herbert Altemus, 401 N. Broad St., Phila.
Philip Arminio, 3331 North 5th St., Phila.
Matthew M. Collins, Jr., 1235 N. 19th St., Phila.
M. Lawrence Daily, 1228-30 Vine St., Phila.
George P. Darrow, Indiana Ave. & A St., Phila.
Mrs. Betty Demar, 913 Market St., Phila.
Eugene J. Donaghue, 5603 McMahon Ave., Phila.
Fred C. Entwisle, Abrasive Co., Tacony and Fraley Sts., Phila.
Robert M. Graham, 3923 Fitler St., Phila.
Henry W. Herbsleb, 242 South 8th St., Phila.
William R. Keane, 110 South 4th St., Phila.
Albert W. Keller, Jr., 16 West Queen Lane, Phila.
Howard W. McFall, 745 South 19th St., Phila.
Miss Janet M. McGlynn, 435 Walnut St., Phila.
Wilbert J. Morell, 58th St. & Schuylkill River, Phila.
Miss Ellen W. Nelson, 2521 Frankford Ave., Phila.
Mrs. Mabel S. Overholtzer, 1445 Land Title Building, Phila.
Saul S. Rosenstein, S. E. Cor. 44th and Chestnut Sts., Phila
Miss Gertrude A. Schnorr, 1242 Lincoln-Liberty Bldg., Phila.
Miss Katherine H. Schwing, 1520 Locust St., Phila.

Mitchell E. Sclarow, Bankers Securities Bldg., Room 1234, Phila.
Clarence C. Sennett, 127 South 5th St., Phila.

WASHINGTON COUNTY

Mrs. Eleanor H. Lee, Charleroi.

YORK COUNTY

Harry L. Bubb, New Freedom.
Mrs. Lillian S. Spangler, Hellam.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, September 20, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for appointment as a Notary Public, for for a term of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss F. A. Saville, 2208 Farmers Bank Building, Pittsburgh.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, September 20, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for appointment as a Notary Public, for for a term of four years to compute from the date of confirmation:

BERKS COUNTY

Mrs. Bessie I. Kintzer, Robesonia.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, September 20, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

George W. Webster, Penn Twp., Universal.
Theodore E. Guckert, 818 East Ohio St., Pittsburgh.

CRAWFORD COUNTY

A. E. Castleman, Cambridge Springs.

FAYETTE COUNTY

Mrs. Loretta S. Norton, Uniontown.

MERCER COUNTY

H. M. Shilling, Sharon.

PHILADELPHIA COUNTY

Raymond B. Johnson, 435 Walnut Street, Phila.

WASHINGTON COUNTY

Forney W. Fordyce, McDonald.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES and Mr. McCREESH

That Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES and Mr. McCREESH

That the Senate do advise and consent to said nominations.

On the question.

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Barthold,	Eroe,	Kilgallen,	Reed,
Buckman,	Frey,	Kunkel,	Rice,
Cavalcante,	Gelder,	Lanius,	Rodgers,
Chapman,	Gilson,	Mallery,	Ruth,
Dando,	Haluska,	McCreesh,	Shapiro,
Deitrick,	Henney,	McGinnis,	Sipe,
Dent,	Heyburn,	Mundy,	Sones,
DiSilvestro,	Jacobs,	Pytko,	Stiefel,
Ealy,	Jaspan,	Rankin,	Thompson,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

SENATE COMMITTEE TO ARRANGE MEMORIAL SERVICE AS A TRIBUTE TO THE LATE SENATOR JOHN G. HOMSHER

Mr. BUCKMAN offered the following resolution which was twice read, considered, and agreed to:

In the Senate, September 20, 1938.

Whereas, the Senate of Pennsylvania adjourned last week out of respect for the memory of the Honorable John G. Homsher, oldest in point of service of all the Senators, and

Whereas, the fine personal character and kindly manner of the honorable dean of the Senate endeared him to all regardless of political belief and affiliation, therefore be it

Resolved, That the President pro tempore of the Senate appoint a committee of five members of the Senate to arrange for a memorial service to be held in the Senate of Pennsylvania at a time to be fixed by the committee and the officers of the Senate as a tribute to Senator John G. Homsher, who died, Tuesday afternoon, September 13, 1938.

HOUSE MESSAGE

HOUSE BILL FOR CONCURRENCE

The Clerk of the House being introduced, presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 58, (Senate Bill No. 54), entitled:

An Act to ratify, confirm and make valid the commission to make certain studies in respect to bituminous mines, appointed pursuant to the joint resolution, approved the fifth day of June, one thousand nine hundred and thirty-seven (P. L. 1689), entitled "A joint resolution creating a commission to make certain studies in respect to bituminous mines; defining its powers and duties; and making an appropriation," together with its actions, proceedings, expenses and expenditures.

Which was committed to the Committee on Mines and Mining.

RESOLUTION RELATIVE TO TRANSFER OF LEGISLATIVE REFERENCE BUREAU OFFICES TO CAPITOL BUILDING

He also presented extract from the Journal of the House of Representatives which was twice read as follows and referred to the Committee on Rules:

In the House of Representatives, August, 1938.

Whereas, The space in the Capitol building at present occupied by the legislative branch of government is less than was originally allocated to that branch when the Capitol was first occupied thirty-four years ago and

Whereas, The volume of bills introduced and the variety of subjects requiring consideration by the General Assembly have multiplied many times during the last thirty-four years and

Whereas, The functions under the supervision of the Secretary of the Senate the Chief Clerk of the Senate and the Chief Clerk of the House are located on various floors of the Capitol not contiguous to the executive responsible for their administration thus making it impossible for the efficient and economical discharge of the duties of these officials and

Whereas, The rooms at present available for the use of the Senate and House committees are inadequate both in number and equipment making it necessary to assign several committees to each room restricting the time each committee may occupy the room and thereby preventing orderly and adequate consideration of bills which have been referred to the committee resulting in the reporting out of bills in such form that amendments on the floor are necessary to a far greater degree than would have been had proper facilities been available to the various committees and

Whereas, The Legislative Reference Bureau created to serve the Members of the Senate and House to aid in drafting legislation and the preparation of amendments to bills introduced to serve department heads in connection with legislation affecting their respective departments etc. is located outside the Capitol building thus substantially reducing its ability to perform its present functions and making it quite impossible for it to discharge the added responsibility of assuring the accuracy of legislative bills therefore be it

Resolved (if the Senate concur), That so much of the space of the Capitol building now occupied by the Treasury Department on the first floor and in the basement now occupied by the Treasury Department the Department of the Auditor General and the Pennsylvania Motor Police on the entrosole now occupied by the Bureau of Standards and other agencies of the Department of Internal Affairs on the third floor now occupied by the Department of Revenue as is indicated on the accompanying schedule be set aside for the use of the legislative branch of our government and its related agencies as soon as the Finance Building is available for occupancy by the departments which are to be housed therein and be it further

Resolved, That the Department of Property and Supplies be authorized to have removed the vault now in Room 140 to have made such minor alterations as are essential to the purposes for which this room will be used to properly equip upon requisition from the proper officers this and other rooms for the purposes for which they are to be used and be it further

Resolved, That the Legislative Reference Bureau be moved to and established in the Capitol building in quarters adequate to the performance of its present and added responsibilities

Sechedule of Rooms to be Set Aside for use of Legislative Branch of Government

Room No.	Present Occupant
Basement	
6	State Treasury
8	State Treasury
9	State Treasury
9-X	State Treasury
First Floor	
110	State Treasury
113	State Treasury
115	State Treasury
129	Auditor General
140	State Treasury
149	Pennsylvania Motor Police
150	Pennsylvania Motor Police
151	Pennsylvania Motor Police
152	Pennsylvania Motor Police
153	Pennsylvania Motor Police
Entrosole	
544	Bureau of Standards
545	Internal Affairs
547	Internal Affairs
Third Floor	
337	Revenue
337-A	Revenue

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 45 (House Bill No. 23), entitled:

An Act to amend paragraphs (d) and (e) of Section 202 paragraph (a) of Section 409 section 412 paragraph (a) of Section 601 Sections 702 704 808 1201 and 1311 of the Public Utility Law (Act of May twenty-eighth one thousand nine hundred thirty-seven Pamphlet Laws one thousand fifty-three) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulat effectively common carriers by motor vehicle, conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act, conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings

conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the Court of Common Pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" by further defining and limiting exemptions the transfer and acquisition of property the crossing of facilities the issuance of securities relations between affiliated interests the imposition of costs of administering the act and otherwise clarifying and supplementing the provisions of the said sections of the act

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—37

Barthold,	Eroe,	Kilgallen,	Reed,
Buckman,	Frey,	Kunkel,	Rice,
Cavalcante,	Gilson,	Law,	Rodgers,
Chapman,	Haluska,	Mallery,	Rupp,
Dando,	Henney,	McCreesh,	Ruth,
Deitrick,	Heyburn,	McGinnis,	Shapiro,
Dent,	Jacobs,	Mundy,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Ealy,	Kahle,	Rankin,	Stiefel,
			Thompson,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 50, as follows:

An Act making a deficiency appropriation for the expenses of the Joint Legislative Commission investigating certain courts of this Commonwealth and created by Joint Resolution Number eleven approved the ninth day of March one thousand nine hundred and thirty-seven (Pamphlet Laws thirty-five)

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of four hundred and fifty dollars ($450) is hereby specifically appropriated to the Joint Legislative Commission created by Joint Resolution Number eleven approved the ninth day of March one thousand nine hundred and thirty-seven (Pamphlet Laws thirty-five) authorized to make an investigation of the general practice and procedure in the courts of quarter sessions of the peace oyer and terminer and general jail delivery in the various counties of the Commonwealth and the Municipal Court in the City and County of Philadelphia to meet the deficiency of the said Joint Legislative Commisison

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

QUESTION OF PERSONAL PRIVILEGE

Mr. McGINNIS. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Allegheny, Mr. McGinnis, will state his question of personal privilege.

Mr. McGINNIS. Mr. President, I have here a letter from the president of Pennsylvania State College, Doctor Hetzel, advising me that four scholars that I recommended for scholarships this year were turned down, because, he said, the freshman class is filled up. I have been advised by other Senators on this floor that the same thing has happened to them although in some cases their applications had gone in during July. As I understand the purpose of this privilege given the Senators of naming scholars to four universities it is to take care of the poor students, young men and women who are ambitious but do not have the funds to go to college.

If State College is filling up its freshman class with those who can pay and keeping out these students who cannot pay I think that State College is not doing the right thing. Temple University does not do it, the University of Pennsylvania does not do it and neither does the University of Pittsburgh. I understand that Doctor Hetzel was here today. I am very sorry that I did not know that he was here. However, Senator Buckman is here and Senator Thompson, who have so much concern about State College and I think that as far as I am concerned the thing at least ought to be aired and we should have an expression perhaps from some of the other Senators and find if State College is keeping these poor students out and letting in a flood of other students.

Mr. SHAPIRO. Mr. President, for two reasons I am very glad to air the subject. The first reason is that I am waiting for some amendments for two bills that are on the calendar that I would like to introduce today on tax abatements which everybody is interested in getting passed, and those amendments are not ready. The second reason is that this is a subject which should not and is not confined only to State College.

For a number of years the Senate has been in the habit of passing appropriation bills for various institutions and doing it in a perfunctory manner and getting no real results from these appropriations. The question which has been raised by Senator McGinnis involves the attitude of the heads of the various institutions to which we make appropriations.

In Philadelphia and Pittsburgh students for years have been encouraged to take pre-medical courses, helped by our appropriations to the various institutions. More men have been admitted to the pre-medical course than could possibly be admitted to all of the medical colleges in the Commonwealth and after these young men have focused their attention and desires and ambitions on getting into medical college they are psychologically prevented from being able to adjust themselves to any other work and they find themselves left on the street without any place to go. As a result of that situation a subcommittee of the Appropriations Committee was appointed at the last session of the Legislature and that sub-committee met with the heads of the various institutions and they suggested that something should be done about that very situation. We suggested at the time that the so-called pre-medical course be abolished and at a meeting held in Philadelphia by the sub-committee with

the Philadelphia colleges of medicine we were shown the catalogues of Temple University and of the University of Pennsylvania and we were told and found it to be true that the pre-medical course in those institutions has been abolished as such and that they now advertise not that they have a pre-medical course, but that there are courses for medicine, law and the various other professions that may be pursued at these universities. The University of Pittsburgh told us today that while they have not followed this course yet, they propose to do so within the coming year and that they also will abolish the pre-medical course at some time which they will determine as they go along by a course of procedure in which they will segregate these students and advise some of them that have no chance, who are not fitted for the medical profession, that they had better prepare themselves for something else. That, in some measure will reduce the number of medical students.

We give contributions to Jefferson Medical School and to Hahnemann. These two institutions receive contributions from us and do not confine their students to Pennsylvania but they take students from outside of the State of Pennsylvania, and at my request the Hahnemann Medical College and Hospital gives me this information which I think is of real interest to the members of this Senate. Although we contribute, I think, to Hahnemann one hundred thousand dollars, this is the record from 1933 to 1938: In 1933, Pennsylvania students, 81; from other states, 61; total, 142. Percentage of Pennsylvania students, 57 per cent. In the years 1934 and 1935 the percentage was 62 per cent and in the year 1936 the percentage was 62 per cent. In 1937 it was 58 per cent. In 1938 it was 45 per cent, in other words, in 1938, 68 Pennsylvanians were admitted to the college and 82 outsiders. I have not yet received the information from Jefferson Medical College but I am expecting to get it and I am quite sure that from what was said at the meeting, that their ratio is about the same. On the other hand, the University of Pennsylvania and Temple University are under-graduate schools and have obligations to those who take their courses in college to admit some of them to the medical course and of course their ratio cannot be the same, but it might be well for this body to consider that it would be better to transfer the appropriations from these two institutions to the medical schools of Penn and Temple and enable us to get a greater percentage of Pennsylvania students into those colleges or else to make it obligatory for these two institutions who do receive our aid and do not have under-graduate courses to increase their percentage on a reasonable basis.

This morning we had a meeting with the heads of these institutions and, in addition, the gentleman from State College who was referred to by Senator McGinnis, and we brought up all the complaints which the various Senators had brought to our attention. I am very sorry that Senator McGinnis was not present because in response to the complaint that a number of Senatorial Nominations were not accepted, Dr. Hetzel said that that was due to two facts. First of the fact that the Senators were so busy exchanging some of their scholarships with other colleges in the State that they did not get their nominations in on time, and one Senator in particular did not send in his nominations until after the list had been made up. They have their financial problems and problems of management which certainly were interfered with by the negligence of the Senators. The question of course is whether or not the Senator was negligent or whether Dr. Hetzel told us the truth about the picture. We could not tell because the Senator was not present although the opportunity was given him to meet Dr. Hetzel. In any event I think that there has been some good drawn out of the appointment of this committee but a greater good can happen through the Senators taking an active interest in these appropriations and putting a stop to the habit of making perfunctory appropriations.

It would be better to examine into these appropriations and see just what the Commonwealth of Pennsylvania gets for the large amount of money which has been expended every biennium in an effort to make it possible for these institutions to do something for Pennsylvania, and I think the habit has been for these institutions to try to spread their reputation in other states by taking in students from other states as against the applicants they have from Pennsylvania.

Mr. BUCKMAN. Mr. President, what has been said on this floor with reference to State College emphasizes the remarks that I made last night with reference to that institution. I have had in years gone by, some 15 or 20 years ago, the same experiences that some of the Senators are having now but I learned my lesson many years ago. The State College is not strictly a State institution although it is practically State supported. I learned in giving out scholarships to that institution that we had to dance for their amusement and I have not had any trouble in the past ten years because I have always said to my candidates for appointment for scholarships that they could only be used by students who had been accepted for admission to State College and if the new Senators would learn by the experience that I have had they would save themselves a great deal of grief and a great many headaches.

With reference to some of the other institutions a great deal can be said about supporting out-of-the-State students or contributing to that support. Of course the amount that we give to Jefferson or to Hahnemann or to a number of other institutions that I could mention is comparatively small compared with the cost of running those institutions. I have in mind an institution in my own district which is largely State supported, the National Farm School at Doylestown. I understand that the majority of the students come from outside of the State, from New York, San Francisco, New Orleans, from all over the country, and yet our appropriations to that institution are made in a lump sum without regard to the number of Pennsylvania students who receive the benefit of those appropriations. I had a good deal of experience with these appropriations over twenty years ago when I was chairman of the Appropriations Committee, in 1915 and 1917, which did at that time try to work out a basis for making appropriations for the benefit of Pennsylvania students alone.

Of course these medical schools are in a class almost by themselves. They have to consider other states and probably from a national standpoint it is better so. I do not know how many of the members of the Senate know that today the state of New Jersey has not within its borders a single medical school and if all our institutions were to close their doors to students from New

Jersey in a few years there would be no doctors in New Jersey. Of course that is no reason why we should support and educate those young men from New Jersey but it is a problem that these medical schools have to consider. I hope that the Senator from the home district of State College will have something to say on this subject as I know he is familiar with it and I yield to the Senator from Centre, Mr. Thompson.

Mr. THOMPSON. Mr. President, I certainly regret that this situation has arisen between the distinguished Senator from Allegheny and Pennsylvania State College. I do think that the Senator from Allegheny would probably be doing the College more justice if he would not insist on picking out those poor students that he talks about. Now I think if the Senator had taken time to inquire, he will find in the first place that owing to the tremendous number of applications to Pennsylvania State College every year, they limit their enrollment to those that have been in the first two-fifths of their class in high school. They do not accept applications from any students unless they have been in the first two-fifths of the class. Then, on the other hand, there is a large proportion of those applicants who are required to take what is called a scholastic aptitude test and the weeding-out process of this aptitude test at Pennsylvania State College often results in the elimination of many of those who are applicants for admission.

I think that if the Senator from Allegheny would not pick these poor students that he has nominated (I believe he said, "I nominated four poor students"), he would not have so much difficulty in having them qualify and having them admitted. I have followed the policy of the Senator from Bucks in making my nominations for scholarships, namely, I will not consider any person an applicant for a scholarship unless he or she has already been granted admission to the college for which he or she applies for a scholarship. I think that is the only satisfactory way of dealing with this situation. We cannot expect these colleges to take these poor students. They have a certain academic standard that they must maintain and which in reality, Mr. President, we want them to maintain.

I agree with a great many things that the Senator from Philadelphia says about our professional schools. I do not know how many of you ever stop to realize that in this body we each have three nominations, to Pitt and Temple and Penn. They all have medical schools. Those medical schools each admit about a hundred students each year. If we should all make nominations to the medical schools of these institutions in the same year we would have four hundred and fifty nominations to medical schools that would only admit three hundred students. In other words the medical schools in these three State universities could not admit all of the scholarship applicants in any one year if we should all decide to send all of our scholarship applicants to Pitt and Temple and Penn medical schools. Consequently we should not expect that they should take all of the nominations that we would make to any school like this.

I have always followed the policy in making nominations to Pitt and Temple and Penn, insofar as I could, that those scholarship nominees should matriculate at an accredited State school and I have tried to restrict my policy in regards to Pennsylvania State College as far as possible on this basis.

When we get right down to it this whole controversy revolves about just one issue, that we have been in our Legislature too miserly in the treatment of all these institutions. We think we give a lot of money to educational institutions but when we come right down to it the money that we actually give these educational institutions is just chicken feed. There is no reason why the State of Pennsylvania should not see to it that the University of Pennsylvania and Temple and Pitt should not have just as large and just as well equipped medical schools and dental schools and law schools as the traffic in Pennsylvania in those institutions demand, and we should pay the bills that are necessary right here in the Legislature of Pennsylvania.

You cannot isolate these medical schools or the students of this State. I know a great many students who go to Harvard or to John Hopkins from Pennsylvania. The University of Toronto and McGill, even up in Canada. and the University of Chicago, receive students from Pennsylvania, who go particularly to postgraduate institutions all over the United States. We should not attempt to restrict our admission to students of this Commonwealth because in the long run we even up at least, and perhaps go a little better, in this matter with the other states.

Pennsylvania State College follows a definite policy with respect to the admission of out-of-State students. They have an absolute percentage of out-of-State students that they can take each year. They do that so they can keep contact with other sections of the United States, which they should do, and they try to adjust that percentage in accordance with their State load.

Even if Hahnemann Medical School should run a higher number of students from out of the State than in the State it seems to me that is readily understandable. We know that Hahnemann is a so-called homeopathic school, and the psychology of this State has always been toward the allapathic course of medicine, and it may be that Hahnemann gets a number of students from western portions of the country where homeopathic treatment is more popular. Fundamentally, all of this situation gets right back to the question that the State of Pennsylvania does not begin today to spend nearly enough money on its institutions of higher education.

Mr. SHAPIRO. Mr. President, I think in fairness to the University of Pittsburgh that I should say that their class of medical students is composed entirely of residents of Pennsylvania. They have found no difficulty and no injury to the reputation of their institution by confining their medical students to Pennsylvania.

Mr. McGINNIS. Mr. President, I merely want to state that I am surprised that any Senator on this floor would think for one moment that I would insist on or even ask State College to take students that were not thoroughly equipped or qualified to go into that institution. When I used the word 'poor' I used it in the sense of a boy or girl coming from a poor home and in no other sense. Not for a moment did I even hint to Doctor Hetzel that he should take a poor boy or girl if he was a poor student. The students that I recommended were qualified. The only excuse was that the class was full and to my mind that is a poor excuse and no other university in Pennsylvania has done it so far to me.

Mr. THOMPSON. Mr. President, on the basis of the

explanation from the Senator from Allegheny I withdraw my remarks.

BILL ON THIRD READING

Mr. SHAPIRO. Mr. President, I move that the Senate do now resume the consideration of Senate Bill No. 20, on third reading, postponed.

Mr. MUNDY. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 20, as follows:

An Act abating certain tax penalities and interest on city and school taxes in cities of the first class and school districts of the first class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All penalties interest and costs imposed but not actually paid out on delinquent city or school taxes in cities of the first class and in school districts of the first class for the tax year one thousand nine hundred and thirty-four and for all previous tax years and the penalties and costs imposed but not actually paid out on such taxes for the tax year one thousand nine hundred and thirty-five or any parcel or parcels of real estate shall be abated without the necessity of further action on the part of the council of such city or by the board of public education of such school district as the case may be if the following provisions are complied with.

(a) That all of the said respective delinquent taxes are paid in four equal installments as follows one-fourth on or before the thirty-first day of December one thousand nine hundred and thirty-eight one-fourth on or before the thirty-first day of December one thousand nine hundred and thirty-nine one-fourth on or before the thirtieth day of June one thousand nine hundred and forty and the final one-fourth on or before the thirty-first day of December one thousand nine hundred and forty

(b) The respective current taxes for the years during such installment period shall be paid before they become delinquent

(c) In case any taxpayer shall default in the payment of any installment of taxes or in the payment of current taxes as required in section one of this act the penalties interest and costs on the installments of such delinquent taxes remaining unpaid shall not be abated but shall remain due and payable as provided by existing law

Section 2 Any taxpayer may on or before December thirty-first one thousand nine hundred and thirty-eight pay the entire amount due on delinquent taxes for the year one thousand nine hundred and thirty-five and all previous years whereupon the penalties interests and costs on such delinquent taxes for the year one thousand nine hundred and thirty-four and previous years and penalties and all costs on delinquent taxes for the year one thousand nine hundred and thirty-five shall be abated and all liens filed for delinquent taxes shall be satisfied of record

Section 3 Any taxpayer may at any time during the installment period pay the balance due on said delinquent taxes provided for in this act Provided That at the time such payment is made the conditions of section one (a) have been complied with And further provided That the taxes for the then current year have been paid

Section 4 The benefits of this act shall extend and accrue to any successful bidder or purchaser at a sheriff's or other judicial sale grantee transferee mortgagee or other party in interest in the parcel or parcels of real estate against which the above-mentioned taxes have been assessed and levied

Section 5 Any taxpayer shall have the right to pay delinquent taxes assessed and levied against any parcel of real estate and receive the benefits of this act without being required to pay the delinquent taxes assessed and levied against any other parcel or parcels of real estate

Section 6 The abatement of penalties and interest on such taxes shall be made whether or not liens for such taxes have been filed in the office of the prothonotary or proceedings for the collection of such taxes shall have been instituted in any court of such county and the taxpayer and the real estate shall not be liable for the payment of any costs incurred in filing such liens or in prosecuting such proceedings

Section 7 Any taxpayer who on the effective date of this act is making payments on delinquent taxes under the provisions of the act of July twenty-second one thousand nine hundred and thirty-six (Pamphlet Laws 67) or the act of May twenty-sixth one thousand nine hundred and thirty-seven (Pamphlet Laws 893) may secure the benefits of this act by making payments on the balance due on such delinquent taxes at the times and in the fractional parts prescribed herein

And said bill having been read at length the third time.

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I ask unanimous consent to amend the title of the Act, page 1, line 1, by striking out the word "and" and by inserting after the word interest and before the word on the words "and costs"; amend Section 1, line 1, by inserting after the word all and before the word penalties the word "unpaid", and by inserting after the word penalties and before the word interest the word "and"; amend Section 1, line 1, by inserting after the word and and before the word costs the word "all"; amend Section 1, line 2 by inserting after the word on and before the word delinquent the words "paid or unpaid"; amend Section 1, page 1, line 5, by inserting after the word the at the end of the line the word "unpaid"; amend Section 1, page 1, line 6 by inserting after the word and and before the word costs the word "all"; amend Section 1, page 2, line 6, by striking out the words "said" respective" and inserting in lieu thereof the word "unpaid"; amend Section 2, page 2, line 27 by striking out the words due on and inserting in lieu thereof the words "of the unpaid"; amend Section 2, page 2, line 29 by inserting after the word the and before the word penalties the word "unpaid", and by inserting after the word penalties and before the word interest the word "and"; amend Section 2, page 2, line 29 by inserting after the word and and before the word costs the word "all", and after the word costs and before the word on the words "imposed but not actually paid out"; amend Section 2, page 3, line 1 by inserting before the word delinquent the words "paid or unpaid"; amend Section 2, page 3, line 2 by inserting after the word and and before the word penalties the words "all unpaid"; amend Section 2, page 3, line 3, by inserting after the word costs and before the word on the words "imposed but not actually paid out", and by inserting after the word on and before the word delinquent the words "paid or unpaid"; amend Section 2, page 3, line 5, by inserting after the word for and before the word delinquent the word "such", and after the word taxes and before the word shall the words "interest penalties or costs or any portion thereof"; amend Section 3, page 3, line 7, by inserting after the word said and before the word delinquent the word "unpaid"; amend Section 6, page 3, line 23, by striking out the words "of penalties and interest on" and inserting in lieu thereof the words "herein provided for"; amend Section 6, page 3, line 25, by inserting after the word taxes and before the word have the words "interest penalties or costs"; amend Section 6, page 3, line 26, by inserting after the word taxes and before the word shall the words "Interest penalties or costs"

The PRESIDENT. Is there objection?

The Chair hears none.

On the question.

Will the Senate agree to the amendment?

Mr. BUCKMAN. Mr. President, I wish the Senator from Philadelphia would tell us the effect of these amendments on this bill without making a long speech.

Mr. SHAPIRO. Mr. President, in these tax abatement bills that we passed this year and last year the various county commissioners have had the habit of creating a condition which to my mind seems unfair. If you did not pay your taxes for four years prior to 1934 and paid as authorized by the Act, in Philadelphia one-fourth of it and in the other counties, one-fifth, you were allowed an abatement of your penalty but if you had paid all your taxes but had not paid the penalties you could not get any abatement under the Act. These amendments have the effect of giving to the taxpayer who has paid everything the same privilege that the man who has not paid anything on his taxes could get by paying one-fourth or one-fifth as the case may be.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILL ON SECOND READING

Mr. SHAPIRO. Mr. President, I move that the Senate do now resume the consideration of Senate Bill No. 15, on second reading, postponed.

Mr. MUNDY. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 15, entitled:

An Act abating certain tax penalties and interest on county, city (except city of the first class) borough town township school district (except school district of the first class), and poor district taxes; prohibiting the sale of real property for the nonpayment of any such taxes for a certain period; and preserving certain tax liens, and providing for the extension thereof.

The first section of the bill was read as follows:

Section 1 All penalties and interest imposed on delinquent county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes for the tax year one thousand nine hundred and thirty-four and all previous years and all penalties imposed on such taxes for the tax years one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven assessed and levied against any parcel or parcels of real estate and on delinquent poll taxes levied for any of such years are hereby abated without the necessity of further action by the authority levying the tax if said delinquent taxes are paid as hereinafter provided This section shall not be construed to abate the interest accrued on the taxes for the years of one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven but no further interest shall be imposed on such taxes after the payment of the first installment as hereafter provided so long as the taxpayer complies with the provisions of this act.

In order to receive the benefits of the installment system of payment provided by this act twenty per centum of the delinquent taxes due for the tax year one thousand nine hundred and thirty-seven and for all previous years and of the accrued interest due on the one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven taxes shall be paid on or before the thirty-first day of December one thousand nine hundred and thirty-eight twenty per centum on or before the thirty-first day of December one thousand nine hundred and thirty-nine twenty per centum on or before the thirty-first day of December one thousand nine hundred and forty twenty per centum on or before the thirty-first day of December one thousand nine hundred and forty-one and the final twenty per centum on or before the thirty-first day of December one thousand nine hundred and forty-two And provided That the respective current taxes (the institution district taxes in lieu of the poor taxes) on such parcel or parcels of real estate and on delinquent poll taxes levied for the years subsequent to the year one thousand nine hundred and thirty-eight during such installment periods assessed and levied by such taxing authority shall be paid before they become delinquent For the purposes of this act a tax shall be deemed to become delinquent on the date when a penalty attaches to the tax If and whenever any of the said current taxes or any of the said installments are not paid when due and payable as herein provided then and in that event there shall become due and payable for such year a sum equal to one-fifth of the total amount of the abated penalties and interest in addition to the other payments required to be paid under this act during that year which said additional sum shall be payable and must be paid at the time the next succeeding installment payment becomes due under this act If such additional sum is not so paid then the total amount of the abated penalties and interest less the aggregate of any such additional sum theretofore paid shall be revived and added to the unpaid taxes with the same force and effect as if such abated penalties and interest or portion thereof had never been abated and the taxpayer shall not thereafter be entitled to any further benefits or privileges under this act.

On the question,

Will the Senate agree to the Section?

Mr. SHAPIRO. Mr. President, I move to Amend Section 1, page 1, line 1, by inserting after the word all and before the word penalties the word "unpaid" and by inserting after the word on and before the word delin- the words "paid or unpaid"; Amend Section 1, page 2, line 2, by inserting after the word on and before the word delinquent the words "paid or unpaid"; Amend Section 1, page 2, line 5, by striking out the word said and inserting in lieu thereof the words "the unpaid".

Mr. MUNDY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The Second section of the bill was read as follows:

Section 2 Any taxpayer or owner having the right of redemption may anticipate the payment of such delinquent taxes for the tax year one thousand nine hundred and thirty-seven and previous years at any time on or before December thirty-first one thousand nine hundred and thirty-eight by paying the entire amount of such delinquent taxes and interest due on the one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven taxes and receive the benefit of this act and in such cases payment of the taxes assessed and levied for

the year one thousand nine hundred and thirty-eight shall not be required at the time of such payment

On the question,

Will the Senate agree to the section?

Mr. SHAPIRO. Mr. President, I move to

Amend Section 2, page 4, line 2, by striking out the word "such" and inserting in lieu thereof "the unpaid"

Amend Section 2, page 4, line 6, by inserting after the word such and before the word delinquent the word "unpaid"

Mr. MUNDY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third section of the bill was read as follows:

Section 3 This act shall be construed to apply to all such taxes whether or not liens for such taxes had been returned for non-payment or have been filed in the office of the prothonotary of the county or proceedings for the collection of such taxes have been instituted in any court in said county or where real property has been sold to a county city borough town township school district or poor district at a tax sale or on a tax lien and the period of redemption has not expired but this act shall not be construed to apply to cases where real property has been sold other than to a county city borough town township school district or poor district at a tax sale or on a tax lien and where the period of redemption has not expired. The taxpayer shall be liable for the payment of all costs incurred except the solicitor's fees where liens for such taxes have been returned for non-paymnt or have been filed in the office of the prothonotary or proceedings for the collection thereof have been instituted in any court

On the question,

Will the Senate agree to the section?

Mr. SHAPIRO. Mr. President, I move to

Amend Section 3, page 4, line 15, by inserting after the word taxes and before the word whether the words "penalties and interest", and by striking out the words "for such taxes" and inserting in lieu thereof the word "therefor"

Amend Section 3, page 4, line 18 by striking out the words "of such taxes" and inserting in lieu thereof the word "thereof"

Mr. MUNDY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fourth section of the bill was read as follows and agreed to.

Section 4 The benefits of this act shall extend to and accrue to any successful bidder or purchaser at sheriff's or other judicial sale grante transferee mortgagee or owner having the right of redemption under a tax sale or other party in interest in the parcel or parcels of real estate against which the above mentioned taxes have been assessed and levied whether separated or not

The fifth section of the bill was read as follows:

Section 5 Any taxpayer or owner having the right of redemption shall have the right to pay the delinquent taxes assessed and levied against any parcel or parcels of real estate without being required to pay the delinquent taxes assessed and levied against any other parcel or parcels of real state in the same ward district or other municipal subdivision

The county commissioners of each county may at their discretion and at the cost of the county cause to be published two times in not more than two newspapers of general circulation throughout the county a notice to the taxpayers giving a synopsis of the terms of this act setting forth the benefits provided by the act and the necessary conditions required by the taxpayers in order to receive the same Upon application either in person or in writing by any taxpayer or owner the tax levying authorities the tax collector the receiver or receivers of taxes or the person or persons charged with the collection of such delinquent taxes or the person or persons in whose custody the records of such delinquent taxes are kept shall furnish to such delinquent taxpayer or owner a statement of the delinquent taxes owed by him to such municipal subdivision showing the face amount the penalty if any the interest if any and any costs or other charges in detail against such real property as shown by the records in his custody

Every collector of taxes whose duty it is to send to the respective taxpayers any notice or statement of their annual taxes shall include in each such notice or statement an additional notice of the date when the next installment payment is due under the provisions of this act

On the question,

Will the Senate agree to the section?

Mr. SHAPIRO. Mr. President, I move to

Amend Section 5, page 5, line 12, by inserting after the word the and before the word delinquent the word "unpaid"

Amend Section 5, page 5, line 14, by inserting after the word the and before the word delin- the word "unpaid"

Amend Section 5, page 6, line 1, by inserting after the word such and before the word delinquent the word "unpaid"

Amend Section 5, page 6, line 2, by inserting after the word such and before the word delinquent the word "unpaid"

Amend Section 5, page 6, line 4, by inserting after the word the and before the word delinquent the word "unpaid"

Mr. MUNDY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The sixth section of the bill was read as follows:

Section 6 In order to enable the taxpayer or owner having the right of redemption under a tax sale to receive the full benefits of this act no real property shall be sold for non-payment of taxes before December thirty-first one thousand nine hundred and thirty-eight and any tax sale shall be adjourned or readjourned or right of redemption extended as often as may be necessary for this purpose If any tax sale is adjourned or readjourned or right of redemption extended after advertisement or sale no additional advertisemnt or notice shall be necessary for the adjourned or readjourned sale or right of redemption No such adjournment or readjournment or redemption failure to advertise or hold any such tax sale shall invalidate the lien of any tax due and unpaid or sale had subject to redemption but the lien of all such taxes shall be fully preserved during the entire installment period herein provided for if the taxpayer avails himself of the privileges or benefits of this act Provided however That in every case where a taxpayer avails himself of the privileges or benefits of this act the period during which payment of the said delinquent taxes is postponed or continued under this act shall not be included in computing and determining whether or not any right of the tax assessing and levying authority has been barred or lost by reason of the provisions of any statute now existing

or hereafter enacted limiting the right of the said tax levying and assessing authorities to file preserve or maintain the lien of the said taxes

On the question,

Will the Senate agree to the section?

Mr. SHAPIRO. Mr. President, I move to

Amend Section 6, page 7, line 5, by inserting after the word said and before the word delinquent the word "unpaid".

Mr. MUNDY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The seventh, eighth, and ninth sections of the bill were read as follows and agreed to.

Section 7 The provisions of this act are severable and if any of the provisions hereof are held to be unconstitutional the decision shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included herein

Section 8 The act approved the first day of May one thousand nine hundred and thirty-five (Pamphlet Laws one hundred twenty-nine) as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred forty-four) the act approved the fourth day of June one thousand nine hundred and thirty-six (Pamphlet Laws ten) and the act approved the fourteenth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws three hundred two) shall continue in full force and effect as to any and all taxpayers who have taken advantage of and are not in default in the provisions thereof All other acts and parts of acts general local or special inconsistent herewith be and the same are hereby suspended during the time this act shall be in effect

Section 9 Nothing in this act shall be so construed as to prevent any taxpayer who has heretofore taken advantage and accepted the benefits of any of the acts referred to in section eight and who at the time this act becomes effective has lost all future rights benefits privileges and opportunities under such act from taking advantage and receiving the benefits of this act in the same manner as if such person had never attempted to comply with the provisions of such previous abatement act.

The title of the bill was read as follows:

An Act abating certain tax penalties and interest on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes prohibiting the sale of real property for the nonpayment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof

On the question,

Will the Senate agree to the title?

Mr. SHAPIRO. Mr. President, I move to Amend title, page 1, line 1 by striking out the word "and" and by inserting after the word interest and before the word on the words "and costs"

Mr. MUNDY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senator agree to the title as amended?

It was agreed to.

And said bill as amended having been read at length the second time, and agreed to.

Ordered, To be transcribed for a third reading.

MOTION TO READ BILLS THE FIRST TIME

Mr. LAW. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 42, entitled:

An Act to amend Article two of Section one of the act, approved the twelfth day of June, one thousand nine hundred and thirty-one (P. L. 575), entitled "An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River, and the improvement of the facilities for transportation across the river; authorizing the Governor, for these purposes, to enter into an agreement with New Jersey; creating The Delaware River Joint Commission and specifying the powers and duties thereof, including the power to finance projects by the issuance of revenue bonds; transferring to the new commission all the powers of the Delaware River Bridge Joint Commission; and making an appropriation," by fixing the term of office of certain members.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 49, entitled:

An Act to prohibit the sale, offering or exposing for sale of fireworks; defining fireworks and to regulate the manner of using fireworks, and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 51, (House Bill No. 47), entitled:

An Act making a deficiency appropriation to the Anthracite Coal Industry Commission, created by the act, approved the eighth day of February, one thousand nine hundred and thirty-seven (Pamphlet Laws twenty-one), entitled "An act creating the Anthracite Coal Industry Commission, defining its powers and duties; and making an appropriation."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn until Monday, September 26, 1938 at 9:00 o'clock, P. M.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 2:20 o'clock, P. M., (E. S. T.) until Monday, September 26, 1938, at 9:00 o'clock, P. M.

HOUSE OF REPRESENTATIVES

TUESDAY, SEPTEMBER 20, 1938.

The House met at 11:00 a. m.
The SPEAKER, (Roy E. Furman), in the Chair.

PRAYER

The Rev. MARSHALL L. SHEPARD, a member of the House, offered the following prayer:

Dear Lord and Father of mankind, we pray for the peace of the world. May the nations of this earth follow the precept of the Prince of Peace rather than the dictatorship of the warlords of this earth. We pray Thee that America, our own land, through tolerance, patience and brotherly love, may lead the way to this new pathway of peace. Bless, we pray Thee, the officers of our State Government. We pray for the President of these United States, and may he be guided by Thy wisdom and strengthened by Thy right arm. Bless all of our officers and workers here in this House. May we, ourselves, in our own hearts, know the peace of God that surpasseth all understanding. In His name and for His sake. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. HARRY T. MATTHEWS, the further reading was dispensed with and the Journal approved.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. SARRAF asked and obtained permission for the Committee on Public Health and Sanitation to meet during the session of the House.

Mr. SAMUEL A. WEISS asked and obtained permission for the Committee on Municipal Corporations to meet during the session of the House.

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bill numbered and entitled as follows:

SENATE BILL No. 43. (HOUSE BILL No. 77).

An Act making a deficiency appropriation to the Lieutenant Governor.

Referred to the Committee on Appropriations.

COMMUNICATIONS

The SPEAKER laid before the House communications which were read by the Clerk.

PROTESTING PASSAGE OF SENATE BILL No. 28.

A resolution adopted by the Somerset County Commissioners protesting the passage of Senate Bill No. 28.

Referred to the Committee on Welfare.

ENDORSING SPECIAL SESSION

A resolution from the United Electrical Radio and Machine Workers of America, affiliated with C. I. O. Local No. 610, Wilmerding, Pa. endorsing the calling of a special session of the Legislature.

The SPEAKER laid before the House a communication which was read by the Clerk as follows:

The Dropsie College
For Hebrew and Cognate Learning
Philadelphia

September 19, 1938.

Dear Sir:

I am in receipt of the copy of the resolution adopted by the House of Representatives on September 12 in recognition of my seventy-fifth birthday on September 13.

I had never dared to think that the popular legislative branch of our great Commonwealth would honor me in this way although I am deeply sensible of the distinction which has been conferred upon me.

Believe me, with great respect,

Very sincerely yours,

CYRUS ADLER

Hon. Thomas J. Callahan
House of Representatives
Harrisburg, Pa.

SENATE MESSAGES

CONCURRENCE IN HOUSE RESOLUTION No. 12.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives as follows:

In the House of Representatives, September 6, 1938.

Whereas On September 10th 1938 we will celebrate in this country the one hundred and twenty-fifth anniversary of "The Battle of Lake Erie" and

Whereas The "Battle of Lake Erie" was one of America's most decisive naval victories and

Whereas In the consequence of the winning of this battle all the territory west of the Allegheny Mountains was saved for this country and

Whereas The half of this mighty fleet which won this victory was built at the city of Erie then known as Erietown and the fleet was under the seamanship of Pennsylvania citizens and therefore especially the State of Pennsylvania should take a preeminent position in the celebration and endeavor to have restored the Flagship "Niagara" to a proper condition therefore be it

Resolved (if the Senate concur) That the General Assembly of Pennsylvania hereby urges the Governor of the Commonwealth to secure the necessary Federal funds or if unable to obtain the Federal funds to urge upon the proper Federal agency the desirability of undertaking and completing the work of restoration so that the Flagship "Niagara" shall be in the original condition she was in at the time of the Battle of Lake Erie and shall for all time be maintained as a historic memorial of a glorious page in American History.

HOUSE BILLS CONCURRED IN BY SENATE.

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 38.

An Act making an appropriation for the expenses of the special committee appointed by the Speaker of the House of Representatives on the second day of August one thousand nine hundred thirty-eight pursuant to a resolution adopted by the House of Representatives on the thirtieth day of July one thousand nine hundred thirty-eight by authority of the act approved the thirtieth

day of July one thousand nine hundred thirty-eight (Act No. 2) entitled "An act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment authorizing the Speaker of the House to appoint a special committee for any such investigation authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated providing for the summoning of witnesses and for the punishment of persons refusing to appear produce evidence or testify and authorizing the employment and compensation of counsel and other assistants"

With the information that the Senate has passed the same without amendment.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 57.

An Act to provide for the expenses of the extraordinary session of the Legislature assembled July twenty-fifth Anno Domini one thousand nine hundred thirty-eight in pursuance of the proclamation of the Governor of the Commonwealth dated July twenty-second Anno Domini one thousand nine hundred thirty-eight and the supplements thereto

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 2, line 28, by inserting after the word "same" the words "the chairman to file an account with the Auditor General thirty days after the adjournment of the extraordinary session of the Legislature;" also page 4, line 12, by inserting after the word "same" the words "said chairman to file an account with the Auditor General within thirty days after the adjournment of the extraordinary session of the Legislature."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—179.

Achterman,	Flannery,	McDermott,	Siegel,
Alexander,	Flinchbaugh,	McDevitt,	Simon,
Allen,	Ganser,	McElroy,	Skale,
Allmond,	Gerard,	McFall,	Sloan,
Arnold,	Gillette,	McGee,	Smith, James A.,
Atkins,	Gorski,	McKinney,	Smith, John A.,
Aukerman,	Habbyshaw,	Mellott,	Sollenberger,
Baine	Haberlen,	Milhm,	Spengler,
Baker,	Hagerty,	Moomaw,	Sproul,
Balthaser	Hall,	Mooney,	Stank,
Bierly,	Hamilton, F. P.,	Moran,	Stewart,
Blank,	Hamilton, R. S.,	Moul,	Stockham,
Bohn,	Harkins,	Muir	Strode,
Boies,	Harmuth,	Nagel,	Thomas,
Boltz,	Hays,	O'Brien,	Thompson,
Boose,	Hering,	O'Connor,	Tronzo,
Boyer,	Hess,	O'Keefe	Trout,
Bradley	Hetrick,	Ominsky,	Tumelty,
Brancato,	Hindman,	O'Neill,	Turner,
Broad,	Hirsch,	Ostroff,	Valibus,
Burrows,	Holland,	Patterson, C. S.,	VanAllsburg,
Cadwalader,	Holmes,	Patterson, J. W.,	Vogt,
Caputo,	Holstrom,	Peale,	Wagner,
Chervenak,	Hontz,	Perry,	Wall,
Coakley,	Horting,	Piole,	Wampole,
Cohen, H. B.,	Huntley,	Powers,	Watkins,
Cohen, R. E.,	Imbrie,	Preston,	Webster,
Coleman,	Kane,	Readinger,	Weiss, D. H.,
Coolahan,	Kelso,	Reese,	Weiss, S. A.,
Corrigan,	Kilroy,	Reising,	Welliver,
Costanzo,	Kline,	Robinson,	Welsh,
Davies,	LaRue,	Rothenberger,	Westrick,
Decker,	Leisey,	Rush,	Whalen,
Dickinson,	Levy,	Sarraf,	Whitenight,
Donohoe,	Lewis,	Scanlon,	Wilson,
Dougherty,	Long,	Schor,	Winner,
Downey,	Longaker,	Schrock,	Wood,
Dubbs,	Lopresti,	Schrope,	Woodside,
Dyson,	Lovett,	Schumacher,	Wright,
Eckels,	Lyons,	Serrill,	Yanoshat,
Elpern,	Mallen,	Shaw,	Yeakel,
Falkenstein,	Marino,	Shea,	Yourishin,
Finnerty,	Matthews, H. T.,	Shepard,	Zappala,
Fiss,	Matthews, J. F.,	Shoemaker,	Furman,
Flanagan,	McCullough,	Shugarts,	

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

SENATE MESSAGES

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 25.

An Act relating to and removing the remaining additional persons now serving as Pennsylvania members of the Delaware River Joint Commission by virtue of appointment by the General Assembly under the act approved June twelfth one thousand nine hundred and thirty-one (Pamphlet Laws five hundred seventy-five) entitled "An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River and the improvement of the facilities for transportation across the river authorizing the Governor for these purposes to enter into an agreement with New Jersey creating The Delaware River Joint Commission and specifying the powers and duties thereof including the power to finance projects by the issuance of revenue bonds transferring to the new commission all the powers of the Delaware River Bridge Joint Commission and making an appropriation" and providing for the appointment of their successors

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 10.

A Supplement to the act approved the sixteenth day of June, one thousand nine hundred and thirty-six (Pamphlet Laws sixteen) entitled "An act making an appropriation to the Department of Health to defray the cost of pumping the water from slate quarries and anthracite and bituminous coal mines which have been flooded directly or indirectly by the high waters during March one thousand nine hundred thirty-six" by making a further appropriation to supply the deficiency incurred and needed under the provisions of said act.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been

prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 10

A Supplement to the act approved the sixteenth day of June one thousand nine hundred and thirty-six (Pamphlet Laws sixteen) entitled "An act making an appropriation to the Department of Health to defray the cost of pumping the water from slate quarries and anthracite and bituminous coal mines which have been flooded directly or indirectly by the high waters during March one thousand nine hundred thirty-six" by making a further appropriation to supply the deficiency incurred and needed under the provisions of said act

SENATE BILL No. 25.

An Act relating to and removing the remaining additional persons now serving as Pennsylvania members of the Delaware River Joint Commission by virtue of appointment by the General Assembly under the act approved June twelfth one thousand nine hundred and thirty-one (Pamphlet Laws five hundred seventy-five) entitled "An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River and the improvement of the facilities for transportation across the river authorizing the Governor for these purposes to enter into an agreement with New Jersey creating The Delaware River Joint Commission and specifying the powers and duties thereof including the power to finance projects by the issuance of revenue bonds transferring to the new commission all the powers of the Delaware River Bridge Joint Commission and making an appropriation" and providing for the appointment of their successors

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

STATEMENT BY MR. MOOMAW

Mr. MOOMAW asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, I have two matters which I briefly want to call to the attention of this membership at this time. One deals with the matter that the Attorney General's office several months ago recognized and took certain steps to eliminate, and that was in the matter of delinquent tax collectors throughout the State using the seal of the Commonwealth of Pennsylvania in taking over the delinquent head taxes in various political subdivisions, using that as a bluff and a threat to the effect that it was the Commonwealth of Pennsylvania attempting to collect those taxes.

I have before me here an exhibit of what has transpired since they were stopped using the seal of the Commonwealth. Instead of now using the seal of the Commonwealth they are doing something which is possibly legal but it most certainly leaves the impression with those who receive such a notice that it is the Commonwealth of Pennsylvania appearing on their notice, which is the notice for the payment of the head tax covering distraint and sale for taxes, and then in very large black letters they use the words "Commonwealth of Pennsylvania." This particular case that I have reference to shows you how far they will go to bludgeon some poor individual into paying the head tax.

This comes from my own borough, the Borough of Waynesboro, where one Don Wilkinson, who has been known to tramp around these Legislative halls for several sessions, in a lobbying expedition, has taken over the delinquent taxes of the Borough of Waynesboro, the school head taxes. In this particular case to which I have reference he sent one of these threatening notices to an old age assistance recipient, of Waynesboro, and I happen to know that the Borough of Waynesboro and the school board have for the past several years, and I presume the same thing exists in many other municipalities where a person is on relief, they will exonerate them from the head tax. This poor old lady received the sum of twenty dollars a month, and yet he sends such a notice out to this particular party on or about August 2nd, citing the amount of the head tax and adding $1.60 as the cost and the mileage of serving this notice, and they have written in a notation that these costs will be deducted if the bill is paid within five days. It has attached also a very large red glaring notice, stating that this remittance by mail of that tax shall be the only legitimate reason for your failure to appear in person.

I want to say this much, not only from the standpoint of beating or browbeating an old age assistance recipient or other forms of assistance recipients into paying these taxes, but I also want to say that I think the Commonwealth of Pennsylvania should take steps through the Department of Justice to see that these statements and such printing are not allowed to be carried on in statements of any kind. I do not know whether other tax collectors are carrying on this same method as is the case with this man Don Wilkinson. I want to say that the people of my own community at least resent such efforts on the part of any delinquent tax collector.

The other matter that I want to present to the attention of the membership of this House is also of very grave importance. We here have been appropriating very large sums of money for various things. We are all faced with the necessity of raising revenues to pay those expenses. I have supported such revenue raising measures to cover these legitimate expenses of the State Government, but I want to call to the attention of the membership of the House the expense of this special grand jury investigation that has been going on in the city of Philadelphia. Now, no one is more interested in the elimination and eradication of vice and crime than I am. I feel that every member of this House is likewise interested, but when it comes to a purely political matter within a certain political subdivision conducting a grand jury investigation, then I think that that particular subdivision should pay the bill, because the people of my own county, and I feel the people of the counties, whom the rest of the members here represent, also feel that the counties carrying on a purely local investigation should pay their own expenses in those communities without saddling it on the people of the entire Commonwealth.

I am not saying or attempting to say that this Grand Jury is not doing a fine job. I hope they will bring about very good results. I am going to give you some expenses which the General Assembly, through the passage of legislation will be compelled to pay, or which will be paid out of appropriations already made. This statement comes from the Attorney General's office. It shows as of July 1st, when the Attorney General's office, I believe, stopped paying any more bills, there was a total expenditure from the Department of Justice of $30,885.94. In addition to that the investigation of Pennsylvania Motor Police spent $12,955.83. There were still unpaid bills in

the amount of $11,793.72, making a total of $55,635.49, as of July 21st.

I am informed further that since July 21st the Pennsylvania Motor Police has been compelled to spend approximately $30,000 in addition to that amount, making the total expenditure of over $85,000, on something which is purely a local matter within the County of Philadelphia, and yet that is to be borne by the taxpayers of the entire State. This Grand Jury investigation has been going on for about a year, and I do not believe there is any indication today as to when that will end. I, for one, want to go on record as being opposed to the State of Pennsylvania paying for any more grand jury investigations, and I believe the same thing is true of the rest of the membership of this House.

Most certainly, if we hold an investigation of that kind, for instance if Franklin County should hold a grand jury investigation, the people of Franklin County will pay for it, and I also believe that if such a grand jury is conducted, like the one that is to be conducted in Dauphin County, such as proposed by Mr. Shelley, the people of Dauphin County will pay for that investigation. Most certainly, if the people of Dauphin County are paying for a grand jury investigation which may be brought forward in this particular instance, the Commonwealth has more right to pay for that than it has for one which is called to investigate crime and vice and which is a purely local matter in the County of Philadelphia. I trust every member of this House will recognize that and see to it that purely local matters are paid for out of purely local funds.

The SPEAKER. The remarks of the gentleman will be spread upon the Legislative Journal.

Mr. TUMELTY. Mr. Speaker, I would like to interrogate the gentleman from Franklin, Mr. Moomaw.

The SPEAKER. Will the gentleman from Franklin permit himself to be interrogated?

Mr. MOOMAW. I will, Mr. Speaker.

Mr. TUMELTY. Mr. Speaker, in the statement of the amount of money spent by the Pennsylvania Motor Police, in connection apparently with this investigation, does the gentleman from Franklin know whether this was in connection with the Pennsylvania Liquor Control Board where they were investigating places that had licenses to sell liquor and were also running gambling devices?

Mr. MOOMAW. I do not, Mr. Speaker. I only know that these expenditures by the Pennsylvania Motor Police were incurred in their activities in connection with this special grand jury investigation.

Mr. TUMELTY. Mr. Speaker, does the gentleman from Franklin, Mr. Moomaw, believe that the Attorney General has the right to supersede in a grand jury investigation, where there are two sides "in the powers that be" in a particular county, where the parties are investigating each other?

Mr. MOOMAW. Mr. Speaker, will the gentleman kindly be a little more explicit?

Mr. TUMELTY. Mr. Speaker, does the gentleman from Franklin, Mr. Moomaw, know that the Mayor of Philadelphia was on one side of the investigation, and the District Attorney of Philadelphia County was on the other side of the investigation, and that the only way you could get anywhere was to have the Attorney General supersede?

Mr. MOOMAW. Mr. Speaker, I believe that there are practically two sides to any investigation on any question. I would say in all probability, if the Attorney General were to send a deputy or go himself into the County of Franklin, that that county would still pay for the grand jury investigation or the grand jury proceedings.

Mr. TUMELTY. Mr. Speaker, would the gentleman from Franklin be of the opinion when those people of Franklin County have decided they were not going to pay any more and the investigation had gotten to a high spot where they were about to get results, does the gentleman from Franklin say that he would have the investigation stopped, when they were about to get results in an effort to eradicate vice and crime?

Mr. MOOMAW. Mr. Speaker, the government of Franklin is a living corporation, never dies and if they incurred those expenses they would have to be paid eventually at any rate.

STATEMENT BY MR. TUMELTY

Mr. TUMELTY asked and received unanimous consent to address the House.

Mr. Speaker and Members of the House, I have no doubt that the figures of the gentleman from Franklin, which he has produced, are proper figures. I happen to be rather closely connected with the grand jury investigation in Philadelphia. I know that on September 15, 1937 the grand jury investigation started, one day after the primary election. The District Attorney of Philadelphia came in and asked for a grand jury investigation, and on the same afternoon the Mayor of Philadelphia, who was not exactly on friendly terms with the District Attorney, came in and asked for another investigation. In order to do the thing properly it was necessary to have somebody who was not on either side, to step in, and for that reason the Attorney General stepped in, and took over the situation.

The city council of Philadelphia appropriated money up to a certain amount to continue the grand jury investigation, then they refused to appropriate any more money to continue the investigation. I believe, and I think he will find this to be true, if he examines the matter, wherever the State Police were working, they were working for the Pennsylvania Liquor Control Board, going into licensed taprooms, or whatever you would like to call them, to discover whether or not there were gambling devices in them. I believe that is the duty of the Pennsylvania Liquor Control Board, and the State Police are the men who enforce their laws, and, therefore, they should step in and pay that expense.

I believe that vice and crime will never be eliminated, but I do believe that they can be more or less controlled. Philadelphia was running wild, and at the present time there has been indicted in Philadelphia almost every person of any prominence. The grand jury is doing a fine job and it would be a terrible thing to stop the few pennies that the Commonwealth of Pennsylvania is going to pass on to continue that investigation, especially when we have been spending so much money on other investigations. I believe that this investigation should continue in order to put the City of Brotherly Love back into a position where it will be a City of Brotherly Love and not a city of vice and crime.

The SPEAKER. The remarks of the gentleman will be spread upon the Legislative Journal.

Mr. WOODSIDE. Mr. Speaker, I would like to interrogate the gentleman from Franklin, Mr. Moomaw.

The SPEAKER. Will the gentleman from Franklin permit himself to be interrogated?

Mr. MOOMAW. I will, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I would like to ask the gentleman from Franklin, Mr. Moomaw whether or not be knows that the money which is now being spent by the Commonwealth of Pennsylvania to conduct a grand jury investigation in Philadelphia is being spent with the knowledge and consent of the Governor?

Mr. MOOMAW. Mr. Speaker, I have no definite knowledge concerning that particular point.

Mr. WOODSIDE. Mr. Speaker, I would like to inquire from the gentleman from Franklin, Mr. Moomaw, whether he knows from what source this money is now being realized?

Mr. MOOMAW. Mr. Speaker, I believe it is coming from the general appropriations made to those respective departments.

STATEMENT BY MR. WOODSIDE

Mr. WOODSIDE asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, I have had information for some time, which I consider reliable, to the effect that the Governor was consulted and approved of the payment of the Commonwealth's share of the grand jury investigation in Philadelphia. That information goes further and shows that he approved the expenditure of this money out of the Motor License Fund. That money is not being spent for State policemen alone but it is being spent for attorneys and the various officials connected with the Grand Jury investigation of Philadelphia, and it is being spent with the consent and with the approval of the Governor of the Commonwealth of Pennsylvania. I would like to call to the attention of the members of the House, since this question has been raised by the other side, by a Democratic member, that that Grand Jury has been for some months investigating the civil officers behind closed doors, in order to bring about indictments against them. I want to call to the attention of the members of the House to the fact that the Governor of the Commonwealth of Pennsylvania has approved and consented to the expenditure of funds out of the Motor License Fund that ought to go on the highways of this Commonwealth, in order to have an investigation of civil officers behind closed doors in a grand jury investigation in the city of Philadelphia.

The SPEAKER. The remarks of the gentleman will be spread upon the Legislative Journal.

STATEMENT BY MR. HERBERT B. COHEN

Mr. HERBERT B. COHEN asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, lest the record contain an incorrect report from the gentleman from Dauphin, I wish to call to the attention of the members of the House to the fact that there has just been introduced and reported out of Committee on Appropriations an appropriation in the sum of $42,000 to the Attorney General of the Commonwealth to take care of the expenses incurred by the Attorney General's office, paying the Deputies employed in the Grand Jury investigation conducted in the City of Philadelphia.

The reason I am calling this to your attention is due to the fact that the gentleman from Dauphin, I fell sure, by inadvertance, indicated that the counsel employed by the Attorney General's office in the conduct of the Grand Jury investigation were being paid for out of funds that should have been allocated for road purposes. The appropriation bill that has been introduced is a bill that will take care of the deficiency incurred by the Attorney General's office in making those payments out of the funds appropriated by this House to the Attorney General's office.

I might further state that in the general appropriation bill passed in the 1937 session that this House adequately debated the allocation of the funds that will be made by the Commonwealth in the payment of the criminal work and the road policing duties which were being done by the Motor Police. At that time and since that time there has been set up methods of accounting which will adequately protect and has adequately protected the Road Funds from any diversion. Investigations that are criminal in their nature, I understand from this, is not an imposition upon the Road Funds.

I am also calling to the attention of the members of the House that today, which is just within four years of a very momentous special session of October, 1934, in which this House agreed to divert the funds from the Highway Department to take care of relief. This House will remember and will recollect that at that time the majority, both in the House and in the Senate, was a Republican majority. This House will also remember and recollect that with the diversion of those funds by the Republican House and the Republican Senate and a Republican Governor that no adequate means for replenishing the diverted funds were passed or made by the Republican Administration at that time. But today, within four years after that sum, approximately $25,000,000, of a diversion from the Highway Funds, today, four years afterwards, during which time we have had a Democratic House and a Democratic Senate and a Democratic Administration, those funds, including all funds that have been diverted from the Motor Vehicle Funds and from the Highway Funds have been returned, and every diversion, every borrowing, every dipping into those funds that have been made by the Democratic House, Democratic Senate and a Democratic Administration, always had an appending bill to provide revenues whereby those diversions, those borrowings, could be replenished.

I call this to your attention at this particular time since the discussion has reached this point on the record, that as to the diversion of Highway Funds, the Democrats have to their credit the fact that they have replenished all the diversions that have been made by the Republican Administration; they have repaid all of the borrowings that have been made by the Democratic Administration, and today, for the first time in approximately the past six years, under the leadership of a Democratic Administration the Highway Funds have had restored to them all of the moneys taken under the Republican Administration and all of the moneys borrowed under the Democratic Administration.

The SPEAKER. The remarks of the gentleman will be spread upon the Legislative Journal.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 38.

An Act making an appropriation for the expenses of the special committee appointed by the Speaker of the House of Representatives on the second day of August one thousand nine hundred thirty-eight pursuant to a resolution adopted by the House of Representatives on the thirtieth day of July one thousand nine hundred thirty-eight (Act No. 2) entitled "An act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment authorizing the Speaker of the House to appoint a special committee for any such investigation authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated providing for the summoning of witnesses and for the punishment of persons refusing to appear produce evidence or testify and authorizing the employment and compensation of counsel and other assistants"

HOUSE BILL No. 57.

An Act to provide for the expenses of the Extraordinary Session of the Legislature, assembled July twenty-fifth, Anno Domini one thousand nine hundred thirty-eight, in pursuance of the proclamation of the Governor of the Commonwealth, dated July twenty-second, Anno Domini one thousand nine hundred thirty-eight, and the supplements thereto.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

LEAVES OF ABSENCE

Mr. Broad asked and obtained leave of absence for Mr. PERSHING for today's session.

Mr. Tronzo asked and obtained leave of absence for Mr. BROWN for today's session.

Mr. Huntley asked and obtained leave of absence for Mr. STACKPOLE for today's session on account of illness in his family.

Mr. Thompson asked and obtained leave of absence for Mr. BRIGERMAN for today's session on account of illness.

REPORT FROM COMMITTEE

Mr. CORRIGAN, from the Committee on Public Health and Sanitation, reported as amended, House Bill No. 63, entitled:

An Act to further amend section four of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 465), entitled "An act to provide for the safety of persons employed, housed, or assembled in certain buildings and structures not in cities of the first class, second class, and second class A, by requiring certain contruction and ways of egress, equipment, and maintenance, providing for the licensing of projectionists; requiring the submission of plans for examination and approval; providing for the promulgation of rules and regulations for the enforcement of this act; providing for the enforcement of this act by the Department of Labor and Industry and, in certain cases, by the chiefs of fire departments in cities of the third class; providing penalties for violations of the provisions of this act; and repealing certain acts," by changing the number of ways of egress required in the case of certain buildings.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 66, entitled:

A Supplement to the act approved the second day of July one thousand nine hundred thirty-seven (Appropriation Acts page seventy-four) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" providing for the deficiencies in certain appropriations to the Department of Justice for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 62, as follows:

An Act to ratify confirm and make valid the joint legislative committee to investigate governmental costs of Philadelphia Concurrent Resolution Number Two approved the thirteenth day of January one thousand nine hundred and thirty-seven (Pamphlet Laws two thousand eight hundred sixty-nine) which committee was provided with an appropriation under Appropriation Act Number Nine A entitled "An act making an appropriation for the expenses of the Joint legislative commission created by Senate Concurrent Resolution Serial Number One hundred two approved January thirteenth one thousand nine hundred thirty-seven" together with its actions proceedings expenses and expenditures

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The joint legislative committee to investigate the governmental costs of Philadelphia appointed pursuant to Concurrent Resolution Number Two approved the thirteenth day of January one thousand nine hundred and thirty-seven (Pamphlet Laws two thousand eight hundred sixty-nine) which committee was given an appropriation under the provisions of Act Number Nine A entitled "An act making an appropriation for the expenses of the joint legislative commission created by the Senate Concurrent Resolution Serial Number one hundred two approved January thirteenth one thousand nine hundred thirty-seven" is hereby ratified confirmed and made valid together with all its actions proceedings expenses and expenditures whether the same have been paid or remain unpaid notwithstanding the fact that such committed was created by a concurrent resolution and notwithstanding any other defects of informality in such former language of said legislation creating said committee

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 65, entitled:

An Act creating a joint legislative commission to study and report on use of devices and methods of transmission of information for advices in furtherance of gambling and making an appropriation

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Whereas The Governor has assembled this extraordinary session for the purpose of considering among other things legislation making illegal the use of devices or methods of transmission of information or advices in furtherance of gambling and

Whereas It is essential that the General Assembly have a full disclosure of the facts pertaining to the use of machines or instruments and other devices that are used to furnish or obtain information to be used in gambling before proper legislation may be enacted with respect thereto therefore

Section 1 That a commission is hereby created which shall be composed of six members three of whom shall be appointed by the President Pro Tempore of the Senate one of whom shall be designated as chairman and three of whom shall be appointed by the Speaker of the House of Representatives whose duty it shall be to make a careful and thorough investigation of the existing practices means machines instruments and devices whereby information is knowingly gathered obtained disseminated and received in the furtherance of gambling for the purpose of reporting to this extraordinary session of the General Assembly as early as possible its findings and its recommendations as to such changes or improvements as it may find to be necessary or desirable to correct any imperfections insufficiencies or defects in existing laws relating to gambling to the end that the gambling evil may be more readily and more completely eliminated Provided however That if the commission is unable to complete its investigation during the current special session of the General Assembly it shall have power to sit and continue its investigations after the adjournment of the current special session and it shall then make its report and recommendations to the Governor

On the question,

Will the House agree to the section?

Mr. MOOMAW. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section one, page two, line six by striking out at the end of line six, the partial word "mem"

Amend Section one, page two, line seven by striking out at the beginning of the line the partial word "bers" and inserting in lieu thereof "persons"

Amenl Section one, page 2, line 28 by adding after the word "Governor" "and to the next Session of the General Assembly."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second to the fourth sections inclusive were separately read and agreed to as follows:

Section 2 The said commission may employ and fix the compensation of such counsel experts clerks and assistants if any as may be deemed necessary for the proper conduct of the work of the commission

Section 3 The said commission shall have power to issue subpoenas under the hand and seal of its chairman requiring and demanding any proper person or persons to appear before it and to answer such questions touching matters properly being inquired into by the commission and to produce such books papers records and documents relating to the subject of inquiry as the commission may deem necessary Each member of the said commission shall have power to administer oaths and affirmations to witnesses appearing before the commission Any person who shall wilfully refuse to appear or testify before said commission or to produce any books papers records or documents as aforesaid shall be subject to the penalties provided by the laws of this Commonwealth in such cases

Section 4 The sum of twenty-five thousand dollars ($25,000) or so much thereof as may be necessary is hereby specifically appropriated to the commission for the payment of expenses of the members of the commission for the payment of the expenses of the secretary for the compensation of the appointees of the commission for printing for postage supplies telephone telegraph rent and miscellaneous expenses and generally for the purpose of carrying into effect the provisions of this act

The title was read as follows:

An Act creating a joint legislative commission to study and report on use of devices and methods of transmission of information for advices in furtherance of gambling and making an appropriation

On the question,

Will the House agree to the title?

Mr. MOOMAW. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend the title page one, line seven of the title by striking out the words "joint legislative."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 73, (Senate Bill No. 28), entitled:

An Act relating to institutions of counties cities and institution districts for the care maintenance and treatment of mental patients providing for the transfer of such institutions to the Commonwealth providing for the management and operation or closing thereof and the maintenance of mental patients therein conferring and imposing upon the Governor and the Department of Welfare and counties cities and institution districts certain powers and duties prohibiting cities counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients and repealing inconsistent laws

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subject to the provisions of this act all the property real and personal constituting any institution including the grounds annexed thereto erected or acquired and dedicated by any county city or institution district for the care maintenance and treatment of mental patients is hereby transferred to and vested in the Commonwealth of Pennsylvania Provided That where any such institution is used in part for the care maintenance and treatment of mental patients and in part for the care and maintenance of indigent persons who are not mental patients such buildings as are used only for the care maintenance and treatment of mental patients together with the entire grounds of such institution any auxiliary structures or facilities comprising such institution and used to furnish in whole or in part such buildings aforesaid with light heat power water laundry kitchen sewage disposal and coal supply facilities and any farm con-

nected with such institution are hereby transferred to and vested in the Commonwealth of Pennsylvania In the event that any such auxiliary structures and facilities were on the effective date of this act used in common at any such institution with respect to the care maintenance and treatment of mental patients and the care and maintenance of indigent persons who are not mental patients the Department of Welfare shall continue to furnish to the proper institution district such services at actual cost to the extent that such services may hereafter be required and used for the care in such institution of indigent persons who are not mental patients

Any property so transferred or vested shall if suitable be used as a State mental hospital or if unsuitable shall be used as provided in this act

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. SHAW. Mr. Speaker, I move that this bill be recommitted to the Committee on Welfare for the purpose of amendment.

The motion was agreed to.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. SHAW asked and obtained permission for the Committee on Welfare to meet during the session of the House.

BILL PASSED OVER

There being no objection House Bill No. 52, Printer's No. 39 was passed over at the request of Mrs. HORTING.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 58, entitled:

An Act to ratify confirm and make valid the commission to make certain studies in respect to bituminous mines appointed pursuant to the joint resolution approved the fifth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws One Thousand Six Hundred Eighty-nine) entitled "A joint resolution creating a commission to make certain studies in respect to bituminous mines defining its powers and duties and making an appropriation" together with its actions proceedings expenses and expenditures

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—180

Achterman,	Flanagan,	McCullough,	Siegel,
Alexander,	Flannery,	McDermott,	Simon,
Allen,	Flinchbaugh,	McDevitt,	Skale,
Allmond,	Ganser,	McElroy,	Sloan,
Arnold,	Gerard,	McFall,	Smith, James A.,
Atkins,	Gillette,	McGee,	Smith, John A.,
Aukerman,	Gorski,	McKinney,	Sollenberger,
Baine,	Habbyshaw,	Mellott,	Spengler,
Baker,	Haberlen,	Mihm,	Sproul,
Balthaser,	Hagerty,	Moomaw,	Stank,
Bierly,	Hall,	Mooney,	Stewart,
Blank,	Hamilton, F. P.,	Moran,	Stockham,
Bohn,	Hamilton, R. S.,	Moul,	Strode,
Boles,	Harkins,	Muir,	Thomas,
Boltz,	Harmuth,	Nagel,	Thompson,
Boose,	Hays,	O'Brien,	Tronzo,
Boyer,	Hering,	O'Connor,	Trout,
Bradley,	Hess,	O'Keefe,	Tumelty,
Brancato,	Hetrick,	Ominsky,	Turner,
Broad,	Hindman,	O'Neill,	Valibus,
Burrows,	Hirsch,	Ostroff,	Van Allsburg,
Cadwalader,	Holland,	Patterson, C. S.,	Vogt,
Caputo,	Holmes,	Patterson, J. W.,	Wagner,
Chervenak,	Holstrom,	Peale,	Wall,
Coakley,	Hontz,	Perry,	Wampole,
Cohen, H. B.,	Horting,	Piole,	Watkins,
Cohen, R. E.,	Huntley,	Powers,	Webster,
Coleman,	Imbrie,	Preston,	Weiss, D. H.,
Coolahan,	Kane,	Readinger,	Weiss, S. A.,
Corrigan,	Kelso,	Reese,	Welliver,
Costanzo,	Kilroy,	Reising,	Welsh,
Davies,	Kline,	Robinson,	Westrick,
Decker,	LaRue,	Rothenberger,	Whalen,
DeNote,	Leisey,	Rush,	Whitenight,
Dickinson,	Levy,	Sarraf,	Wilson,
Donohoe,	Lewis,	Scanlon,	Winner,
Dougherty,	Long,	Schor,	Wood,
Downey,	Longaker,	Schrock,	Woodside,
Dubbs,	Lopresti,	Schrope,	Wright,
Dyson,	Lovett,	Schumacher,	Yanoshat,
Eckels,	Lyons,	Serrill,	Yeakel,
Elpern,	Mallen,	Shaw,	Yourishin,
Falkenstein,	Marino,	Shea,	Zappala,
Finnerty,	Matthews, H. T.,	Shoemaker,	Furman,
Fiss,	Matthews, J. F.,	Shugarts,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 21, Printer's No. 55 was passed over at the request of Mr. OSTROFF.

RESOLUTION

RESOLUTION No. 10.

Mr. ACHTERMAN. Mr. Speaker, I desire to call up at this time Resolution No. 10, Printer's No. 56.

The resolution was read by the Clerk as follows:

In the House of Representatives, August, 1938.

Whereas, The space in the Capitol building at present occupied by the legislative branch of government is less than was originally allocated to that branch when the Capitol was first occupied thirty-four years ago and

Whereas The volume of bills introduced and the variety of subjects requiring consideration by the General Assembly have multiplied many times during the last thirty-four years and

Whereas The functions under the supervision of the Secretary of the Senate the Chief Clerk of the Senate and the Chief Clerk of the House are located on various floors of the Capitol not contiguous to the executive responsible for their administration thus making it impossible for the efficient and economical discharge of the duties of these officials and

Whereas The rooms at present available for the use of the Senate and House committees are inadequate both in number and equipment making it necessary to assign several committees to each room restricting the time each committee may occupy the room and thereby preventing orderly and adequate consideration of bills which have been referred to the committee resulting in the reporting out of bills in such form that amendments on the floor are necessary to a far greater degree than would have been had proper facilities been available to the various committees and

Whereas The Legislative Reference Bureau created to serve the Members of the Senate and House to aid in drafting legislation and the preparation of amendments to bills introduced to serve department heads in connection with legislation affecting their respective departments etc. is located outside the Capitol building

thus substantially reducing its ability to perform its present functions and making it quite impossible for it to discharge the added responsibility of assuring the accuracy of legislative bills therefore be it

Resolved (if the Senate concur) That so much of the space of the Capitol building now occupied by the Treasury Department on the first floor and in the basement now occupied by the Treasury Department the Department of the Auditor General and the Pennsylvania Motor Police on the entrosole now occupied by the Bureau of Standards and other agencies of the Department of Internal Affairs on the third floor now occupied by the Department of Revenue as is indicated on the accompanying schedule be set aside for the use of the legislative branch of our government and its related agencies as soon as the Finance Building is available for occupancy by the departments which are to be housed therein and be it further

Resolved That the Department of Property and Supplies be authorized to have removed the vault now in Room 140 to have made such minor alterations as are essential to the purposes for which this room will be used to properly equip upon requisition from the proper officers this and other rooms for the purposes for which they are to be used and be it further

Resolved That the Legislative Reference Bureau be moved to and established in the Capitol building in quarters adequate to the performance of its present and added responsibilities

Schedule of Rooms to be Set Aside for Use of Legislative Branch of Government

Room No.	Present Occupant
Basement	
6	State Treasury
8	State Treasury
9	State Treasury
9-X	State Treasury
First Floor	
110	State Treasury
113	State Treasury
115	State Treasury
129	Auditor General
140	State Treasury
149	Pennsylvania Motor Police
150	Pennsylvania Motor Police
151	Pennsylvania Motor Police
152	Pennsylvania Motor Police
153	Pennsylvania Motor Police
Entrosole	
544	Bureau of Standards
545	Internal Affairs
547	Internal Affairs
Third Floor	
337	Revenue
337-A	Revenue

On the question,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTION

MEMBERS INVITED TO ALLENTOWN FAIR

Messrs. SHOEMAKER, HOLSTROM and McDERMOTT offered a resolution which was twice read, considered and unanimously adopted as follows:

In the House of Representatives, September 20, 1938.

Whereas, Today marks the opening of the Great Allentown Fair; and

Whereas, No man, woman or child can afford to miss the splendors, the attractions, the thrills of this great Fair; and

Whereas, The three Members from Lehigh County, namely—James J. McDermott, George R. Holstrom, William A. Shoemaker join with the Allentown Fair Association in cordially inviting you to attend the Fair as their guests. They assure each of you a grand time; therefore be it

Resolved, That the Members of this House and the officers connected therewith hereby accept the kind invitation of our colleagues, James J. McDermott, George R. Holstrom and William A. Shoemaker, Members from Lehigh County, and of the Allentown Fair Association, to attend the Allentown Fair; and be it further

Resolved, That the Members of this House wish to express to the Members from Lehigh and to the Allentown Fair Association their appreciation for the kind invitation to attend their Fair.

CONGRATULATIONS

Messrs. FINNERTY and SHEPARD offered a resolution which was read by the Clerk as follows:

In the House of Representatives, September 20, 1938.

Whereas, The great secret is out—in that one of the Members from Philadelphia is celebrating his birthday today; and

Whereas, This distinguished Member comes from one of the most cosmpolitan districts in the State, and without a doubt one of the most tolerant districts, where every man is a king; and

Whereas, This distinguished Member from Philadelphia works incessantly, and is never known to play, nevertheless he is held in the highest esteem and regard by every one who knows him; and

Whereas, On this occasion, so that his birthday shall not go by without note or celebration, his wife has come to Harrisburg to insure that at some time during this day she will be able to make it a little enjoyable, in this intention, the Members of this House join her; therefore be it

Resolved, That the Members of this House extend to their colleague, the Honorable Joseph Ominsky from Philadelphia, their heartiest congratulations, and wish that he shall have many, many more happy birthdays, and that they, on many occasions shall be able to join with his wife and his friends in wishing for him all good things; and be it further

Resolved, That the Chief Clerk shall transmit to our friend, Joseph Ominsky, a copy of this resolution.

On the question,

Will the House adopt the resolution?

Mr. TURNER. Mr. Speaker, I ask that action on this resolution be deferred until the gentleman is in the House. I never believe in throwing flowers at anybody's back. I believe in putting them in front of him where he can smell them.

The SPEAKER. The Resolution will be laid aside until the member returns to the Hall of the House.

CONGRATULATIONS

Mr. WALSH offered a resolution which was twice read, considered and unanimously adopted as follows:

In the House of Representatives, September 20, 1938.

Whereas, the booming and zooming oration delivered in the House of Representatives on Monday evening, September 12, 1938 by the Honorable Leonard J. McGee, was so moving, that the members decided to look into the background of their distinguished colleague and thus it was discovered that he had had a birthday on August 27th which had not been properly marked by the passage of a House Resolution congratulating him upon his 35th birthday; hence without further adieu, it is hereby

Resolved, That the House of Representatives herewith congratulate their colleague, the Honorable Leonard L. McGee upon his 35th birthday and wish him many, many years of continued success and happiness.

RESOLUTION INTRODUCED AND REFERRED

By Messrs, OSTROFF, SHEPARD, THOMPSON, McDEVITT, WOODSIDE and LEWIS,

(Concurrent) RESOLUTION No. 18.

In the House of Representatives, September 13, 1938.

Whereas, International complications caused by internal strife, racial and religious intolerance, dictatorial avarice, and reversion to barbarian instincts jeopardized civilization and the peace of the world; and

Whereas, We in Pennsylvania have an historically noble heritage of religious freedom, civil liberties, racial equality, and democratic processes; and

Whereas, Pennsylvania, the Keystone State of the Union, is one of the thirteen original colonies who founded the magnificient democratic government which has placed the United States apart from all the nations of the world as an example of religious tolerance, civil liberty and a government of law and order; now therefore be it

Resolved, That the General Assembly of Pennsylvania petition the President of the United States to call a conference of representatives of all the nations of the world to be held in Philadelphia as early as conveniently possible, where the nations of the world, in international conference met, may peacefully and amicably discuss the re-establishment of the fundamental principles of decency and civilization, and where the nations of the world may amicably reach mutual understandings which will give rise to a lasting peace.

Resolved, That a copy of this resolution, duly engrossed, be transmitted to the President of the United States.

Referred to the Committee on Rules.

REPORTS FROM COMMITTEES

Mr. OSTROFF, from the Committee on Welfare, reported as committed, House Bill No. 75, (Senate Bill No. 27), entitled:

An Act to amend section two of the act approved the eleventh day of April one thousand nine hundred twenty-nine (Pamphlet Laws four hundred eighty-seven) entitled "An act authorizing the Department of Welfare to determine the legal residence of indigent insane feeble-minded and epileptic persons returned to this Commonwealth by the authorities of another State or transferred from one poor district to another by the department and requiring he proper district to pay the costs of the care and treatment of such persons in accordance with the laws relating to indigent insane persons" by relieving poor districts of certain costs and placing such costs on the Commonwealth.

Mr. OSTROFF, from the Committee on Welfare, reported as committed, House Bill No. 76, (Senate Bill No. 29), entitled:

An Act to amend the act approved the eleventh day of July one thousand nine hundred twenty-three (Pamphlet Laws nine hundred ninety-eight) entitled "An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties" as amended by further defining and limiting the institutions in which persons mentally ill may receive care and treatment relieving counties and poor districts of the payment of the cost of the admission care and discharge of mental patients with certain exceptions imposing such costs on the Commonwealth and repealing inconsistent laws.

Mr. LONG, from the Committee on Welfare, re-reported as amended, House Bill No. 73, (Senate Bill No. 28), entitled:

An Act relating to institutions of counties cities and institution districts for the care maintenance and treatment of mental patients providing for the transfer of such institutions to the Commonwealth providing for the management and operation of closing thereof and the maintenance of mental patients therein conferring and imposing upon the Governor the Department of Welfare and counties cities and institutions districts certain powers and duties prohibiting cities counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients and repealing inconsistent laws.

RESOLUTION

Mr. TURNER. Mr. Speaker, I understand we are about to adjourn and as the gentleman from Philadelphia has not appeared, and as we all want to have the opportunity of passing this Resolution on his birthday, I ask that it be taken up now.

The resolution was read by the Clerk as follows:

In the House of Representatives, September 20, 1938.

Whereas, The great secret is out—in that one of the Members from Philadelphia is celebrating his birthday today; and

Whereas, This distinguished Member comes from one of the most cosmopolitan districts in the State, and without a doubt one of the most tolerant districts, where every man is a king; and

Whereas, This distinguished Member from Philadelphia works incessantly, and is never known to play, nevertheless he is held in the highest esteem and regard by every one who knows him; and

Whereas, On this occasion, so that his birthday shall not go by without note or celebration, his wife has come to Harrisburg to insure that at some time during this day she will be able to make it a little enpoyable, in this intention, the Members of this House join her; therefore be it

Resolved, That the Members of this House extend to their colleague, the Honorable Joseph Ominsky from Philadelphia, their heartiest congratulations, and wish that he shall have many, many more happy birthdays, and that they, on many occasions shall be able to join with his wife and his friends in wishing for him all good things; and be it further

Resolved, That the Chief Clerk shall transmit to our friend, Joseph Ominsky, a copy of this resolution.

On the question recurring,

Will the House adopt the resolution?

Mr. FINNERTY. Mr. Speaker, it was unfortunate that Mr. Ominsky was not present when I presented the resolution. I feel that there is an important member of his home present, and so that the members will know that Mr. Ominsky is represented, I would ask the Speaker to request Mrs. Ominsky to stand up, so that the Members may see her as here representing her husband.

On the question recurring,

Will the House adopt the resolution?

It was unanimously adopted.

ANNOUNCEMENTS

The public hearing before the Sub-committee on Mines and Mining, on House Bills 43, 44, 45 and 46, known as the Anthracite Mining Bills, will be held tomorrow, September 21, 1938, at 2:00 o'clock p. m. Eastern Standard Time, in the Forum of the Educational Building instead of in the Senate Caucus Room.

ADJOURNMENT

Mr. AUKERMAN. Mr. Speaker, I move that this House do now adjourn until Monday, September 26, 1938, at 9:00 p. m.

The motion was agreed to, and (at 2:02 p. m.) the House adjourned until Monday, September 26, 1938, at 9:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1938

Vol. 22 HARRISBURG, PA., MONDAY, SEPTEMBER 26, 1938. No. 20.

SENATE

MONDAY, SEPTEMBER 26, 1938.

The Senate met at 9:00 o'clock P. M.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, LL.D., offered the following prayer:

O our Father and our God, bless us as we gather here! But we are here tonight, not to say our prayers, but to pray and to seek counsel and communion with Thee. Our hearts are anxious. Thy beautiful heavens which declare Thy glory are obscured by ominous clouds. We know not if Thy morning sun may rise upon a world in cruel conflict. If it be possible, spare us from the devastations of the sword. God bless our President. Sustain him as he speaks for our millions, and for generations yet unborn. May we dedicate ourselves to the ministries of humanity. We would be peacemakers, we would be called the children of God.

But if war there be, after the hateful transactions of the shambles have ceased and din and smoke have passed, grant that it may be ours to see a United States of Europe, punished, repentant, chastened, free; a restored Ethiopia; a Spain no longer confused; a disillusioned Russia; a vindicated China; a Japan disenchanted from the "Sun of Heaven"; a sobered Italy; a Germany truly free; and that ancient people, to whom we are indebted for the oracles of God, no longer victims of scornful persecution because of race or creed.

By Thy Spirit and counsel lead us into paths of peace, a parliament of the Brotherhood of Man. We ask it in His name, Amen.

JOURNAL APPROVED

The PRESIDENT—A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. RICE, the further reading was dispensed with, and the Journal was approved.

LEAVES OF ABSENCE

Mr. Rodgers asked and obtained leave of absence for the Senator from Allegheny, Mr. RANKIN, on account of pressing business.

Mr. Rice asked and obtained leave of absence for the Senator from Monroe, Mr. HUFFMAN, on account of illness.

PETITIONS AND REMONSTRANCES

The President laid before the Senate petition of the State, County and Municipal Workers of America, endorsing legislation curbing powers of courts in public investigations and giving Legislature authority to proceed with examination of charges against Governor Earle and other civil officers.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public and Commissioners of Deeds which were laid on the table.

COMMUNICATIONS FROM THE GOVERNOR

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, September 26, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

MEMBER ERIE COUNTY BOARD OF ASSISTANCE

Joseph C. Williams, (Republican) 439 Shawnee Drive, Erie, Erie County, for appointment as a member of the Erie County Board of Assistance, for the term ending December 31, 1938, vice Mrs. Henrietta Fink Fischer, resigned.

MEMBER TIOGA COUNTY BOARD OF ASSISTANCE

Miss Martha McInroy, (Democrat) 2½ Sherwood Street, Wellsboro, Tioga County, for appointment as a member of the Tioga County Board of Assistance, for the term ending December 31, 1940, vice Mrs. Rosa Hamilton, resigned.

MEMBER BOARD OF TRUSTEES OF SELINSGROVE STATE COLONY FOR EPILEPTICS

Dr. Frank C. Wagonseller, Richfield, Juniata County, for appointment as a member of the Board of Trustees of Selinsgrove State Colony for Epileptics, for the term of four years and until his successor is qualified, vice William Erdley, whose term expired.

JUSTICES OF THE PEACE

Dewey McGahen, R. D. 6, Waterford, Erie County, for appointment as Justice of the Peace in the Township of LeBoeuf, Erie County, until the first Monday in January, 1940, vice George Mitchell, deceased.

Clare L. Guswiler, Wayne Street, Roscoe, Washington County, for appointment as Justice of the Peace in the Borough of Roscoe, Washington County, until the first Monday in January, 1940, vice Joe T. S. Cowen, deceased.

GEORGE H. EARLE.

MEMBERS DELAWARE RIVER JOINT COMMISSION

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, September 26, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following members of the Delaware River Joint Commission:

James P. Clark, Kenilworth Apartments, Philadelphia, for the term of five years and until his successor is appointed and qualified, vice Thomas B. Smith, removed by the Act of September 22, 1938.

George Gordon Meade, 4 to 10 Market Street, Philadelphia, for the term of five years and until his successor is appointed and qualified, vice Richard Weglein, removed by the Act of September 22, 1938.

GEORGE H. EARLE.

COMMUNICATION FROM THE GOVERNOR

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVAL OF SENATE BILL No. 25

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, September 22, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 25, Printer's No. 34, entitled "An act relating to and removing the remaining additional persons now serving as Pennsylvania members of the Delaware River Joint Commission by virtue of appointment by the General Assembly under the act approved June twelfth one thousand nine hundred and thirty-one (Pamphlet Laws five hundred seventy-five) entitled 'An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River and the improvement of the facilities for transportation across the river authorizing the Governor for these purposes to enter into an agreement with New Jersey creating The Delaware River Joint Commission and specifying the powers and duties thereof including the power to finance projects by the issuance of revenue bonds transferring to the new commission all the powers of the Delaware River Bridge Joint Commission and making an appropriation' and providing for the appointment of their successors."

GEORGE H. EARLE.

WRIT FOR SPECIAL ELECTION IN XIII SENATORIAL DISTRICT

The President announced that a writ has been issued for a special election in the XIII Senatorial District to fill the vacancy caused by the death of the Honorable John G Homsher and ordered publication of the writ and service thereof in the Legislative Journal.

COMMONWEALTH OF PENNSYLVANIA: ss

To the County Board of Elections of Lancaster County:

Greetings: Whereas a vacancy exists in the office of Senator of the State of Pennsylvania, for the THIRTEENTH SENATORIAL DISTRICT, composed of part of the County of Lancaster, by reason of the death on September 13, 1938, of Honorable John G. Homsher, Senator from said Senatorial District.

Now, therefore, I, Thomas Kennedy, President of the Senate, by virtue of the authority vested in me by the Constitution of the State of Pennsylvania, and by the Act of Assembly, in such case made and provided, do hereby command you: That you cause an election to be held in the said Thirteenth Senatorial District of the State of Pennsylvania, on TUESDAY, EIGHTH DAY of NOVEMBER, A. D. One Thousand Nine Hundred and Thirty-eight, to choose a person to represent said Thirteenth Senatorial District in the Senate of Pennsylvania for the remainder of the term expiring November 30th, One Thousand Nine Hundred and Forty, and that you give due and public notice of said election throughout said Thirteenth Senatorial District in form and manner directed by law.

Given under my hand and seal at Harrisburg, Pennsylvania, this twentieth day of September, 1938.

Thomas Kennedy,
President of the Senate.

(SEAL)

STATE OF PENNSYLVANIA }
} ss:
COUNTY OF LANCASTER }

Robert J. Glennon, being duly sworn according to law, says that he resides at Freeland, Luzerne County, Pennsylvania, that he is Sergeant-at-Arms of the Senate of Pennsylvania:

That he served on the County Board of Elections of Lancaster County, on September 21, 1938, at 1:15 o'clock, P. M., at the office of said County Board of Elections of Lancaster County in the City of Lancaster, Lancaster County, Pennsylvania, a special writ of election for the THIRTEENTH SENATORIAL DISTRICT, composed of part of the County of Lancaster, a copy of which is hereto affixed, by command of the Honorable Thomas Kennedy, Lieutenant-Governor of the Commonwealth and President of the Senate.

Sworn and subscribed to this 21st day of September, A. D. 1938.

ROBERT J. GLENNON,
Sergeant-at-Arms.

Chas. R. Waters
Deputy Prothonotary

(SEAL)

QUESTION OF PERSONAL PRIVILEGE

Mr. DiSILVESTRO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. DiSilvestro will state his question of personal privilege.

Mr. DiSILVESTRO. Mr. President, the former Attorney General of this Commonwealth, Charles J. Margiotti, who, some time ago, was dismissed as unworthy of the trust reposed in him by the Governor of Pennsylvania, appeared on Wednesday, September 21, as a witness before the House Investigating Committee.

Mr. Margiotti testified that the Senator from Philadelphia who now addresses the Chair, had told him that Matthew McCloskey of Philadelphia had passed around $1,000 bills to certain members of this body at an outing of Democratic Senators on the farm of Senator Shapiro in the Summer of 1937.

Mr. President, I wish it written indelibly into the records of this body that this statement of Charles J. Margiotti is false in every respect—an accusation from a man in whom all sense of honor is dead—a man who has gone mad in his own confusion.

It must be evident to all that Charles J. Margiotti has gone insane; that a mind distorted by the sting of de-

feat, hungry for revenge, is attempting to shanghai the truth and turn it to his wicked ends.

Charles J. Margiotti stands among us today a knave and political adventurer, a new Baron Munchausen, varnishing nonsense with a tissue of obvious falsehood, and I say here to Margiotti tonight, that while sin has many tools, a lie is the handle that fits them all.

There is no pain which cuts a man's heart like that which comes with destruction of faith in an old friend, and I say to this body tonight that I once had great affection for this man. In the early stages of his candidacy for Governor of this great Commonwealth his hope was my hope.

Then came the day that it became my duty to choose between my friendship for Charles J. Margiotti and my loyalty to my party, and my State. You know my decision. Out of it grew the bitterness which reached the revengeful heights you have just witnessed in the fantastic flight of Margiotti's imagination on Wednesday, last week—the new Margiotti—playing fast and loose with the truth.

I say to you, gentlemen, that this duplicity is without equal in the records of this Commonwealth. I say to you that Margiotti lies. I say to you that no word has ever crossed my lips that could even be remotely construed as having the slightest connection to this testimony given by Charles J. Margiotti, as God is my Judge.

I turn to "Paradise Lost" to remind Charles J. Margiotti that when "the scourge inexorable and the torturing hour calls us to penance" he must go on his knees through the limitless years of eternity to find forgiveness for his damnable effort to destroy honorable men.

Let me repeat that Charles J. Margiotti has gone mad in his confusion; has abandoned truth and courage, to assume the role of a driveling idiot wallowing in the quicksands of deceit.

Mr. HALUSKA. Mr. President, I object to those remarks of the Senator from Philadelphia being posted on the records.

The PRESIDENT. The objection will not keep the remarks from going on the records. The Senator from Cambria has a perfect right to rise to a point of personal privilege and answer the Senator from Philadelphia if he cares to.

Mr. HALUSKA. Mr. President, I move that the remarks made by the Senator from Philadelphia be expunged from the records.

The PRESIDENT. In the opinion of the Chair the motion is not in order. The Senator from Philadelphia has the right of personal privilege to address the Senate.

BILL INTRODUCED

Mr. WOODWARD read in his place and presented to the Chair Senate Bill No. 55 entitled:

A Joint Resolution proposing an amendment to Article nine, Section eight, of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Constitutional Changes.

EMPLOYE OF THE SENATE

Mr. RICE offered the following resolution which was twice read, considered, and agreed to:

In the Senate, September 26, 1938.

Resolved, That Hugh Coll be elected Assistant Sergeant-at-Arms of the Senate, vice Thomas Kennedy, Jr., resigned.

TIME OF NEXT MEETING

Mr. KILGALLEN offered the following resolution which was twice read, considered, and agreed to:

In the Senate, September 26, 1938.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, October 3, 1938, at 9 o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, October 3, 1938, at 9 o'clock.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

Mr. OWLETT. Mr. President, I would like to interrogate the Senator from Philadelphia, Mr. DiSilvestro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. DiSilvestro, permit himself to be interrogated?

Mr. DiSILVESTRO. Mr. President, I will.

Mr. OWLETT. Mr. President, on the 16th day of August, 1938, I introduced a resolution requesting information relative to the aeroplane used by Governor Earle on his trip to Mexico and South America. I would like to ask the Senator if he is not the chairman of the Committee on Aeronautics.

Mr. DiSILVESTRO. Mr. President, I am the Chairman of the Committee on Aeronautics.

Mr. OWLETT. Mr. President, I would like to ask the Senator if he has yet called a meeting to consider that resolution.

Mr. DiSILVESTRO. Mr. President, I have not yet called a meeting of the Committee on Aeronautics for the purpose of studying that resolution.

Mr. OWLETT. Mr. President, does the Senator intend to call a meeting?

Mr. DiSILVESTRO. Mr. President, I have been very busy studying the topography of this State to see the places that would be most logical for airports and have really not given any attention to this resolution. But I assure the Senator from Tioga I will give it thought.

Mr. OWLETT. Mr. President, will the Senator advise the Senate when he will call the Committee on Aeronautics to consider this resolution?

Mr. DiSILVESTRO. Mr. President, I will do my best to call it in the very near future.

Mr. OWLETT. Mr. President, can the Senator be a little more definite?

Mr. DiSILVESTRO. Mr. President, well, I would like to but I have not looked at my calendar and my memorandum book is not on my desk. But I will be glad to inform the Senator from Tioga as to the time and place where we will have the meeting.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, very affably.

Mr. SHAPIRO. Mr. President, will the Senator say whether it is not true that when he made his first inquiry to the Revenue Department concerning the departure of the Governor to Mexico, that he was informed by that department that the Governor of Pennsylvania was paying the salary of the pilot, that the Governor of Pennsyl-

vania was paying for the use of the plane and that the Governor of Pennsylvania had taken full responsibility for all repairs and for all uses and costs of gasoline and transportation?

Mr. OWLETT. Mr. President, I was not so informed.

Mr. SHAPIRO. Mr. President, does the Senator say whether it is not true that he spoke to Mr. Krekstein of the Revenue Department who gave him that information?

Mr. OWLETT. Mr. President, before this resolution was introduced I went to the Auditor General's office and there was advised that they knew nothing about this plane. I then, through their cooperation, got in touch with the Revenue Department. With whom I spoke I do not know. Finally they said that it was all in the hands of the State Police, that the aeroplane had been bought out of motor license money and the State Police had complete charge of this aeroplane. So then I got in touch with Mr. Foote of the State Police and he told me that he supposed that probably the Governor would pay the State Police for the use of the plane but that no definite arrangements had been made.

I then asked him about the expense of the plane and he said "well, I presume the Governor will pay the expenses." I asked him if there was a definite contract to that effect but he said it was just a conversation with the Governor in which the Governor expressed the opinion that the expense of such a trip should be so arranged.

Mr. SHAPIRO. Mr. President, is it not true that he was informed by the same department that the pilot was on his vacation at that time and was not in the employ of the Commonwealth?

Mr. OWLETT. Mr. President, I was not. I was informed that the pilot had been given a leave of absence to pilot the Governor down to Mexico. Further than that they said nothing at the time of the Governor finding it necessary to investigate the police system in Mexico.

Mr. WOODWARD. Mr. President, I simply want to register my opinion that I would have no objection if it had been a one way trip. My only objection is that it was a round trip.

Mr. LAW. Mr. President, I rise to remark that I believe that the attitude of some of the gentlemen here is as much up in the air as the Governor was.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 20 as follows:

An Act abating certain tax penalties interest and costs on city and school taxes in cities of the first class and school districts of the first class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All unpaid penalties and interest and all costs imposed but not actually paid out on paid or unpaid delinquent city or school taxes in cities of the first class and in school districts of the first class for the tax year one thousand nine hundred and thirty-four and for all previous tax years and the unpaid penalties and all costs imposed but not actually paid out on such taxes for the tax year one thousand nine hundred and thirty-five on any parcel or parcels of real estate shall be abated without the necessity of further action on the part of the council of such city or by the board of public education of such school district as the case may be if the following provisions are complied with

(a) That all of the unpaid delinquent taxes are paid in four equal installments as follows One-fourth on or before the thirty-first day of December one thousand nine hundred and thirty-eight one-fourth on or before the thirty-first day of December one thousand nine hundred and thirty-nine one-fourth on or before the thirtieth day of June one thousand nine hundred and forty and the final one-fourth on or before the thirty-first day of December one thousand nine hundred and forty

(b) The respective current taxes for the years during such installment period shall be paid before they become delinquent

(c) In case any taxpayer shall default in the payment of any installment of taxes or in the payment of current taxes as required in section one of this act the penalties interest and costs on the installments of such delinquent taxes remaining unpaid shall not be abated but shall remain due and payable as provided by existing law

Section 2 Any taxpayer may on or before December thirty-first one thousand nine hundred and thirty-eight pay the entire amount of the unpaid delinquent taxes for the year one thousand nine hundred and thirty-five and all previous years whereupon the unpaid penalties and interest and all costs imposed but not actually paid out on such paid or unpaid delinquent taxes for the year one thousand nine hundred and thirty-four and previous years and all unpaid penalties and all costs imposed but not actually paid out on paid or unpaid delinquent taxes for the year one thousand nine hundred and thirty-five shall be abated and all liens filed for such delinquent taxes interest penalties or costs or any portion thereof shall be satisfied of record

Section 3 Any taxpayer may at any time during the installment period pay the balance due on said unpaid delinquent taxes provided for in this act Provided That at the time such payment is made the conditions of section one (a) have been complied with And further provided That the taxes for the then current year have been paid

Section 4 The benefits of this act shall extend and accrue to any successful bidder or purchaser at a sheriff's or other judicial sale grantee transferee mortgagee or other party in interest in the parcel or parcels of real estate against which the above-mentioned taxes have been assessed and levied

Section 5 Any taxpayer shall have the right to pay delinquent taxes assessed and levied against any parcel of real estate and receive the benefits of this act without being required to pay the delinquent taxes assessed and levied against any other parcel or parcels of real estate

Section 6 The abatement herein provided for shall be made whether or not liens for such taxes interest penalties or costs have been filed in the office of the prothonotary or proceedings for the collection of such taxes interest penalties or costs shall have been instituted in any court of such county and the taxpayer and the real estate shall not be liable for the payment of any costs incurred in filing such liens or in prosecuting such proceedings

Section 7 Any taxpayer who on the effective date of this act is making payments on delinquent taxes under the provisions of the act of July twenty-second one thousand nine hundred and thirty-six (Pamphlet Laws 67) or the act of May twenty-sixth one thousand nine hundred and thirty-seven (Pamphlet Laws 893) may secure the benefits of this act by making payments on the balance due on such delinquent taxes at the times and in the fractional parts prescribed herein

And said bill having been read at length the third time, and agreed to.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Barthold,	Haluska,	McCreesh,	Ruth,
Cavalcante,	Henney,	McGinnis,	Scarlett,

Chapman,	Heyburn,	Owlett,	Shapiro,
Dando,	Jacobs,	Pierson,	Sipe,
Dent,	Kahle,	Pytko,	Sones,
DiSilvestro,	Kilgallen,	Reed,	Stiefel,
Eroe,	Kunkel,	Rice,	Thompson,
Frey,	Lanius,	Rodgers,	Wolfenden,
Gelder,	Law,	Rupp,	Woodward,
Gilson,	Mallery,		

NAYS—2

Buckman, Deitrick,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 15 entitled:

An Act abating certain tax penalties interest and costs on county city (except city of the first class) borough, town township school district (except school district of the first class) and poor district taxes prohibiting the sale of real property for the nonpayment of any such taxes for a certain period and preserving certain tax liens, and providing for the extension thereof

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Barthold,	Haluska,	McCreesh,	Ruth,
Cavalcante,	Henney,	McGinnis,	Scarlett,
Chapman,	Heyburn,	Owlett,	Shapiro,
Dando,	Jacobs,	Pierson,	Sipe,
Dent,	Kahle,	Pytko,	Sones,
DiSilvestro,	Kilgallen,	Reed,	Stiefel,
Eroe,	Kunkel,	Rice,	Thompson,
Frey,	Lanius,	Rodgers,	Wolfenden,
Gelder,	Law,	Rupp,	Woodward,
Gilson,	Mallery,		

NAYS—2

Buckman, Deitrick,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 40, entitled:

An Act to amend Sections one hundred eight, five hundred six, five hundred seven, eight hundred thirteen, eight hundred fourteen, and one thousand one hundred thirty-three of the act approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, by providing for the merger of certain school districts with other districts; redefining indebtedness of school districts; empowering the county boards of school directors to employ an attorney and fix his compensation; increasing the salaries of members of the county board of school directors; and providing for limitations on the appointment of district superintendents.

And said bill having been read at length the third time,

On the question,

Shall the bill pass finally?

Mr. HEYBURN. Mr. President, I would like to call the attention of the Senate to some far-reaching provisions of this bill. Down in the extreme eastern portion of Delaware County there is a small borough by the name of Millbourne Borough. They have no school; they have no school teachers. The first eight grades are educated in the schools of East Lansdowne. High school education is received by sending the pupils to the high school of Lansdowne Borough for which a substantial tuition is paid. However, the tax rate is only four mills in this borough. Under this act this borough will be forced to merge with other school districts and the tax rate will be increased from four to twenty mills. For instance, in the only store in the borough—quite a large store—it is estimated that taxes on that store alone will be increased $4500. It seems to me that this is simply a matter of home rule and the Legislature has no right to dictate to any local school district. I think that the bill should be voted down.

BILL OVER IN ORDER

Mr. THOMPSON. Mr. President, I ask unanimous consent that Senate Bill No. 40, go over in order.

The PRESIDENT. Is there objections? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 50, entitled:

An Act making a deficiency appropriation for the expenses of the Joint Legislative Commission investigating certain courts of this Commonwealth and created by Joint Resolution No. 11 approved the ninth day of March one thousand nine hundred and thirty-seven

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barthold,	Gelder,	Law,	Rupp,
Buckman,	Gilson	Mallery,	Ruth,
Cavalcante,	Haluska,	McCreesh,	Scarlett,
Chapman,	Henney,	McGinnis,	Shapiro,
Dando,	Heyburn,	Owlett,	Sipe,
Deitrick,	Jacobs,	Pierson,	Sones,
Dent,	Kahle,	Pytko,	Stiefel,
DiSilvestro,	Kilgallen,	Reed,	Thompson,
Eroe,	Kunkel,	Rice,	Wolfenden,
Frey,	Lanius,	Rodgers,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON SECOND READING

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of Senate Bill No. 42, as follows:

An Act to amend article two of section one of the act approved the twelfth day of June one thousand nine hundred and thirty-one (Pamphlet Laws five hundred seventy-five) entitled "An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River and the improvement of the facilities for transportation across the river authorizing the Governor for these purposes to enter into an agreement with New Jersey creating The Delaware River Joint Commission and specifying the powers and duties thereof including the power to finance projects by the issuance of revenue bonds transferring to the new commission all the powers of the Delaware River Bridge Joint Commission and making an appropriation" by fixing the term of office of certain members

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article two of section one of the act approved the twelfth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 575) entitled "An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River and the improvement of the facilities for transportation across the river authorizing the Governor for these purposes to enter into an agreement with New Jersey creating The Delaware River Joint Commission and specifying the powers and duties thereof including the power to finance projects by the issuance of revenue bonds transferring to the new commission all the powers of the Delaware River Bridge Joint Commission and making an appropriation" is hereby amended to read as follows

ARTICLE II

The commission shall consist of sixteen commissioners eight resident voters of the Commonwealth of Pennsylvania and eight resident voters of the State of New Jersey who shall serve without compensation

The first eight commissioners for the Commonwealth of Pennsylvania shall be the Governor of the Commonwealth the Auditor General the State Treasurer the Mayor of the City of Philadelphia and the four additional persons now serving as members of the Pennsylvania Commission existing by virtue of Act Number Three hundred thirty-eight of the Commonwealth of Pennsylvania approved July ninth one thousand nine hundred and nineteen (Pamphlet Laws eight hundred fourteen) and acts amendatory thereof and supplementary thereto The terms of the said four additional persons shall expire on the fifteenth day of September one thousand nine hundred and thirty-eight

The first eight commissioners for the State of New Jersey shall be the eight individuals now holding office as members of the New Jersey Interstate Bridge Commission existing by virtue of Chapter Two hundred seventy-one of the laws of said State of one thousand nine hundred and twenty-nine approved May sixth one thousand nine hundred and twenty-nine and acts amendatory thereof and supplementary thereto which said eight individuals are hereby appointed by said State as such commissioners who shall serve for their unexpired terms as members of the New Jersey Interstate Bridge Commission Succeeding commissioners shall be elected by the Legislature to serve for terms of five years

For the Commonwealth of Pennsylvania the Governor the Auditor General the State Treasurer and the executive head of the City of Philadelphia in office at the time shall always be members of the commission and in addition thereto there shall be four members appointed by the Governor who shall be known as appointive members Whenever a vacancy occurs in the appointive membership of the commission the Governor shall appoint a member to serve for a term of five years from the date of his appointment

For the State of New Jersey whenever a vacancy in the office of commissioner shall occur such vacancy shall be filled for the unexpired term by the Legislature If the Legislature shall not be in session when the vacancy occurs such vacancy shall be filled by the Governor and such appointee shall hold office until the Legislature convenes

All commissioners shall continue to hold office after the expiration of the terms for which they are appointed or elected unless and until their respective successors are appointed and qualified but no period during which any commissioner shall hold over shall be deemed to be an extension of his term of office for the purpose of computing the date on which his successor's term expires

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 49, as follows:

An Act to prohibit the sale offering or exposing for sale of fireworks defining fireworks and to regulate the manner of using fireworks and providing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The term fireworks shall mean and include any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion explosion deflagration or detonation and shall include blank cartridges toy pistols cannons toy canes or toy guns in which explosives are used the type of balloons which require fire underneath to propel the same firecrackers torpedoes skyrockets Roman candles Daygo bombs sparklers or other fireworks of like construction and any fireworks containing any explosive or flammable compound or any tablets or other device containing any explosive substance

The term municipalities shall include "cities boroughs incorporated towns and townships"

Section 2 Except as hereinafter provided it shall be unlawful for any person firm co-partnership or corporation to offer for sale expose for sale sell at retail or use or explode any fireworks Provided That the Pennsylvania Motor Police shall have power to adopt reasonable rules and regulations for the granting of permits by municipalities for supervised public displays of fireworks to be held by municipalities fair associations amusement parks and other organizations or groups of individuals Every such display shall be handled by a competent operator to be approved by the Chiefs of the Police and Fire Departments of the municipality in which the display is to be held and shall be of such a character and so located discharged or fired as in the opinion of the Chief of the Fire Department after proper inspection shall not be hazardous to property or endanger any person or persons Application for permits shall be made in writing at least fifteen (15) days in advance of the date of the display After such privilege shall have been granted sales possession use and distribution of fireworks for such display shall be lawful for that purpose only No permit granted hereunder shall be transferable

Section 3 The governing body of the municipality shall require a bond deemed adequate by the municipality from the licensee in a sum not less than five hundred dollars ($500) conditioned for the payment of all damages which may be caused either to a person or persons or to prop-

erty by reason of the licensed display and arising from any acts of the licensee his agents employees or subcontractors

Section 4 Nothing in this act shall be construed to prohibit any resident wholesaler dealer or jobber to sell at wholesale such fireworks as are not herein prohibited or the sale of any kind of fireworks provided the same are to be shipped directly out of state or the use of fireworks by railroads or other transportation agencies for signal purposes or illumination or when used in quarrying or for blasting or other industrial use or the sale or use of blank cartridges for a show or theater or for signal or ceremonial purposes in athletics or sports or for use by military organizations or organizations composed of Veterans of the United States Army or Navy

Section 5 The Pennsylvania Motor Police or any sheriff police officer or constable shall seize take remove or cause to be removed at the expense of the owner all stocks of fireworks or combustibles offered or exposed for sale stored or held in violation of this act

Section 6 Any person firm co-partnership or corporation violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars ($100) or by imprisonment in the county jail not exceeding ninety (90) days or by both such fine and imprisonment

Section 7 All acts and parts of acts inconsistent herewith are hereby repealed

Section 8 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. LAW. Mr. President, there was an understanding when this bill was reported that if anybody requested to be heard before the committee, the bill would be returned to Committee after second reading. While I believe personally that the bill is in good shape as it now stands, as it came from committee, there has been a request to be heard before the committee and I therefore move that the bill be recommitted to the Committee on State Government.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 51, (House Bill No. 47), entitled:

An Act making a deficiency appropriation to the Anthracite Coal Industry Commission created by the act approved the eighth day of February one thousand nine hundred and thirty-seven (Pamphlet Laws twenty-one) entitled "An act creating the Anthracite Coal Industry Commission defining its powers and duties and making an appropriation"

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

HOUSE MESSAGE

JOINT LEGISLATIVE COMMITTEE TO ASCERTAIN AND CONCILIATE THE VIEWS OF EMPLOYERS AND EMPLOYES ON WORKMEN'S COMPENSATION LEGISLATION

The Clerk of the House of Representatives being introduced informed the Senate that the House had concurred in Resolution from the Senate as follows:

In the Senate, September 13, 1938.

Whereas, The Governor in Section 2 of his Second Supplemental Proclamation of the twenty-fifth day of July, 1938, designated as one of the subjects for the consideration the amending of Article 2 of the Workmen's Compensation Act (Act of June 2, 1915, P. L. 736, as reenacted, amended, or further amended by Act of June 4, 1937, P. L. 1552), and

Whereas, House Bill No. 17, Senate Bill No. 31 covering this subject has been introduced and is now on passage through the Assembly, and

Whereas, It is the consensus of opinion of men adequately informed that this subject should be thoroughly investigated with a view of ascertaining whether legislative action can be employed to conciliate the views of employers and employees and thereby promote the general welfare, and

Whereas, A thorough investigation can only be made by bringing together representatives of the parties affected, now be it

Resolved (if the House of Representatives concur) that the President Pro Tempore of the Senate appoint three members of the Senate and the Speaker of the House of Representatives appoint three members of the House who shall constitute a committee to bring together such representatives of Labor and Industry and other interested parties as wish to be heard, to affect a conciliation among them and make a report of its activities, findings and recommendations to the next General Session.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. RICE. Mr. President, I move that the Senate do now proceed to the consideration of nominations for Notaries Public and Commissioner of Deeds sent to the Senate, September 26, 1938, by His Excellency, the Governor of the Commonwealth.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, September 26, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Leola Beare, McKeesport.
Ed. M. Finn, 1014-1016 Forbes Street, Pittsburgh.
N. E. Garver, 514 Smithfield Street, Pittsburgh.
Elmer E. Hanson, 1712 Island Ave., Pittsburgh.
Raymond J. Leahy, 216 Forbes Bldg., Pittsburgh.
Miss Marion H. Mansfield, 418 City County Bldg., Pittsburgh.
Miss Betty Preller, Union Bank Bldg., Pittsburgh.
Miss Myra M. Sepp, Union Bank Bldg., Pittsburgh.
R. B. Wingerson, 6901 Lynn Way, Pitsburgh.
Miss Gertrude M. Wisniewski, 2400 Saw Mill Run Blvd., Pittsburgh.

DAUPHIN COUNTY

Mrs. Emma F. Pentz, Harrisburg.

ERIE COUNTY

Miss Adaline B. Morelli, Erie.

INDIANA COUNTY

James C. Bovard, Marion Center.

LEHIGH COUNTY

John P. Creveling, Allentown.

MONTGOMERY COUNTY

Anthony A. Hirst, Bryn Mawr, Lower Merion Twp.
John J. McGroarty, Oak Lane, Cheltenham Twp.
Mrs. Hannah R. Neil, Conshohocken, Whitemarsh Twp.
George A. Purring, Norristown.

NORTHUMBERLAND COUNTY

John H. Cooper, Shamokin.

PHILADELPHIA COUNTY

Leon Ackerman, Commercial Trust Bldg., Phila.
Mrs. Sadie V. Backhausen, 6927 Dicks Ave., Phila.
Frank J. Bogle, Kensington and Allegheny Aves., Phila.
Mrs. Grace S. Breeser, 2442 Fidelity Phila. Trust Bldg., Phila.
Miss Gertrude Brody, Delaware Ave. and Tasker St., Phila.
Miss Violet P. Christman, 1415 N. Broad St., Phila.
Fred B. Fromhold, 15th & Race Sts., Phila.
Lewis Gerber, 355 North 3rd St., Phila.
John G. N. Henderson, 1944-52 N. Front St., Phila.
John J. Kilroy, 4660 North 18th St., Phila.
Mrs. Celia A. Mahony, 2460 76th Ave., Phila.
Stanley R. Polanski, 5235 Whitby Ave., Phila.
Mrs. Pauline Rosenfeld, 420 E. Wyoming Ave., Phila.
Harry J. Schadewald, 1907a 72d Avenue, Phila.
George Schweizer, 1922 Stanwood St., Phila.
Mrs. Florence J. Trogdon, 726 Fidelity Phila. Trust Bldg., Phila.
Miss Esther Weinstein, Heymann Building, Phila.
H. E. Welsh, 23 South 23d St., Phila.

WESTMORELAND COUNTY

Isadore Levine, Jeannette.

YORK COUNTY

Edward E. Baugher, 412 Fred St., Hanover, Penn Twp.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, September 26, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

COMMISSIONER OF DEEDS

John J. Dwyer, 40 Wall Street, New York, New York, for appointment as Commissioner of Deeds for the Commonwealth of Pennsylvania with residence in the State of New York, for the term of five years.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES and Mr. McCREESH.

That Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES and Mr. McCREESH.

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Barthold,	Gelder,	Law,	Rupp,
Buckman,	Gilson,	Mallery,	Ruth,
Cavalcante,	Haluska,	McCreesh,	Scarlett,
Chapman.	Henney,	McGinnis,	Shapiro,
Dando,	Heyburn,	Owlett,	Sipe,
Deitrick,	Jacobs,	Pierson,	Sones,
Dent,	Kahle,	Pytko,	Stiefel,
DiSilvestro,	Kilgallen,	Reed,	Thompson,
Ealy,	Kunkel,	Rice,	Wolfenden,
Eroe,	Lanius,	Rodgers,	Woodward,
Frey,			

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

BILL INTRODUCED

Mr. THOMPSON. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objections? The Chair hears none.

Mr. THOMPSON read in place and presented to the Chair Senate Bill No. 56, entitled:

An Act creating a joint legislative commission to study and report on the structure of insurance rates for workmen's compensation; and making an appropriation.

Which was committed to the Committee on Labor and Industry.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess for twenty minutes.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

ANNOUNCEMENTS BY THE SECRETARY

During the recess, the Committee on Education will meet in Room 265.

The Committee on Highways will meet immediately in the office of the Lieutenant Governor.

The Committee on Executive Nominations will meet in the office of the President Pro Tempore.

The Committee on Mines and Mining will meet tomorrow, September 27th. at 1:45 P. M., in Room 265.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

BILL SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bill had passed both houses of the

General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 23, entitled:

An Act defining the relative powers of the Attorney General and of district attorneys in investigations or proceedings in the criminal courts authorizing the judges thereof to appoint subject to appeal to the Supreme Court special prosecutors in certain cases and providing for their compensation by the county.

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House being introduced, presented for concurrence bills of the House of Representatives, as follows:

House Bill No. 62, (Senate Bill No. 57), entitled:

An Act to ratify, confirm and make valid the joint legislative committee to investigate governmental costs of Philadelphia Concurrent Resolution No. 2 approved the thirteenth day of January one thousand nine hundred and thirty-seven (Pamphlet Laws two thousand eight hundred sixty-nine) which committee was provided with an appropriation under Appropriation Act No. 9-A entitled "An Act making an appropriation for the expenses of the joint legislative commission created by Senate Concurrent Resolution Serial Number 102 approved January thirteenth one thousand nine hundred thirty-seven" together with its actions proceedings expenses and expenditures.

Which was committed to the Committee on Appropriations.

House Bill No. 65, (Senate Bill No. 58), entitled:

An Act creating a commission to study and report on use of devices and methods of transmission of information for advices in furtherance of gambling and making an appropriation.

Which was committed to the Committee on Appropriations.

TIME OF NEXT MEETING

He also informed the Senate that the House had concurred in Resolution from the Senate as follows:

In the Senate, September 26, 1938.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, October 3, 1938, at 9 o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, October 3, 1938, at 9 o'clock.

POINT OF ORDER

Mr. HALUSKA. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Cambria, Mr. Haluska, will state his point of order.

Mr. HALUSKA. Mr. President, a short while ago I offered a motion to expunge from the record of this Senate certain unwarranted remarks made by the Senator from Philadelphia, Mr. DiSilvestro, concerning the Honorable Charles J. Margiotti, former Attorney General. The Chair declared my motion to be out of order before opportunity was had for any of my colleagues to second the motion. I wish in regard to that motion to call the Chair's attention to Section 71 of "Jefferson's Manual" where such motions are declared to be in order, and call the Chair's attention to that so that motions of this kind may receive just consideration in the future.

The PRESIDENT. The Chair is familiar with the passage referred to but the Chair is also familiar with the point in parliamentary law that no motion is acceptable unless seconded.

Mr. HALUSKA. Mr. President, my remarks were to the effect that none of my colleagues had an opportunity to second that motion.

The PRESIDENT. It is not the fault of the Chair that there was no second for the motion.

REPORTS FROM COMMITTEES

Mr. KILGALLEN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KILGALLEN from the Committee on Education reported as amended, Senate Bill No. 39, entitled:

An Act to amend and re-enact Section five hundred and twenty-four of an act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws, three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof; that are or may be inconsistent therewith," as amended by limiting and prescribing the method of fixing the levy of school taxes in school districts of the first class.

Mr. SONES. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SONES from the Committee on Highways reported as committed, Senate Bill No. 53, (House Bill No. 10), entitled:

An Act authorizing the Secretary of Highways to change the location of State Highway routes in cities of the first class, constituting part of the approaches to interstate bridges, including terminal points thereof, authorizing the abandonment of such relocated sections of State highways, authorizing the Secretary of Highways to enter into agreements with Cities of the First Class, Interstate Joint Commissions, persons, associations and corporations for the sharing of the cost exclusive of property damages of widening streets and relocating highways, forming part of the State highway system and constituting approaches to interstate bridges, authorizing Cities of the First Class, Interstate Joint Commissions, persons, associations and corporations to enter into agreements with each other for the sharing of the cost of property damages, direct and not merely consequential thereto in connection with the widening of said streets and relocating said highways and with the Secretary of Highways and each other for the sharing of the cost of widening said streets and relocating said highways exclusive of property damages and making an appropriation.

Mr. KUNKEL. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KUNKEL from the Committee on Judiciary General reported as committed, Senate Bill No. 47, (House Bill No. 40), entitled:

An Act to ratify, confirm and make valid the actions, proceedings, expenses and expenditures of the commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth, appointed pursuant to the joint resolution, approved the twenty-ninth day of April, one thousand nine hundred and thirty-seven, (P. L. 540), entitled "A joint resolution authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate, efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth; conferring upon the commission full power to issue subpoenas; requiring the commission to make a report of its findings to the Governor, together with its recommendations as to such regulatory legislation as may be needed to correct any abuses and evils connected with such industry which are prejudicial to the interests of the citizens of this Commonwealth; authorizing the commission to employ counsel and employes; and making an appropriation," and its amendment.

QUESTION OF PERSONAL PRIVILEGE

Mr. DENT. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Westmoreland, Mr. Dent, will state his question of personal privilege.

Mr. DENT. Mr. President, and members of the Senate, at the special session of 1936, during the last week of November, we passed the Unemployment Compensation Bill. One of the features of that Unemployment Compensation Bill was the matter of civil service examinations.

I remember distinctly preparing an amendment striking out preliminary qualifications for applicants desiring to take the examination for civil service jobs under that Act. I find now, after almost a year of administration of this Act, that the Compensation Board through its Civil Service agency has set up its own preliminary qualifying standards, which is in direct opposition to the desires of the Legislature. I have before me a letter I have received this evening from one of my constituents who has been working for this Board for the past six months and presumably doing her work well. This letter, signed by one known as Melvin L. Jacobs, Director of Civil Service, states that:

"As a result of this decision you remain ineligible for employment with the Unemployment Compensation Division and Employment Service for this position.

"The basis for this decision is that you lack the required (3) years of special experience for Position 1416—Junior Interviewer.

"Special experience is defined as "full-time paid employment with the last ten (10) years in work definitely providing familiarity with employment problems and practices, such as are entailed in establishments and organizations in industrial, commercial, professional and labor fields."

I believe that to be a maladministration of the Act of 1936. I believe that the Legislature knew what it wanted when it passed the bill. I believe that the Legislature is entitled to have the legislation that is passed administered according to the letter of the law. I find in this act the very amendment that I provided. It says, "No applicant shall be required to be possessed of any scholastic education or training in order to be permitted to take any competitive examinations or to be appointed to any position."

I find that this Unemployment Compensation Board is ruling a good many worthy citizens of Pennsylvania who did not have the opportunity of attending some special social service school, out of employment although their experiences while they have been working for the Board, have qualified them for the jobs that they took examinations for. I claim that if a person takes an examination and passes it, anything or any duties that they have performed in the past have nothing to do with their present status.

This is supposed to be a democratic government. If preliminary qualifications were required of the Senators and the House members in this particular body I know that I for one would not be serving here. I never went to college and neither did I have any opportunity to go to high school but I prepared myself the best I could at home with the books I could read and get into my hands at night by studying them at home.

I do not think it is fair to the many citizens of this State who have not had the opportunity to attend some college that they should be ruled out of employment in any field of endeavor.

Tomorrow I intend to introduce in this body a resolution—I did not have time to do it tonight but I will do it tomorrow—that all rules and regulations that this Board has made pertaining to employment under the Civil Service status of the Unemployment Compensation Board will be ruled out and that any person who takes the examination and qualifies will be given the job according to their status on their examination.

Mr. CAVALCANTE. Mr. President, will the Senator from Westmoreland repeat again the name of the gentleman that signed the letter that has been read into the record?

Mr. DENT. Mr. President, the name is Melvin L. Jacobs, Director of Civil Service. I may add for the information of the Senator from Fayette County, that I have not addressed this body without first taking the matter up with this particular person and the Board asking them to reconsider their action not only in this case but in other cases in order that decent honorable citizens that have taken the examination and passed it may have the right to employment.

Mr. CAVALCANTE. Mr. President, does the Senator from Westmoreland know whether a State employee here by the name of Zappola is connected with that setup?

Mr. DENT. Mr. President, if I remember rightly the same disease is applied to the Public Assistance Board and Mr. Zappola handles that end of it.

Mr. CAVALCANTE. Mr. President, the reason I made that inquiry is because I have information that this man Zappola connected either with Unemployment, or whatever he is around this Capitol, is doing that same thing, requiring these preliminary qualifications when this Senate and the House of Representatives enacted a law which excluded those qualifications.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess for five minutes.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

ANNOUNCEMENTS BY THE SECRETARY

The Committee on Appropriations will meet immediately in Room 265.

Immediately following, the Committee on Executive Nominations will meet in the same room.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORTS FROM COMMITTEES

Mr. SHAPIRO. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO from the Committee on Appropriations reported as committed, Senate Bill No. 57, (House Bill No. 62), entitled:

An Act to ratify, confirm and make valid the joint legislative committee to investigate governmental costs of Philadelphia, Concurrent Resolution Number Two, approved the thirteenth day of January, one thousand nine hundred and thirty-seven (Pamphlet Laws two thousand eight hundred sixty-nine) which committee was provided with an appropriation under Appropriation Act Number Nine A entitled, "An act making an appropriation for the expenses of the joint legislative commission created by Senate Concurrent Resolution Serial Number One hundred two approved January thirteenth, one thousand nine hundred thirty-seven," together with its actions, proceedings, expenses and expenditures.

Mr. McCREESH. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCREESH from the Committee on Appropriations reported as committed, Senate Bill No. 58, (House Bill No. 65), entitled:

An Act creating a commission to study and report on use of devices and methods of transmission of information for advices in furtherance of gambling and making an appropriation.

MOTION TO READ BILLS THE FIRST TIME

Mr. LAW. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 47, (House Bill No. 40), entitled·

An Act to ratify, confirm and make valid the actions, proceedings, expenses and expenditures of the commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth, appointed pursuant to the joint resolution, approved the twenty-ninth day of April, one thousand nine hundred and thirty-seven, (P. L. 540), entitled "A joint resolution authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate, efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth; conferring upon the commission full power to issue subpoenas; requiring the commission to make a report of its findings to the Governor, together with its recommendations as to such regulatory legislation as may be needful to correct any abuses and evils connected with such industry which are prejudicial to the interests of the citizens of this Commonwealth; authorizing the commission to employ counsel and employes; and making an appropriation," and its amendment.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 53, (House Bill No. 10), entitled:

An Act authorizing the Secretary of Highways to change the location of State Highway routes in cities of the first class, constituting part of the approaches to interstate bridges, including terminal points thereof, authorizing the abandonment of such relocated sections of State highways, authorizing the Secretary of Highways to enter into agreements with Cities of the First Class, Interstate Joint Commissions, persons, associations and corporations for the sharing of the cost exclusive of property damages of widening streets and relocating highways forming part of the State highway system and constituting approaches to interstate bridges, authorizing Cities of the First Class, Interstate Joint Commissions, persons, associations and corporations to enter into agreements with each other for the sharing of the cost of property damages, direct and not merely consequential thereto in connection with the widening of said streets and relocating said highways and with the Secretary of Highways and each other for the sharing of the cost of widening said streets and relocating said highways exclusive of property damages and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 57, (House Bill No. 62), entitled:

An Act to ratify, confirm and make valid the joint legislative committee to investigate governmental costs of Philadelphia, Concurrent Resolution Number Two, approved the thirteenth day of January, one thousand nine hundred and thirty-seven (Pamphlet Laws two thousand eight hundred sixty-nine) which committee was provided with an appropriation under Appropriation Act Number Nine A entitled, "An act making an appropriation for the expenses of the joint legislative commission created by Senate Concurrent Resolution Serial Number One hundred two approved January thirteenth, one thousand nine hundred thirty-seven," together with its actions, proceedings, expenses and expenditures.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 58, (House Bill No. 65), entitled:

An Act creating a commission to study and report on use of devices and methods of transmission of information for advices in furtherance of gambling and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ANNOUNCEMENTS BY THE SECRETARY

The Committee on State Government will meet at 12:00 o'clock noon tomorrow, in Room 265.

The Democratic Senators from the odd-numbered districts will meet at 1:00 P. M. in the Senate Caucus Room.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn until Tuesday, September 27, 1938, at 2:00 o'clock P. M.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:35 o'clock P. M. until 2:00 o'clock P .M., Tuesday, September 27, 1938.

HOUSE OF REPRESENTATIVES

MONDAY, SEPTEMBER 26, 1938.

The House met at 9:00 P. M.

The SPEAKER, (Roy E. Furman), in the Chair.

PRAYER

The Chaplain, Rev. EPHRAIM Z. GALLAHER, offered the following prayer:

Our Heavenly Father, as we stand in Thy presence in this House this night, we do ask Thy blessing on the member of this House in whose home a tragic death has entered, taking away his son. We petition Thee, Heavenly Father again that Thou wilt hasten the fulfillment of that promise made to the shepherds on the hill, Peace on earth and good will to all men. In His name we do pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Tuesday, September 20, 1938.

The Clerk proceeded to read the Journal of Tuesday, September 20, 1938, when, on motion of Mr. MOONEY the further reading was dispensed with and the Journal approved.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency, the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 57 and 38.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, September 22, 1938.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 58, Printer's No. 48, entitled "An Act to provide for the expenses of the extraordinary session of the Legislature, assembled July twenty-fifth, Anno Domini one thousand nine hundred thirty-eight, in pursuance of the proclamation of the Governor of the Commonwealth, dated July twenty-second, Anno Domini one thousand nine hundred thirty-eight, and the supplement thereto."

House Bill No. 38, Printer's No. 29, entitled "An Act making an appropriation for the expenses of the special committee appointed by the Speaker of the House of Representatives the second day of August one thousand nine hundred thirty-eight pursuant to a resolution adopted by the House of Representatives on the thirtieth day of July, one thousand nine hundred thirty-eight by authority of the act approved the thirtieth day of July, one thousand nine hundred thirty-eight (Act No. 2) entitled 'An act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment, authorizing the Speaker of the House to appoint a special committee for any such investigation, authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated, providing for the summoning of witnesses and for the punishment of persons refusing to appear, produce evidence or testify and authorizing the employment and compensation of counsel and other assistants.'"

GEORGE H. EARLE.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency, the Governor, which was read as follows:

APPROVAL OF RESOLUTION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, September 22, 1938.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate authorizing three hundred copies of the proceedings of the memorial services in honor of the late Honorable William P. Gallagher, Honorable William J. Munley, Honorable Charles Henry Richter, Honorable C. J. Goodnough, and Honorable Frances T. Baker be printed and sent to members of the families of the deceased persons.

GEORGE H. EARLE.

LEAVES OF ABSENCE

Mr. Robinson asked and obtained leave of absence for Mr. SAMUEL A. WEISS for tonight's session.

Mr. Murrin asked and obtained leave of absence for himself for the week after tonight's session.

Mr. Downey asked and obtained leave of absence for Mr. HARRY T. MATTHEWS for tonight's session.

Mr. Huntley asked and obtained leave of absence for Mr. STACKPOLE for the week due to serious illness in the family.

Mr. Gillette asked and obtained leave of absence for Mr. MERRILL for the week due to illness.

Mr. Dubbs asked and obtained leave of absence for Mr. McSHANE for the week on account of illness.

REPORTS FROM COMMITTEES

Mr. O'CONNOR, from the Committee on Municipal Corporations, re-reported as amended, House Bill No. 26, entitled:

An Act abating certain tax penalties and interest on county, city (except city of the first class), borough, town, township, school district (except school district of the first class), and poor district taxes; prohibiting the sale of real property for the non-payment of any such taxes for a certain period; and preserving certain tax liens, and providing for the extension thereof.

Mr. O'KEEFE, from the Committee on Rules, reported as committed, House Resolution No. 17.

Mr. SIMON, from the Committee on Rules, reported as committed, Senate Concurrent Resolution Serial No. 107.

SENATE MESSAGES

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, September 13, 1938.

Whereas, The Governor in Section 2 of his Second Supplemental Proclamation of the twenty-fifth day of July 1938, designated as one of the subjects for the consideration the amending of Article 2 of the Workmen's Compensation Act (Act of June 2, 1915, P. L. 736, as reenacted, amended or further amended by Act of June 4, 1937, P. L. 1552), and

Whereas, House Bill No. 17, Senate Bill No. 31 covering this subject has been introduced and is now on passage through the Assembly and

Whereas, It is the concensus of opinion of men adequately informed that this subject should be thoroughly investigated with a view of ascertaining whether legislative action can be employed to conciliate the views of employers and employees and thereby promote the general welfare and

Whereas, A thorough investigation can only be made by bringing together representatives of the parties affected. Now be it

Resolved (if the House of Representatives concur) that the President Pro Tempore of the Senate appoint three members of the Senate and the Speaker of the House of Representatives appoint three members of the House who shall constitute a committee to bring together such representatives of labor and industry and other interested parties as wish to be heard, to affect a conciliation among them and make a report of its activities, findings and recommendations to the next General Session.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 23.

An Act to amend paragraphs (d) and (e) of Section 202, paragraph (a) of Section 409, Section 412, paragraph (a) of Section 601, Sections 702, 704, 808, 1201 and 1311 of the Public Utility Law (Act of May 28, 1937, P. L. 1053), entitled "An act relating to the regulation of public utilties; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, and cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the Court of Common Pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistest with this act," by further defining and limiting exemptions, the transfer and acquisition of property, the crossing of facilities, the issuance of securities, relations between affiliated interests, the imposition of costs of administering the act, and otherwise clarifying and supplementing the provisions of the said sections of the act.

With the information that the Senate has passed the same without amendment.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 63, entitled:

An Act to further amend section four of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws four hundred sixty-five) entitled "An act to provide for the safety of persons employed housed or assembled in certain buildings and structures not in cities of the first class second class and second class A by requiring certain construction and ways of egress equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the third class providing penalties for violations of the provisions of this act and repealing certain acts" by changing the number of ways of egress required in the case of certain buildings

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 75, (Senate Bill No. 27), entitled:

An Act to amend section two of the act approved the eleventh day of April one thousand nine hundred twenty-nine (Pamphlet Laws four hundred eighty-seven) entitled "An act authorizing the Department of Welfare to

determine the legal residence of indigent insane feebleminded and epileptic persons returned to this Commonwealth by the authorities of another state or transferred from one poor district to another by the department and requiring the proper district to pay the costs of the care and treatment of such persons in accordance with the laws relating to indigent insane persons" by relieving poor districts of certain costs and placing such costs on the Commonwealth

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 76, (Senate Bill No. 29) entitled:

An Act to amend the act approved the eleventh day of July one thousand nine hundred twenty-three (Pamphlet Laws nine hundred ninety-eight) entitled "An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties" as amended by further defining and limiting the institutions in which persons mentally ill may receive care and treatment relieving counties and poor districts of the payment of the cost of the admission care and discharge of mental patients with certain exceptions imposing such costs on the Commonwealth and repealing inconsistent laws

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 66, as follows:

A Supplement to the act approved the second day of July one thousand nine hundred thirty-seven (Appropriation Acts page seventy-four) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" providing for deficiencies in certain appropriations to the Department of Justice for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following sums or as much thereof as may be necessary for deficiencies in certain appropriations made to the Department of Justice by the act to which this is a supplement are hereby specifically appropriated to that department as follows

For the payment of the deficiency in the appropriation for the payment of salaries wages or other compensation of deputy attorneys general special deputy attorneys general assistant deputy attorneys general special attorneys law clerks and other employes for the payment of compensation of attorneys employed by the several departments boards and commissions with the approval of the Attorney General for handling litigation or making collections or appointed to represent the Commonwealth or any department board or commission thereof in special work or in particular cases for the payment of costs and witness fees for the purchase of law books for the law library of the department and for payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department and for the prosecution and defense of litigation to which the Commonwealth is a party or in which the Commonwealth is interested the sum of eight thousand dollars ($8,000.00)

For the payment of the deficiency in the appropriation for the payment of the salaries wages or other compensation of such special deputy attorney general assistant deputy attorneys general and attorneys as may be assigned by the Attorney General to other departments boards or commissions except the counsel and assistant counsel of the Public Utility Commission of the Commonwealth of Pennsylvania and except departments boards or commissions the work of which is supported mainly out of moneys in funds other than the General Fund for the payment of the salaries wages or other compensation of special deputy attorneys general assistant deputy attorneys general and attorneys appointed to represent the Commonwealth and the several departments board and commissions thereof in legal matters arising or to be handled in cities counties or districts outside the State Capital or appointed to represent the Commonwealth or any department board or commission thereof in special work or in particular cases for traveling and other incidental expenses incurred by the special deputy attorneys general assistant deputy attorneys general or attorneys whose compensation is payable out of this appropriation for the payment of mileage charges to the Department of Property and Supplies for the use of automobiles for any such special deputy attorneys general assistant deputy attorneys general or attorneys and for any contingent expenses incident to their work the sum of forty-two thousand dollars ($42,000.00)

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 73, (Senate Bill No. 28), entitled:

An Act relating to institutions of counties cities and institution districts for the care maintenance and treatment of mental patients providing for the transfer of such institutions to the Commonwealth providing for the management and operation or closing and abandonment thereof and the maintenance of mental patients therein providing for the retransfer of certain property to institution districts under certain circumstances conferring and imposing upon the Governor the Department of Welfare the courts of common pleas and counties cities and institution districts certain powers and duties prohibiting cities counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients and repealing inconsistent laws

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All buildings acquired or erected by any county city or institution district for the care maintenance and treatment of mental patients the personal property within such buildings or incidental thereto and any and all other grounds and lands connected therewith or annexed thereto are hereby transferred to and vested in the Commonwealth of Pennsylvania except that where any such buildings for mental patients are operated in conjunction with buildings dedicated to the care and main-

tenance of indigent persons who are not mental patients the buildings used for the care of such persons the land actually occupied by such buildings the lands or yards presently set apart for the use of the indigent persons cared for in such buildings and the lands necessary for ingress and egress thereto and therefrom shall not be deemed to be hereby transferred but shall remain vested in the county city or institution district as theretofore

Where any lands and property so transferred are presently used by any institution district as a farm and woodlands in connection with buildings dedicated to the care and maintenance of indigent persons who are not mental patients the Department of Welfare of the Commonwealth with the approval of the Governor shall set apart and reconvey to the institution district through deed executed by the Secretary of Property and Supplies of the Commonwealth so much of such ground as the ratio of indigent persons bears to the total patient population of the institution as shall be determined by the Department of Welfare of the Commonwealth The metes and bounds of the lands so to be conveyed shall be determined by agreement between the Department of Welfare of the Commonwealth and the authorities of the institution district In case the Department of Welfare of the Commonwealth and the authorities of the institution district cannot agree as to the metes and bounds of the lands so to be conveyed to the institution district the matter shall be laid before the court of common pleas of the county where the lands are located by petition of either the Secretary of Welfare of the Commonwealth or the authorities in charge of the institution district which court after hearing all parties in interest on such notice as it shall direct shall determine the metes and bounds of the lands which shall be conveyed to the institution district and shall enter an order accordingly The action of the court shall be final

Where auxiliary structures and facilities furnishing light heat power water laundry kitchen sewage treatment services and coal supply are so transferred to the Commonwealth which were theretofore used in common for the buildings devoted to mental patients and also the buildings devoted to indigent persons the Commonwealth shall thereafter continue to furnish the proper institution district with such services at the actual cost thereof to the extent the same may hereafter be requested by the institution district

Any property so transferred to and vested in the Commonwealth shall if found suitable in accordance with this act be thereafter used as a State mental hospital but if such property shall within one year thereafter be found unsuitable for such purpose or shall within one year after transfer to and used by the Commonwealth as a State mental hospital be thereafter abondoned by the Commonwealth as such a hospital before substantial improvements thereto have been made then in either event such building lands and personal property so transferred to the Commonwealth shall absolutely revert to and vest in the county city or institution district from which transferred and the Commonwealth shall have no further claim or title thereto

The words "substantial improvements" as used in this section shall be construed to mean capital investments involving an expenditure of at least two hundred and fifty thousand dollars ($250,000)

On the question,

Will the House agree to the section?

Mr. SHAW. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 1, page 5, line 19 by striking out after the word "and" and before the word "by" the word "[used]"; and inserting in lieu thereof the word "use."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second and third sections were separately read and agreed to as follows:

Section 2 It shall be unlawful hereafter for any county city or institution district to operate or maintain in whole or in part any existing institution for the care of mental patients or thereafter to begin to operate or manage any institution in whole or in part for this purpose Provided however That the county city or institution district having charge of any such existing institution shall continue to operate and manage the same under existing laws until the Department of Welfare of the Commonwealth with the approval of the Governor formally takes over the management and operation of such institution or formally closes such institution in the manner hereinafter prescribed in this act And provided further That the authorities of general hospitals may continue to maintain or hereafter may set apart establish and maintain beds wards or departments for the temporary care of mental patients under licensure by the Department of Welfare as now provided by law

Section 3 The Department of Welfare shall promptly make an investigation and survey of the institutions hereby transferred to the Commonwealth for the purpose of determining (1) which of the institutions are necessary having regard to the number of persons requiring care and treatment because of mental illness and the geographic location and capacity of other such mental hospitals and (2) which of the institutions having regard to existing facilities may be operated by the Commonwealth in such a manner as to insure the proper maintenance custody safety and welfare of mental patients Upon the completion of its investigation and survey the Department of Welfare shall submit to the Governor a report setting forth its findings and recommendations with respect to the institutions deemed necessary and suitable for the care maintenance and treatment of mental patients and the institutions deemed unnecessary or unsuitable for this purpose Upon receiving the report of the Department of Welfare the Governor shall from time to time but not later than the thirty-first day of May one thousand nine hundred thirty-nine having regard to the standards of necessity and suitability hereinbefore set out in this section determine which of the institutions shall be managed and operated by the Commonwealth as State mental hospitals and which institutions if any shall be closed Provided however That the Governor shall direct the State Department of Welfare to take over the management and operation of any such institution which is operated and managed by any city of the first class as soon as practicable after the effective date of this act and before the completion of the investigation and survey hereinbefore rquired in this section Before the management and operation of any institution is taken over by the Department of Welfare the Governor shall issue his proclamation setting forth the date on which the Department of Welfare will take over the management and operation of the institution In the event it shall be determined that a particular institution is to be closed the Governor shall issue a proclamation setting forth the date on which such institution will be closed The original of any such proclamation shall be filed in the office of the Secretary of the Commonwealth and a copy thereof shall be furnished the county city or institution district authorities having charge of such institution.

The fourth section was read as follows:

Section 4 Each institution subject to this act which the Governor shall direct the Department of Welfare to operate and manage shall be operated and managed by such department as a State mental hospital in accordance with the laws of the Commonwealth relating to such hospitals The Department of Welfare in managing and operating any such institution shall have the powers and perform all the duties vested in and imposed upon boards of trustees of State mental hospitals by the act approved the ninth day of April one thousand nine hundred twenty-

nine (Pamphlet Laws one hundred seventy-seven) and its amendments designated as The Administrative Code of one thousand nine hundred twenty-nine All mental patients in any such institution at the time the management and operation thereof is assumed by the Department of Welfare shall have the same status as if originally committed or admitted to a State mental hospital Commitments may be made to any such institution mental patients may be detained maintained and cared for therein and transfers may be made therefrom and thereto in the same manner and in accordance with laws applying to other State mental hospitals The Department of Welfare shall have power to designate the counties of the Commonwealth from which commitments may be made to such institution

Each institution acquired and operated by the Commonwealth as a State Mental hospital under the provisions of this act shall be known as the .....

(descriptive name

.....

of political subdivision in which institution is located) State hospital for example the Philadelphia Hospital for Mental Diseases shall be known as the Philadelphia State Hospital

On the question,

Will the House agree to the section?

Mr. SHAW. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendments will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 4, page 9, line 2 by inserting after the word "to" and before the word "such" the word "any"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fifth to the seventh sections inclusive were separately read and agreed to as follows:

Section 5 When the Commonwealth through the Department of Welfare assumes the control and management of any institution subject to this act the terms of all officers and employes and the local management of such institution shall cease and terminate The officers and employes of any such institution shall thereupon become employes of the Commonwealth subject to removal by the Secretary of Welfare

Section 6 In the event it shall be determined that any institution subject to this act shall be closed the Department of Welfare shall take charge of such institution and the terms of all officers and employes and the local management of such institution shall cease and terminate The officers and employes of such institution shall thereupon become the employes of the Commonwealth subject to removal by the Secretary of Welfare when their services are no longer required No new patients shall be admitted to any such institution after the date specified for its closing The Department of Welfare shall as soon as practicable transfer the patients in such institution to any other State mental hospital including any institution transferred to and being operated by the Commonwealth under this act as a State mental institution As far as practicable the department shall transfer such patients to such State mental hospital nearest to the locality in which the institution to be closed is located After the patients in such institution are transferred therefrom the Department of Welfare shall with the approval of the Governor turn the institution and its grounds over to the Department of Property and Supplies for use for any other State purpose as may be deemed necessary and advisable by the Governor unless such institution under the provisions of section one of this act would revert to a county city or institution district in which event such institution shall be turned over to the proper authorities thereof and shall thereafter be used for such purposes not inconsistent with this act as the county city or institution district may determine

Section 7 After the effective date of this act and until the management and operation of a particular institution is formally assumed by the Department of Welfare or until a particular institution is closed under the provisions of this act but not later than the thirty-first day of May one thousand nine hundred thirty-nine the county city or institution district engaged in the operation and management of that institution shall continue to bear the expense of administering and operating the institution and the Commonwealth shall contribute towards the expense of indigent patients therein to the same extent and in the same manner as pertained under existing laws on the effective date of this act

The eighth section was read as follows:

Section 8 (a) All obligations incurred by reason of the erection acquisition or maintenance of a mental institution by the county city or institution district which are outstanding on the date that the Commonwealth shall take over the operation and management of such institution or shall order such institution closed shall remain the obligations of such county city or institution district and shall be paid in the same manner as though said operation and management still remained in said county city or institution district For the payment of such obligations the proper authorities of such county city or institution district shall continue to have the power to levy and collect taxes as if control and management of the institution were still vested in such county city or institution district

(b) All amounts due any county city or institution district for the care of any mental patient in any institution transferred to the Commonwealth by this act that have accrued and remain unpaid on the date that the Commonwealth shall take over the operation and management of such institution or the date such institution is closed may be collected by the county city or institution district in the same manner and to the same extent as if the control and management of the institution were still vested in such county city or institution district

On the question,

Will the House agree to the section?

Mr. SHAW. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 8, page 11, line 27 by striking out after the word "manner" and before the word "as" the following: "[and to the same extent]"

Amend section 8, page 11, line 29 by inserting at the end of the line the following: "Provided however That where there is a claim against the estate of any such mental patient both on behalf of the Commonwealth and on behalf of any county city or institution district and there is not sufficient in the estate to pay the claim in full the same shall be paid pro rata to the Commonwealth and the county city or institution district in the proportion of the amount of maintenance legally recoverable by each"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The ninth and tenth sections and the preamble were separately read and agreed to a follows:

Section 9 The following acts and parts of acts are hereby repealed

The act approved the twenty-fifth day of May one

thousand eight hundred ninety-seven (Pamphlet Laws eighty-three) entitled "An act to provide for the maintenance care and treatment of the indigent insane in county and local institutions" as amended

The act approved the thirteenth day of May one thousand nine hundred nine (Pamphlet Laws five hundred thirty-five) entitled "An act to amend an act entitled 'An act to provide for the maintenance care and treatment of the indigent insane in county and local institutions' approved May twenty-five one thousand eight hundred ninety seven increasing the weekly sum therein authorized to be paid from one dollar and fifty cents to two dollars"

All other acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 10 Section nine of this act shall become effective on the first day of June one thousand nine hundred thirty-nine and in all other respects this act shall become effective immediately upon its final enactment

Whereas experience has proven that the care and maintenance of indigent mentally ill persons mental defectives and epileptics should be centralized in the State Government in order to insure their proper and uniform care maintenance custody safety and welfare and

Whereas complete care for such persons in institutions operated exclusively by the State Government will effect great economies for municipal subdivisions

The title was read as follows:

An Act relating to institutions of counties cities and institution districts for the care maintenance and treatment of mental patients providing for the transfer of such institutions to the Commonwealth providing for the management and operation or closing and abandonment thereof and the maintenance of mental patients therein providing for the retransfer of certain property to institution districts under certain circumstances conferring and imposing upon the Governor the Department of Welfare the courts of common pleas and counties cities and institution districts certain powers and duties prohibiting cities counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients and repealing inconsistent laws

On the question,

Will the House agree to the title?

Mr. SHAW. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend page 1, line 7 of the title, by inserting after the word "therein" the following: "including the collection of maintenance in certain cases"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, September 26, 1938.

Resolved, (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, October 3, 1938, at 9:00 o'clock, and when the House of Representatives adjourns this week it reconvene on Monday evening, October 3, 1938, at 9:00 o'clock.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILL SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 23.

An Act to amend paragraphs (d) and (e) of Section 202, paragraph (a) of Section 409, Section 412, paragraph (a) of Section 601, Sections 702, 704, 808, 1201 and 1311 of the Public Utility Law (Act of May 28, 1937, P. L. 1053), entitled "An act relating to the regulation of public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the excercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the Court of Common Pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the Commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act." by further defining and limiting exemptions, the transfer and acquisition of property, the crossing of facilities, the issuance of securities, relations between affiliated interests, the imposition of costs of administering the act, and otherwise clarifying and supplementing the provisions of the said sections of the act.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILLS PASSED OVER

There being no objection House Bill No. 52, Printer's No. 39 was passed over at the request of Mrs. HORTING.

There being no objection House Bill No. 21, Printer's No. 55, was passed over at the request of Mr. LEWIS.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 62, entitled:

An Act to ratify confirm and make valid the joint legislative committee to investigate governmental costs of Philadelphia Concurrent Resolution Number Two approved the thirteenth day of January one thousand nine hundred and thirty-seven (Pamphlet Laws two thousand eight hundred sixty-nine) which committee was provided with an appropriation under Appropriation Act Number Nine A entitled "An act making an appropriation for the expenses of the joint legislative commission created by Senate Concurrent Resolution Serial Number One hundred two approved January thirteenth one thousand nine hundred thirty-seven" together with its actions proceedings expenses and expenditures

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. McDEVITT. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Levy.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. LEVY. I will, Mr. Speaker.

Mr. McDEVITT. Mr. Speaker, I would like to ask the gentleman from Philadelphia, Mr. Levy, whether the purpose of this act is not to ratify, confirm and make valid the acts and expenditures of the joint legislative committee to investigate the cost of the government of Philadelphia.

Mr. LEVY. Mr. Speaker, for the benefit of the gentleman from Philadelphia, that is exactly what the bill says.

Mr. McDEVITT. May I ask the gentleman, from Philadelphia, what the expenses were?

Mr. LEVY. Mr. Speaker, the money was appropriated by the Legislature in 1937.

Mr. McDEVITT. Mr. Speaker, I would like to ask the gentleman from Philadelphia, has there been any report of the expenses.

Mr. LEVY. Mr. Speaker, there has been, during the session of 1937.

Mr. McDEVITT. How much was that, Mr. Speaker.

Mr. LEVY. Mr. Speaker, I do not have the figures handy.

Mr. McDEVITT. Does the gentleman know who does, Mr. Speaker.

Mr. LEVY. Mr. Speaker, a report was filed with the Chief Clerk of the House and the Secretary of the Senate.

Mr. McDEVITT. Mr. Speaker, I should like to ask the gentleman what has been spent since that report was filed.

Mr. LEVY. Mr. Speaker, I think there have been no additional expenditures since that report was rendered.

Mr. McDEVITT. Mr. Speaker, what remains unpaid?

Mr. LEVY. Mr. Speaker, I don't believe there are any unpaid bills.

Mr. McDEVITT. Mr. Speaker, I would like to ask the gentleman from Philadelphia if he has any objection to passing this bill over until such time as the House may have some information as to just how much money was spent, what it was spent for and how much the unpaid debts are.

Mr. LEVY. Mr. Speaker, I don't believe that that is at all necessary at the present time, in view of the fact that the bill merely ratifies and validates the committee appointed by the 1937 session of the Legislature, as we have done with another bill on the floor of this House at this special session. We are not so much concerned with expenses, in view of the fact that this bill does not provide for an additional appropriation. We are not asking for any money in this bill, we are simply asking for a validating act. That is all we particularly care about.

MOTION TO POSTPONE

Mr. McDEVITT. Mr. Speaker, in view of the situation and the feeling that this House should have this information before ratifying the act of any committee, I move that the bill be placed upon the postponed calendar.

On the question,

Will the House agree to the motion?

Mr. LEWIS. Mr. Speaker and members of the House, I rise to oppose the motion of the gentleman from Philadelphia, Mr. McDevitt.

This bill, as has been stated by Mr. Levy does not make any further appropriation. The appropriation for this committee in 1937 was made by an act of the Legislature and there was some thought in the minds of the members of the committee and the minds of the members of other committees that in view of the fact that the question had been raised and not passed upon by the Supreme Court as to whether a joint committee created by resolution had the power to expend the money appropriated for it and felt that this would be protective legislation against some wicked person's going ahead and getting judgment against the members of the committee for such expenditures of money.

I therefore oppose the motion of the gentleman from Philadelphia.

Mr. McDEVITT. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Lewis.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. LEWIS. I will, Mr. Speaker.

Mr. DEVITT. Mr. Speaker, I should like to ask the gentleman from Philadelphia, Mr. Lewis, whether or not he was on the committee?

Mr. LEWIS. Mr. Speaker, I was.

Mr. McDEVITT. Mr. Speaker, will the gentleman state how much money was spent.

Mr. LEWIS. Mr. Speaker, there is an unexpended balance of roughly $8,500, with all bills which have been rendered to the committee paid.

Mr. McDEVITT. Mr. Speaker, will the gentleman from Philadelphia state how much was spent.

Mr. LEWIS. Mr. Speaker, $8,500 from $25,000, if my calculation is correct, amounts to an expenditure of about $17,000.

Mr. McDEVITT. Mr. Speaker, and there are no unpaid bills?

Mr. LEWIS. Mr. Speaker, there are no unpaid bills that have been rendered to the committee. Any unpaid that there might be, will be for stenographic services not completed, which will only amount to a small item of expense. The testimony of various hearings held has been paid for.

Mr. McDEVITT. Mr. Speaker, has an itemized account of those expenditures ever been filed.

Mr. LEWIS. Mr. Speaker, not an itemized account, but the amount of the total expenditures of the committee up until the end of May, 1938 was filed with the Secretary of the Senate and the Chief Clerk of the House. There is now being prepared by the committee an itemized account of all expenditures up until the end of the last hearings held by the committee.

Mr. McDEVITT. Mr. Speaker, would it not be a good idea to have those itemized expenditures before we vote upon ratifying the acts of the committee as well as this expenditure.

Mr. LEWIS. Mr. Speaker, I do not agree with the gentleman, for the simple reason that we are not asking you to approve the money we spent. We feel you gave us that appropriation. We are only bringing into question the fact that a joint resolution created this committee, and the question might be raised as was done with the Oil Commission before the Supreme Court, as to whether we had the right, by joint resolution, to create such a commission, although it has been done since time immemorial as in this case. So many of our acts have found, by so many who don't agree with us, unconstitutional, and this is a little bit of protective legislation.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—125.

Achterman,	Flannery,	McCullough,	Sarraf,
Alexander,	Flinchbaugh,	McDermott,	Scanlon,
Allmond,	Ganser,	McElroy,	Schrope,
Arnold,	Gerard,	McFall,	Shaw,
Aukerman,	Gorski,	McGee,	Shea,
Baine,	Haberlen,	Melchiorre,	Shepard,
Baker,	Hagerty,	Mellott,	Shoemaker,
Balthaser,	Hamilton, F. P.,	Mihm,	Shugarts,
Bierly,	Harkins,	Moomaw,	Siegel,
Bohn,	Hays,	Mooney,	Simon,
Bois,	Hering,	Moran,	Smith, John A.,
Boltz,	Hess,	Moul,	Spengler,
Bradley	Hetrick,	Murrin,	Stank,
Brancato,	Hindman,	Nagel,	Thomas,
Broad,	Hirsch,	O'Brien,	Thompson,
Caesar,	Holland,	O'Connor,	Tronzo,
Caputo,	Holmes,	O'Keefe,	Tumelty,
Chervenak,	Holstrom,	O'Neill,	Valibus,
Coakley,	Hontz,	Patterson, C. S.,	VanSickle,
Coleman,	Horting,	Patterson, J. W.,	Vogt,
Coolahan,	Jirolanio,	Pershing,	Wagner,
Corrigan,	Keenan,	Piole,	Walsh,
Costanzo,	Kilroy,	Powers,	Welliver,
DeNote,	LaRue,	Preston,	Welsh,
Dickinson,	Levy,	Readinger,	Whalen,
Donohoe,	Lewis,	Reese,	Whitenight,
Downey,	Long,	Relsing,	Wright,
Dubbs,	Lopresti,	Robinson,	Yanoshat,
Dyson,	Lovett,	Rothenberger,	Yourishin,
Falkenstein,	Marino,	Ruffennach,	Zappala,
Finnerty,	McArdle,	Rush,	Furman,
Flanagan,			

NAYS—45.

Atkins,	Imbrie,	Royer,	Terry,
Boose,	Kline,	Schrock,	Wall,
Boyer	Leisey,	Schumacher,	Wampole,
Cadwalader,	Longaker,	Serrill,	Watkins,
Davies,	Lyons,	Sloan,	Webster,
Sokels,	Mallen,	Snyder,	Weidemann,
Fiss,	Matthews, J. F.	Sollenberger,	Wilson,
Gillette,	McDevitt,	Sproul,	Winner,
Habbyshaw,	McKinney,	Stewart,	Wood,
Hall,	Muir,	Stockham,	Woodside,
Hamilton, R. S.,	Peale,	Strode,	Yeakel,
Huntley,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 65, as follows:

An Act creating a commission to study and report on use of devices and methods of transmission of information for advices in furtherance of gambling and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Whereas The Governor has assembled this extraordinary session for the purpose of considering among other things legislation making illegal the use of devices or methods of transmission of information or advices in furtherance of gambling and

Whereas It is essential that the General Assembly have a full disclosure of the facts pertaining to the use of machines or instruments and other devices that are used to furnish or obtain information to be used in gambling before proper legislation may be enacted with respect thereto therefore

Section 1 That a commission is hereby created which shall be composed of six persons three of whom shall be appointed by the President Pro Tempore of the Senate one of whom shall be designated as chairman and three of whom shall be appointed by the Speaker of the House of Representatives whose duty it shall be to make a careful and thorough investigation of the existing practices means machines instruments and devices whereby information is knowingly gathered obtained disseminated and received in the furtherance of gambling for the purpose of reporting to this extraordinary session of the General Assembly as early as possible its findings and its recommendations as to such changes or improvements as it may find to be necessary or desirable to correct any imperfections insufficiencies or defects in existing laws relating to gambling to the end that the gambling evil may be more readily and more completely eliminated Provided however That of the commission is unable to complete its investigations duirng the current special session of the General Assembly it shall have power to sit and continue its investigations after the adjournment of the current special session and it shall then make its report and recommendations to the Governor and to the next Regular Session of the General Assembly

Section 2 The said commission may employ and fix the compensation of such counsel experts clerks and assistants if any as may be deemed necessary for the proper conduct of the work of the commission

Section 3 The said commission shall have power to issue subpoenas under the hand and seal of its chairman requiring and demanding any proper person or persons to appear before it and to answer such questions touching matters properly being inquired into by the commission and to produce such books papers records and documents relating to the subject of inquiry as the commission shall have power to administer oaths and affirmations to witnesses appearing before the commission Any person who shall wilfully refuse to appear or testify before said commission or to produce any books papers records or documents as aforesaid shall be subject to the penalties provided by the laws of this Commonwealth in such cases

Section 4 The sum of twenty-five thousand dollars ($25,000) or so much thereof as may be necessary is

hereby specifically appropriated to the commission for the payment of expenses of the members of the commission for the payment of the expenses of the secretary for the compensation of the appointees of the commission for printing for postage supplies telephone telegraph rent and miscellaneous expenses and generally for the purpose of carrying into effect the provisions of this act

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—162.

Alexander,	Flinchbaugh,	McCullough,	Shea,
Allen,	Ganser,	McDermott,	Shepard,
Allmond,	Gerard,	McDevitt,	Shoemaker,
Arnold,	Gillette,	McElroy,	Shugarts,
Atkins,	Gorski,	McFall,	Siegel,
Aukerman,	Habbyshaw,	McGee,	Simon,
Baine,	Haberlen,	Melchiorre,	Sloan,
Baker,	Hagerty,	Mellott,	Smith, John A.,
Balthaser,	Hamilton, F. P.,	Mihm,	Snyder,
Bierly,	Hamilton, R. S.,	Moomaw,	Sollenberger,
Bohn,	Harkins,	Mooney,	Spengler,
Bois,	Hays,	Moran,	Stank,
Boltz,	Hering,	Moul,	Stewart,
Boose,	Hess,	Murrin,	Stockham,
Boyer	Hetrick,	Nagel,	Thomas,
Bradley	Hindman,	O'Brien,	Thompson,
Brancato,	Hirsch,	O'Connor,	Tronzo,
Broad,	Holland,	O'Keefe,	Tumelty,
Burrows,	Holmes,	O'Neill,	Valibus,
Caesar,	Holstrom,	Patterson, C. S.,	VanAllsburg,
Caputo,	Hontz,	Patterson, J. W.,	VanSickle,
Chervenak,	Horting,	Peale,	Vogt,
Coakley,	Huntley,	Pershing,	Wagner,
Coleman,	Imbrie,	Piole,	Wall,
Coolahan,	Keenan,	Powers,	Walsh,
Corrigan,	Kelso,	Preston,	Wampole,
Costanzo,	Kilroy,	Readinger,	Watkins,
Davies,	Kline,	Reese,	Webster,
DeNote,	LaRue,	Reising,	Welliver,
Dickinson,	Leisey,	Robinson,	Welsh,
Donohoe,	Levy,	Rothenberger,	Whalen,
Dougherty,	Lewis,	Royer,	Whitenight,
Downey,	Long,	Ruffennach,	Wood,
Dubbs,	Longaker,	Rush,	Woodside,
Dyson,	Lopresti,	Sarraf,	Wright,
Eckels,	Lovett,	Scanlon,	Yanoshat,
Falkenstein,	Lyons,	Schrock,	Yeakel,
Finnerty,	Mallen,	Schrope,	Yourishin,
Fiss,	Marino,	Serrill,	Zappala,
Flanagan,	Matthews, J. F.	Shaw,	Furman,
Flannery,	McArdle,		

NAYS—13.

Brown,	McKinney,	Sproul,	Weidemann,
Cadwalader,	Muir,	Strode,	Wilson,
Hall,	Schumacher,	Terry,	Winner,
Jirolanio,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REASON FOR VOTE

Mr. BROWN. I believe the Department of Justice of the Commonwealth is the proper agency to make an investigation of gambling and I will support any reasonable laws to correct such evils. It is my opinion that the appropriation of $25,000 as provided for in House Bill No. 65, Printer's No. 59, is unwarranted until the Department of Justice has indicated its inability to act.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 15 (HOUSE BILL No. 78).

An Act abating certain tax penalties and interest on county, city (except city of the first class), borough, town, township, school district (except school district of the first class), and poor district taxes; prohibiting the sale of real property for the non-payment of any such taxes for a certain period; and preserving certain tax liens, and providing for the extension thereof.

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 20 (HOUSE BILL No. 79).

An Act abating certain tax penalties interest and costs on city and school taxes in cities of the first class and school districts of the first class.

Referred to the Committee on Cities.

SENATE BILL No. 50 (HOUSE BILL No. 80).

An Act making a deficiency appropriation for the expenses of the Joint Legislative Commission investigating certain courts of this Commonwealth and created by Joint Resolution Number eleven approved the ninth day of March one thousand nine hundred and thirty-seven (Pamphlet Laws trity-five)

Referred to the Committee on Appropriations.

RESOLUTION INTRODUCED AND REFERRED

By Mr. THOMAS. (Concurrent) RESOLUTION No. 19

In the House of Representatives, September 26, 1938.

Whereas, Act No. 344, aprpoved the fifth day of June, 1937, P. L. 1656, imposed a tax upon chain stores and theatres, and

Whereas, The taxes to be received by the Commonwealth upon the so-called Chain Store Tax Act were to be paid into the State Treasury, and credited to the State School Fund, and

Whereas, Under Act No. 345, approved the fifth day of June 1937, P. L. 1660, the abovementioned act was supplemented and under the provisions of which the sum credited to the State School Fund arising out of the chain store tax was to be used for increasing the salaries of teachers in the fourth class school districts of this Commonwealth, and

Whereas, Subsequent to the approval of the two abovementioned acts, the constitutionality of the first act was attacked, and is now before the Dauphin County Court for determination, and

Whereas, The teachers salary of fourth class school districts are being fixed for the 1938-1939 school year, it is highly desirable that the constitutionality of Act No. 344, imposing the State chain store tax shall be determined at the earliest possible moment, therefore be it

Resolved (if the Senate concur), That the Supreme Court of the Commonwealth of Pennsylvania shall at the earliest possible moment render its opinion as to the constitutionality of Act No. 344, approved the fifth day of June, 1937, P. L. 1656, so that the school boards in fourth class school districts shall know the extent of their responsibilities for the ensuing school year, and that the many school teachers in such fourth class school districts shall know the amount of compensation which they may be expected to receive for the said school year, and that chain store corporations liable under the provisions of the act for the payment of the chain store tax may pay the amount due before it reaches a burdensome total due to accumulations of unpaid taxes.

Referred to the Committee on Rules.

BILL INTRODUCED AND REFERRED

By Messrs. HERING and SCANLON.

HOUSE BILL No. 81.

An Act to amend sections two, three, four and seven of the act approved the twenty-fifth day of April, one thousand nine hundred and thirty-three (P. L. 74), entitled, "An act relating to baseball and football on Sunday; prohibiting baseball and football on Sunday during certain hours, and also during certain other hours unless the electors of a municipality are in favor of the same and, in certain cases, a license has first been secured from the municipal authorities; providing for referendums to ascertain the will of the electors, and for the enactment and repeal of licensing ordinances and resolutions in accordance therewith; providing penalties; and repealing inconsistent laws," by further regulating the playing of baseball and football on Sunday.

Referred to the Committee on Law and Order.

RESOLUTIONS

SYMPATHY EXTENDED

Mr. WELLIVER offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, September 26, 1938.

Whereas, Lloyd W. Welliver, has just received word that his old colleague, the Honorable D. H. Patterson passed away on May 2, 1938, at the age of ninety-three years, five months. The Honorable D. H. Patterson was a member of this House for the years 1895 and 1896 having been elected from Fulton County; it is therefore

Resolved, that this House of Representatives hereby expresses its deep sympathy to the surviving members of the family of the deceased, and it is further

Resolved, that a copy of this resolution be transmitted to the family of the deceased.

COMMENDING PRESIDENT ON URGING PEACE

Mr. JAMES W. PATTERSON offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, September 26, 1938.

Whereas, The present unsettled conditions in central Europe give rise to rumors and threats of wars and

Whereas, In these perturbed and trying times His Excellency, Franklin Delano Roosevelt, President of the United States, has exercised his good offices in pleading with the governments of the nations which are at difference in order that world peace may be preserved and divergent opinions reconciled without recourse to arms, and

Whereas, By this action the President has performed a noteworthy service to all the peoples of the earth, now therefore be it

Resolved, That the House of Representatives heartily commends the President's action and requests him, at his discretion, to continue to exercise his influence to the end that peace may be established among all nations; and be it further

Resolved, That a copy of this resolution be forwarded to the President of the United States by the Chief Clerk of the House of Representatives.

COMMITTEE MEETINGS

The Committee on Education will meet tomorrow at 10:00 a. m. ir the House Conference Room.

The sub-committee on Welfare will meet tomorrow at 11:00 a. m. in the Chief Clerk's Office.

There will be a caucus of the Democratic members of the House immediately after adjournment in the Senate Caucus Room.

ADJOURNMENT

Mr. WEIDEMANN. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1:00 p. m.

The motion was agreed to, and (at 10:45 p. m.) the House adjourned until Tuesday, September 27, 1938, at 1:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1938

Vol. 22. HARRISBURG, PA., TUESDAY, SEPTEMBER 27, 1938. No. 21.

SENATE

TUESDAY, SEPTEMBER 27, 1938.

The Senate met at 2:00 o'clock P. M.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

PRAYER

The Rev. EPHRAIM Z. GALLAHER, Chaplain of the House of Representatives, offered the following prayer:

Our Heavenly Father, we pray that Thou would create in us clean hearts and pure minds, and renew within us the right spirit, that we may present ourselves unto Thee in the true likeness of Thee. May what we say and do, be said and done to Thy honor and Thy glory. From all corners of the world we are hearing voices. These voices are uttering words of discord, and we pause to listen to Thy voice. Speak Thou then words of comfort to this greatly troubled world. We ask Thy blessings upon our Commonwealth, blessings that may be felt by all citizens, the rich and the poor, the strong and the weak, the good and the bad, the hopeful and the hopeless.

In Christ's name we do pray. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. RICE, the further reading was dispensed with, and the Journal was approved.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. RICE. Mr. President, I move that the Senate do now proceed to the consideration of Nominations for Notaries Public, sent to the Senate, September 27, 1938, by His Excellency, the Governor of the Commonwealth.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

The Nominations were read as follows:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, September 27, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss S. N. Dillman, 233 Union Trust Bldg., Pittsburgh.
Albert Kemerer, Union Bank Building, Pittsburgh.
Mrs. Anne M. Neu, 5223 Liberty Avenue, Pittsburgh.

DELAWARE COUNTY

Miss Helen M. Bray, Upper Darby Twp., 6816 Mark St., Upper Darby.
Bernard M. Burke, Aston Twp., Lenni Mills.

FAYETTE COUNTY

Alfred L. Potthoff, Connellsville.

FRANKLIN COUNTY

Miss Cora A. Winger, Chambersburg.

PHILADELPHIA COUNTY

Mrs. Marion Schaake, 1420 Chestnut Street, Phila.
Edwin F. Williams, 701 South 58th Street, Phila.

SNYDER COUNTY

C. B. Forgy, Selinsgrove.

WASHINGTON COUNTY

Mrs. Frieda V. Hammond, Washington.

GEORGE H. EARLE

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. RICE and Mr. McCREESH.

That Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to

Whereupon,

A motion was made by Mr. RICE and Mr. McCREESH.

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Barthold,	Frey,	Kilgallen,	Pytko,
Buckman,	Gelder,	Kunkel,	Reed,
Cavalcante,	Gilson,	Lanius,	Rice,
Chapman,	Haluska,	Law,	Ruth,
Dando,	Henney,	Mallery,	Shapiro,

Dent,	Heyburn,	McCreesh,	Sipe,
DiSilvestro,	Jacobs,	McGinnis,	Stiefel,
Ealy,	Jaspan,	Owlett,	Thompson,
Eroe	Kahle,	Pierson.	Wolfenden,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. RICE. Mr. President, I move that the Executive Session do now rise.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

REPORTS FROM COMMITTEES

Mr. MALLERY, from the Committee on State Government, re-reported as amended, Senate Bill No. 30, entitled:

An Act authorizing the compromise of delinquent taxes on real property and the penalties interest and costs due thereon before a tax sale of such real property and providing the procedure in such case.

Mr. HALUSKA, from the Committee on Mines and Mining, reported as committed, Senate Bill No. 54, (House Bill No. 58), entitled:

An Act to ratify confirm and make valid the commission to make certain studies in respect to bituminous mines appointed pursuant to the joint resolution approved the fifth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws one thousand six hundred eighty-nine) entitled "A joint resolution creating a commission to make certain studies in respect to bituminous mines defining its powers and duties and making an appropriation" together with its actions proceedings expenses and expenditures

Mr. FREY, from the Committee on Executive Nominations, reported the following communications from His Excellency, the Governor of the Commonwealth.

MEMBER LYCOMING COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 28, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

Phillip Shay, Williamsport, Lycoming County, for appointment as a member of the Lycoming County Board of Assistance, vice Howard L. Ulman who resigned.

GEORGE H. EARLE.

NOMINATION RECALLED

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, August 8, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination made to your Honorable Body under date of July 28, 1938, for the appointment of Mr. Phillip Shay, Williamsport, Lycoming County, as a member of the Lycoming County Board of Assistance.

GEORGE H. EARLE.

Mr. FREY. Mr. President, I move that at the request of His Excellency, the Governor, the foregoing nomination for appointment as a member of the Lycoming County Board of Assistance be returned to the Governor.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. RICE. Mr President, I move that all nominations by His Excellency, the Governor of the Commonwealth, lying on the table be referred to the Committee on Executive Nominations.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

The PRESIDENT. The nominations made by His Excellency, the Governor of the Commonwealth, sent to the Senate July 25, 1938 have been lying on the table. They are now referred to the Committee on Executive Nominations.

The nominations were read as follows.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, Pa., July 25, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate, the following:

ATTORNEY GENERAL

Guy K. Bard, Lancaster, from April 29, 1938, until superseded.

SECRETARY OF PUBLIC ASSISTANCE

Arthur W. Howe, Jr., Bowmansdale, from January 6, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

MEMBERS OF THE STATE BOARD OF PUBLIC ASSISTANCE

(Mrs.) Anna Ewing Cort, Greensburg, from July 21, 1937, until the third Tuesday of January, 1941, and until her successor shall have been appointed and qualified.

John G. Watson, Pittsburgh, from July 21, 1937, until the third Tuesday of January, 1940, and until his successor shall have been appointed and qualified.

Wiliam J. Brennan, Scranton, from July 21, 1937, until the third Tuesday of January, 1940, and until his successor shall have been appointed and qualified.

Neil Chrisman, Wilkes-Barre, from July 21, 1937, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Arthur W. Howe, Jr., Bowmansdale, from January 12, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

COMMISSIONER OF THE PENNSYLVANIA MOTOR POLICE

Percy W. Foote, Drexel Hill, from June 29, 1937, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

SECRETARY OF BANKING

Irland McK. Beckman, Erie, from January 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

SECRETARY OF HIGHWAYS

Roy E. Brownmiller, Pottsville, from April 5, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

SECRETARY OF REVENUE

J. Griffith Boardman, Philadelphia, from June 16, 1937, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

MEMBER OF THE ADVISORY HEALTH BOARD

Leonard M. Sandston, Pittsburgh, from October 5, 1937, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

MEMBER OF THE STATE BOARD FOR THE EXAMINATION OF PUBLIC ACCOUNTANTS

Sidney G. Handler, Harrisburg, from December 17, 1937, for the term of four years, and until his successor is appointed and qualified.

MEMBERS OF THE STATE DENTAL COUNCIL AND EXAMINING BOARD

Andrew J. Heffernan, Wilkes-Barre, from August 27, 1937, for the term of six years, and until his successor is appointed and qualified.

W. A. McCready, Pittsburgh, from November 30, 1937, for the term of six years, and until his successor is appointed and qualified.

Standish C. Kahle, Greenville, from November 30, 1937, for the term of six years, and until his successor is appointed and qualified.

Thomas P. Fox, Philadelphia, from November 30, 1937, for the term of six years, and until his successor is appointed and qualified.

R. E. Swivel, Huntingdon, from January 14, 1938, for the term of six years, and until his successor is appointed and qualified.

MEMBER OF THE STATE COUNCIL OF EDUCATION

Francis R. Cope, Jr., Dimock, from November 12, 1937, for the term of six years and until his successor is appointed and qualified.

MEMBER OF THE STATE BOARD OF UNDERTAKERS

David H. Woodward, Monessen, from October 11, 1937, until August 31, 1944, and until his successor shall have been appointed and qualified.

MEMBERS OF THE STATE BOARD OF VETERINARY MEDICAL EXAMINERS

H. F. Broude, Harrisburg, from November 30, 1937, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Earl S. Pickup, Union City, from November 30, 1937, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

R. J. Potteiger, Selinsgrove, from November 30, 1937, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Edward R. Owen, Lawton, from November 30, 1937, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

MEMBER OF THE STATE BOARD OF OPTOMETRICAL EXAMINERS

C. C. Law, Harrisburg, from July 22, 1938, for the term of four years, and until his successor is appointed and qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF THE PENNSYLVANIA STATE COLLEGE

J. Hale Steinman, Lancaster, from July 1, 1937, for the term of three years, and until his successor is appointed and qualified.

S. Forry Laucks, York, from July 1, 1937, for the term of three years, and until his successor is appointed and qualified.

Frederick A. Heim, Williamsport, from July 13, 1938, until July 1, 1941, and until his successor is appointed and qualified.

P. J. Denman, Bradford, from July 13, 1938, until July 1, 1941, and until his successor is appointed and qualified.

MEMBER OF THE PENNSYLVANIA LIQUOR CONTROL BOARD

Leo A. Crossen, Philadelphia, from November 29, 1937, for the term of six years, and until his successor shall have been appointed and qualified.

MEMBERS OF THE REGISTRATION COMMISSION IN AND FOR THE CITY OF SCRANTON

William A. Golden, Scranton, from January 3, 1938, for the term of four years, and until his successor is appointed and qualified.

(Miss) Anna R. Hannon, Scranton, from January 3, 1938, for the term of four years, and until her successor is appointed and qualified.

Louis Schumacher, Scranton, from January 3, 1938, for the term of four years, and until his successor is appointed and qualified.

Bert Price, Scranton, from January 3, 1938, for the term of four years, and until his successor is appointed and qualified.

MEMBER OF THE PENNSYLVANIA GAME COMMISSION

Ross L. Leffler, McKeesport, from July 20, 1937, until the third Tuesday of January, 1943, and until his successor is appointed and qualified.

MEMBERS OF THE STATE BOARD OF OSTEOPATHIC EXAMINERS

Emanuel Jacobson, Philadelphia, from November 12, 1937, for the term of four years, and until his successor is appointed and qualified.

H. D. Pearson, Erie, from November 30, 1937, for the term of four years, and until his successor is appointed and qualified.

H. M. Vastine, Harrisburg, from November 30, 1937, for the term of four years, and until his successor is appointed and qualified.

MEMBERS OF THE STATE BOARD OF EXAMINERS OF ARCHITECTS

James W. Minick, Camp Hill, from October 5, 1937, for the term of six years, and until his successor is appointed and qualified.

George I. Lovatt, Philadelphia, from November 30, 1937, for the term of six years, and until his successor is appointed and qualified.

MEMBERS OF THE ANTHRACITE MINE INSPECTORS' EXAMINING BOARD

William Bush, Pottsville, from January 10, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

John A. Cooner, Scranton, from January 10, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Anthony F. Strish, Larksville, P. O. Wilkes-Barre, from January 10, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Cornelius McElhenny, Morea, from January 10, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Earl Strack, West Hazleton, from January 10, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

MEMBER OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Arthur Colegrove, Corry, from June 15, 1938, for the residue of the term ending April 1, 1941, and until his successor shall be duly appointed and shall be qualified.

MEMBER OF THE VALLEY FORGE PARK COMMISSION

Frederick S. Fox, Norristown, from October 1, 1937, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

MEMBER OF THE BOARD OF TRUSTEES OF PENNSYLVANIA SOLDIERS' ORPHAN SCHOOL

(Mrs.) Florence Marie Miller, New Cumberland, from November 30, 1937, for the term of four years, and until her successor is qualified.

SECRETARY OF WELFARE

Charles I. Engard, Philadelphia, from January 10, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

MEMBER OF THE STATE WELFARE COMMISSION

(Mrs.) Eleanor Robb Lineaweaver, Haverford, from November 22, 1937, until the third Tuesday of January, 1939, and until her successor shall have been appointed and qualified.

MEMBER OF THE STATE COUNCIL FOR THE BLIND

Isaac Dornblum, Philadelphia, from July 22, 1938, for the term of four years, and until his successor is appointed and qualified.

MEMBERS OF THE BANKING BOARD

Francis J. Rue, Philadelphia, from October 15, 1937, until September 1, 1945, and until his successor is duly appointed and qualified.

Samuel R. Rosenbaum, Philadelphia, from November 12, 1937, until September 1, 1945, and until his successor is duly appointed and qualified.

MEMBER OF THE STATE ATHLETIC COMMISSION

Jules E. Aronson, Philadelphia, from January 7, 1938, for the term of two years, and until his successor is appointed and qualified.

MEMBERS OF THE STATE VETERANS COMMISSION

R. E. Conway, York, from December 21, 1937, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Mark L. Tingley, Blossburg, from December 21, 1937, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

John G. Rainey, Pittsburgh, from January 27, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Thomas E. Gyngell, Philadelphia, from May 6, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

MEMBER OF THE BOARD OF TRUSTEES OF EASTERN STATE PENITENTIARY

Matthew H. McCloskey, Jr., Overbrook, Philadelphia, from November 12, 1937, for the term of four years, and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF ALLENTOWN STATE HOSPITAL

Frank F. Hausman, Allentown, from July 26, 1937, for the term of four years, and until his successor is qualified.

Stanley K. Weaver, Allentown, from July 26, 1937, for the term of four years, and until his successor is qualified.

Ralph Chadwick Worrell, Springtown, from July 26, 1937, for the term of four years, and until his successor is qualified.

Thomas J. Butler, Bethlehem, from July 26, 1937, for the term of four years, and until his successor is qualified.

Lewis M. Ralph, Easton, from July 26, 1937, for the term of four years, and until his successor is qualified.

Robert Hinkle, Bethlehem, from July 26, 1937, for the term of four years, and until his successor is qualified.

Roger R. Rupp, Lehighton, from July 26, 1937, for the term of four years, and until his successor is qualified.

Charles F. Smith, Topton, from July 26, 1937, for the term of four years, and until his successor is qualified.

Forrest D. Grim, Allentown, from Februar 8, 1938, for the term of four years, and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF FARVIEW STATE HOSPITAL

Edward J. Healey, Jr., Carbondale, from May 13, 1938, for the term of four years, and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF NORRISTOWN STATE HOSPITAL

Joseph Knox Fornance, Norristown, from October 26, 1937, for the term of four years, and until his successor is qualified.

George Moore, Philadelphia, from May 6, 1938, for the term of four years, and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF WARREN STATE HOSPITAL

J. Theodore Valone, Warren, from February 7, 1938, for the term of four years, and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF LAURELTON STATE VILLAGE

Catharine Johnston, New Bloomfield, from November 22, 1937, for the term of four years, and until her successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF POLK STATE SCHOOL

C. E. Mullen, Cambridge Springs, from October 5, 1937, for the term of four years, and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF PHILIPSBURG STATE HOSPITAL

J. Emory McGowan, Tyrone, from January 5, 1938, for the term of four years, and until his successor is qualified.

W. Ludwig Erb, Philipsburg, from January 5, 1938, for the term of four years, and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF NANTICOKE STATE HOSPITAL

Frank Boguszewski, Nanticoke, from January 26, 1938, for the term of four years, and until his successor is qualified.

John Dorris, Nanticoke, from January 26, 1938, for the term of four years, and until his successor is qualified.

John Dorak, Nanticoke, from January 26, 1938, for the term of four years, and until his successor is qualified.

J. F. Hill, Nanticoke, from January 26, 1938, for the term of four years, and until his successor is qualified.

Albert Rees, Nanticoke, from January 26, 1938, for the term of four years, and until his successor is qualified.

William E. Weineck, Nanticoke, from January 26, 1938, for the term of four years, and until his successor is qualified.

C. K. Albertson, Benton, from February 7, 1938, for the term of four years, and until his successor is qualified.

Enoch Thomas, Wilkes-Barre, from March 31, 1938, for the term of four years, and until his successor is qualified.

F. E. Donnelly, Wilkes-Barre, from June 8, 1938, for the term of four years, and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF SHAMOKIN STATE HOSPITAL

Martin F. Snella, Shamokin, from July 19, 1938, for the term of four years, and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF SCRANTON STATE HOSPITAL

Michael J. Noone, Scranton, from April 5, 1938, for the term of four years, and until his successor is qualified.

Vincent Gallizzi, Pittston, from April 5, 1938, for the term of four years and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF THADDEUS STEVENS INDUSTRIAL SCHOOL

John M. Moore, Lancaster, from November 30, 1937, for the term of four years and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF PENNSYLVANIA STATE ORAL SCHOOL FOR THE DEAF

Matthew J. Lynott, Scranton, from November 30, 1937, for the term of four years, and until his successor is qualified.

Carl Graff, Scranton, from January 28, 1938, for the term of four years, and until his successor is qualified.

Norman Harris, Scranton, from April 21, 1938, for the term of four years, and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF PENNSYLVANIA INDUSTRIAL SCHOOL

Walter F. Enfield, Bedford, from October 6, 1937, for the term of four years, and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF STATE INDUSTRIAL HOME FOR WOMEN

(Mrs.) Nellie Lee Bok, Philadelphia, from October 5, 1937, for the term of four years, and until her successor is qualified.

(Mrs.) Eleanor R. Lineaweaver, Haverford, from October 26, 1937, for the term of four years, and until her successor is qualified.

MEMBER OF THE PENNSYLVANIA LABOR RELATIONS BOARD

J. Dress Pannell, Harrisburg, from January 4, 1938, until June 2, 1941, and until his successor is appointed and qualified.

MEMBERS OF THE EMPLOYMENT BOARD

Shippen Lewis, Philadelphia, from July 21, 1937, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

(Mrs.) Susan Fouse, Pittsburgh, from July 21, 1937, until the third Tuesday of January, 1939, and until her successor shall have been appointed and qualified.

Hugh Dolan, Pottsville, from July 26, 1937, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

MEMBERS OF THE BOARD OF ARBITRATION OF CLAIMS

James W. Cullen, Sayre, from July 21, 1937, for the term of six years, and until his successor shall be duly appointed and qualified.

John J. Grelis, Jr., Philadelphia, from July 21, 1937, for the term of two years, and until his successor shall be duly appointed and qualified.

Howard F. Sigler, Camp Hill, from July 19, 1938, until July 21, 1941, and until his successor shall be duly appointed and qualified.

MEMBERS OF THE BUILDING AND LOAN BOARD

John E. Allen, Philadelphia, from September 1, 1937, for the term of six years, and until his successor is duly appointed and qualified.

Francis E. McGill, Philadelphia, from September 1, 1937, for the term of eight years, and until his successor is duly appointed and qualified.

George L. Transue, Easton, from September 1, 1937, for the term of six years, and until his successor is duly appointed and qualified.

John P. Volk, Pittsburgh, from September 1, 1937, for the term of eight years, and until his successor is duly appointed and qualified.

Norman E. Clark, New Castle, from September 1, 1937, for the term of four years, and until his successor is duly appointed and qualified.

A. E. Sheller, Altoona, from September 1, 1937, for the term of four years, and until his successor is duly appointed and qualified.

Thomas A. Logue, Philadelphia, from September 1, 1937, for the term of two years, and until his successor is duly appointed and qualified.

A. L. Bingham, New Brighton, from September 1, 1937, for the term of two years, and until his successor is duly appointed and qualified.

MEMBERS OF THE STATE BOARD OF HOUSING

George Evans, Pittsburgh, from August 17, 1937, for the term of five years, and until his successor is appointed and qualified.

George Kohn, Allentown, from August 17, 1937, for the term of three years, and until his successor is appointed and qualified.

Alfred Hagen, Scranton, from August 17, 1937, for the term of two years, and until his successor is appointed and qualified.

William B. Ramsey, Philadelphia, from August 17, 1937, for the term of one year, and until his successor is appointed and qualified.

MEMBER OF THE STATE BRIDGE AND TUNNEL COMMISSION

Leonard Shaffer, Philadelphia, from May 9, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

MEMBERS OF THE NAVIGATION COMMISSION FOR THE DELAWARE RIVER AND ITS NAVIGABLE TRIBUTARIES

John F. Smoyer, Bristol, from July 21, 1937, for the term of four years, and until his successor is appointed and qualified.

Allyn T. Sayre, Swarthmore, from July 21, 1937, for the term of four years, and until his successor is appointed and qualified.

Louis Kapelski, Chester, from July 21, 1937, for the term of four years, and until his successor is appointed and qualified.

MEMBERS OF THE STATE WORLD'S FAIR COMMISSION

(Mrs.) Huberta Potter Earle, Haverford, from January 24, 1938, until annulled.

Edward J. Coleman, Scranton, from January 24, 1938, until annulled.

Samuel L. Gilson, Erie, from January 24, 1938, until annulled.

John B. Kelly, Philadelphia, from January 24, 1938, until annulled.

Irwin D. Wolf, Pittsburgh, from January 24, 1938, until annulled.

MEMBER OF THE BOARD OF TRUSTEES OF PENNSYLVANIA SOLDIERS' AND SAILORS' HOME

Walter E. Nick, Erie, from January 6, 1938, for the term of four years and until his successor is qualified.

MEMBERS OF THE MOTOR VEHICLE DEALERS' COMMISSION

Leo J. Spaeder, Erie, from July 21, 1937, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

William D. Teefy, Philadelphia, from July 21, 1937, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

William R. Tucker, Jr., Philadelphia, from July 29, 1937, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

William A. Gallagher, Wilkes-Barre, from August 2, 1937, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Ollie Flotzinger, Pittsburgh, from August 2, 1937, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

MEMBER OF THE SEVENTY-FIFTH ANNIVERSARY OF THE BATTLE OF GETTYSBURG

Willis D. Hall, Glen Campbell, from January 20, 1938, until annulled.

MEMBER OF THE BUSHY RUN BATTLEFIELD COMMISSION

H. L. Good, Irwin, from April 21, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

UNEMPLOYMENT COMPENSATION REFEREES

Harry F. Bigler, Clearfield, from December 23, 1937, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Michael J. Boyle, Johnstown, from December 23, 1937, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

James Brady, Scranton, from December 23, 1937, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Maurice J. Coughlin, Erie, from December 23, 1937, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Cyrus A. Davis, Pittsburgh, from December 23, 1937, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Jacob Echard, Uniontown, from December 23, 1937, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

David M. Gerry, Williamsport, from December 23, 1937, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

F. Merle Mackin, Exeter, from December 23, 1937, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

John P. McAllister, Ambridge, from December 23, 1937, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Prall B. Rhoades, Pottsville, from December 23, 1937, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Irwin A. Swiss, Pittsburgh, from December 23, 1937, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

James F. Dougnerty, Crum Lynne, from January 11, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Leo I. S. Conway, Philadelphia, from January 13, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Joseph F. McElwee, Norristown, from January 19, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Harry Busser, York Haven, from March 3, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

MEMBER OF THE PENNSYLVANIA TURNPIKE COMMISSION

Edward N. Jones, Pittsburgh, from July 1, 1937, until June 4, 1945, and until his successor is appointed and qualified.

MEMBER OF THE BOARD OF TRUSTEES OF MILLERSVILLE STATE TEACHERS COLLEGE

Walter I. Anderson, York, from November 12, 1937, for the term of four years, and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF EAST STROUDSBURG STATE TEACHERS COLLEGE

John J. McDonald, Scranton, from February 3, 1938, for the term of four years, and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF BLOOMSBURG STATE TEACHERS COLLEGE

Thomas F. Farrell, Wilkes-Barre, from July 22, 1938, for the term of four years, and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF SHIPPENSBURG STATE TEACHERS COLLEGE

Harvey A. Gross, York, from July 26, 1937, for the term of four years, and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF LOCK HAVEN STATE TEACHERS COLLEGE

(Mrs.) Edith DeWitt, Williamsport, from October 13, 1937, for the term of four years, and until her successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF INDIANA STATE TEACHERS COLLEGE

Max C. Sutter, Homer City, from June 2, 1938, for the term of four years, and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF CLARION STATE TEACHERS COLLEGE

Clarence C. Klein, Swissvale, from February 2, 1938, for the term of four years, and until his successor is qualified.

MEMBER OF THE STATE PLANNING BOARD

Roy E. Brownmiller, Pottsville, from April 11, 1938, until November 18, 1939, or until such time prior thereto when his term of office as Secretary of Highways may expire, and until his successor is appointed and qualified.

Also the following persons to be MEMBERS OF THE COUNTY BOARDS OF ASSISTANCE:

ADAMS COUNTY

D. C. Jacobs, Arendtsville, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

(Mrs.) Bess Bixler, New Oxford, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

(Miss) Evelyn C. Altoff, Littlestown, from December 20, 193- until December 31, 1939, and until her successor is duly appointed and qualified.

C. A. Wills, Fairfield, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

Charles B. Dougherty, Gettysburg, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

F. V. Topper, McSherrystown, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

(Mrs.) Mary K. McClean, Gettysburg, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

ALLEGHENY COUNTY

Charles Aquadro, Pittsburgh, from December 30, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

(Mrs.) Leanna Thomas, Sharpsburg, from December 30, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

S. Leo Ruslander, Pittsburgh, from December 30, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

William S. Doty, Pittsburgh, from December 30, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

Bernard L. Flynn, Crafton, from December 30, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

Ben G. Graham, Pittsburgh, from December 30, 1937,

until December 31, 1939, and until his successor is duly appointed and qualified.

Clinton S. Golden, Pittsburgh, from December 30, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

(Mrs.) Frances Lutz, Pittsburgh, from December 30, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Nellie C. Wisser, Dravosburg, from December 30, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Hilda C. Henrici, Coraopolis, from December 30, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

ARMSTRONG COUNTY

J. P. Turping, Kittanning, from December 22, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

(Mrs.) Mary McLaughlin, Freeport, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

Earl Artman, Ford City, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

(Mrs.) Mary M. Geary, Parkers Landing, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

Tony G. Badiali, South Bethlehem, from December 22, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

(Mrs.) Edith Dunn, Kittanning, from December 20, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

BEAVER COUNTY

O. H. Locke, Monaca, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

Milton Selkovits, Aliquippa, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

D. J. Maloney, New Brighton, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

George L. Werner, Freedom, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

(Mrs.) Emily Howe, Beaver, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Bessie Javens, Rochester, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Agnes Perrott, Beaver Falls, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

BEDFORD COUNTY

John C. Dibert, Pavia, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

Herman Fetter, New Enterprise, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

Herman Barkman, Clearville, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

(Mrs.) Mary Smith, Bedford, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

D. R. Sipes, Everett, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

John A. Topper, Hyndman, from January 10, 1938, until December 31, 1939, and until his successor is duly appointed and qualified.

(Mrs.) Annie Ross, Saxton, from March 30, 1938, until December 31, 1938, and until her successor is duly appointed and qualified.

BERKS COUNTY

(Mrs.) Alice I. Focht, Birdsboro, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

Charles William Hollenbacher, Reading, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

Joseph A. Martin, Reading, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

(Mrs.) Emma H. Dry, Kutztown, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Florence G. Luft, Wyomissing, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Minnie M. Mays, Weiser Park, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

BLAIR COUNTY

Lawrence Schrenk, Altoona, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

Claude E. Snyder, Altoona, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

(Mrs.) Beatrice Moffitt Juniata, P. O., Altoona, from December 20, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

(Mrs.) Jennie Walters, Claysburg, from December 20, 1937 until December 31, 1939, and until her successor is duly appointed and qualified.

(Mrs.) Helen Clark, Altoona, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Nellie Hogue, Altoona, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

John Edward Ardell, Tyrone, from January 11, 1938, until December 31, 1940, and until his successor is duly appointed and qualified.

BRADFORD COUNTY

Alan J. Donlon, Athens, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

(Mrs.) Charlotte L. Davidson, Towanda, from December 20, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

Martin R. Stalford, Wyalusing, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

(Mrs.) Catherine H. Laux, Sayre, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Frances H. Murray, South Waverly, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

John Snedeker, Troy, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

John F. Beirne, Towanda, from June 20, 1938, until December 31, 1938, and until his successor is duly appointed and qualified.

BUCKS COUNTY

(Mrs.) Gretchen M. Hibbs, Bristol, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

(Mrs.) Della Garver, Ivyland, from December 20, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

(Mrs.) Rose C. Flood, New Hope, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Mary Elizabeth McKinstry, Doylestown, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Frances A. Rufe, Sellersville, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

J. Latta Jones, Doylestown, from March 30, 1938, until December 31, 1938, and until his successor is duly appointed and qualified.

BUTLER COUNTY

(Mrs.) Florence C. VonKrogh, Butler, from December 23, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

(Mrs.) Elva F. Beck, Karns City, from December 23, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

(Mrs.) Maude N. Patterson, Butler, from December 23, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

(Mrs.) Elizabeth L. Campbell, Butler, from December 23, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

Harry Daly, Butler, from December 23, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

(Mrs.) Callie Knox, Zelienople, from December 23, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

Harry T. Rattigan, Butler, from December 23, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

CAMBRIA COUNTY

(Mrs.) Elizabeth McDowell, Conemaugh, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

Elvin Overdorff, Johnstown, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

Charles E. Overberger, Barnesboro, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

Blair Pawlowski, Spangler, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

(Mrs.) Naomi VanH. Shettig, Ebensburg, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Mary Sagerson Dillon, Johnstown, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

George M. Lang, Cresson, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

CAMERON COUNTY

E. P. Larson, Emporium, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

(Mrs.) Perna Gaskill Klees, Emporium, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

(Mrs.) Ella Bailey, Sinnemahoning, from December 20, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

(Miss) Nellie Whiting, Sterling Run, from December 20, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

Charles T. Crone, Emporium, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

(Mrs.) Edna Schwab, Emporium, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

James Moran, Emporium, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

CARBON COUNTY

John Garrett, Summitt Hill, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

James Kelly, Lansford, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

David S. Kistler, Weatherly, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

(Mrs.) Josephine Quinn, Lansford, from December 20, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

(Mrs.) Bertha M. Binder, East Mauch Chunk, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

Leon A. Stemler, Palmerton, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

CENTRE COUNTY

Lloyd Boob, Milheim, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

(Mrs.) Henrietta N. Willard, State College, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

Swengle Smith, Bellefonte, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

Russell Spangler, Bellefonte, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

(Mrs.) Lona Johnson, Philipsburg, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Catherine Kilpatrick, Bellefonte, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

John Spearly, Bellefonte, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

CHESTER COUNTY

(Mrs.) Emma R. Garrett, Sugartown, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

Ray Waldron, West Chester, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

(Mrs.) Mary E. O'Donnell, Phoenixville, from December 20, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

(Mrs.) Mabel Baer, Oxford, from December 20, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

Samuel Dickey, Lincoln University, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

(Mrs.) Edith Owens, Parkesburg, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

W. L. Kay, Malvern, from March 17, 1938, until December 31, 1940, and until his successor is duly appointed and qualified.

CLARION COUNTY

(Miss) Anna B. Graham, Clarion, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

(Mrs.) Sarah Campbell Rankin, Clarion, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

Dale Krieble, West Monterey, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

(Mrs.) Leda R. Elder, Clarion, from December 20, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

Fred V. Brown, Clarion, from December 20, 1937, until

December 31, 1940, and until his successor is duly appointed and qualified.

(Mrs.) Minnie Wilson Collner, Clarion from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

A. M. Hepler, New Bethlehem, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

CLEARFIELD COUNTY

Roll B. Thompson, Clearfield, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

Joseph Shankle, DuBois, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

George B. Kirk, Kylerstown, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

(Miss) Mary White, Morrisdale, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Mary Webb, Houtzdale, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

CLINTON COUNTY

George Betts, Avis, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

Edw. P Jones, Renovo, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

(Mrs.) Edith Bossart. Avis from December 20, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

J. L. Lubrecht, Lock Haven, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

(Mrs.) Mary I. Betts, Lock Haven, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

W. A. Morris, Loganton, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

(Mrs.) Gertrude Wheeler, Westport, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

COLUMBIA COUNTY

K. L. Pollock, Berwick, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

L. G. Weller, Aristes, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

(Mrs.) Helen Bernhard, Bloomsburg, from December 20, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

(Mrs.) Inez Brewington, Benton, from December 20, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

Ellis Artley, Catawissa, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

A. G. Everett, Benton, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

Merrill C. Fisher, Bloomsburg, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

CRAWFORD COUNTY

Wm. A. Cobb, Cambridge Springs, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

Howard L. Moore, Cochranton, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

Emmett A. Allen, Guys Mills, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

(Mrs.) Jeannette W. Hood Beatty, Meadville, from December 20, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

W. C. Arthur, Meadville, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

(Mrs.) Ella H. Bayliss, Titusville, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

John A. McAndrews, Conneautville, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

CUMBERLAND COUNTY

(Mrs.) Rachael Boyd Hollar, Shippensburg, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

(Miss) Margaret M. Moser, Mechanicsburg, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

Charles A. Goodyear, Carlisle, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

(Mrs.) Helen S. Faller, Carlisle, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Merte Kehr, Camp Hill, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Nancy H. Spahr, Mechanicsburg, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

DAUPHIN COUNTY

H. M. Kirkpatrick, Harrisburg, from December 30, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

Frank A. Robbins, Steelton, from December 30, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

(Mrs.) Belle K. Kunkel, Harrisburg, from December 30, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

Elwood Moffett, Williamstown, from December 30, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

E. R. Eckenrode, Harrisburg, from December 30, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

Charles S. Davis, Steelton, from December 30, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

(Mrs.) Gabriella C. Gilbert, Harrisburg, from December 30, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

DELAWARE COUNTY

George W. Wilkins, Lansdowne, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

Leslie P. Hill, Cheyney, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

Raymond Loughead, Chester, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

D. Montford Melchier, Lansdowne, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

(Mrs.) Ann T. Monihan, Ridley Park, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Henrietta G. S. Jaquette, Swarthmore, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

ELK COUNTY

(Mrs.) Kathryn Gardner, Ridgway, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

John F. O'Leary, St. Mary's, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

(Mrs.) Susan Geary, Ridgway, from December 20, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

W. Scott Williams, Ridgway, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

Edward G. Smith, St. Mary's, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

John H. Cartwright, Ridgway, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

(Mrs.) Anna M. Kaul, St. Mary's, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

ERIE COUNTY

Olin W. Bracken, Corry, from December 21, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

(Mrs.) Anne Celina Haule, Erie, from December 21, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

E. C. Dalton, Erie, from December 21, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

P. J. Grant, Erie, from December 21, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

Leo J. Omelian, Erie, from December 21, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

Homer S. Brown, Erie, from January 14, 1938, until December 31, 1938, and until his successor is duly appointed and qualified.

FAYETTE COUNTY

Howard Adams, Perryopolis, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

(Mrs.) Virginia Brown Newell, Uniontown, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

Daniel B. Swaney, Uniontown, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

(Mrs.) Marie C. Canistra, Republic, from December 20, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

(Mrs.) Ruth Gladden, Uniontown, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Nellie B. Christy, Uniontown, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Louise Frock, Uniontown, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

FOREST COUNTY

(Mrs.) Leona Zerbe, Pigeon, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

(Mrs.) Cecile Elizabeth Baughman, Marienville, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

(Mrs.) Anne Belle Schall, Tidioute, from December 20, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

Myron Fielman, Marienville, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

S. J. Russell, Tionesta, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

Hobert Hillard, East Hickory, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

Forest Huff, Clarington, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

FRANKLIN COUNTY

W. B. O'Rear, Waynesboro, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

S. G. Coons, Dry Run, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

(Mrs.) Elizabeth S. Sellers, Greencastle, from December 20, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

John W. Warehime, Waynesboro, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

Eckert Miller, Mercersburg, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

(Mrs.) Emma Elizabeth W. Hutton, Chambersburg, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

John Holden, Chambersburg, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

FULTON COUNTY

William J. Lowe, McConnellsburg, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

Frank Stinson, McConnellsburg, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

(Mrs.) Rebecca Stevens, McConnellsburg, from December 20, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

(Mrs.) Bertha Kirk, Warfordsburg, from December 20, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

(Mrs.) Lena McClain, Hustontown, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Grace Sheets, McConnellsburg, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Ethel Duffey, Webster Mills, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

GREENE COUNTY

W. Robert Thompson, Waynesburg, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

(Mrs.) Ocie H. Clarke, Waynesburg, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

John Rapchak, Nemacolin, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

James Null, New Freeport, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

(Mrs.) Esther Parker Wood, Waynesburg, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Edith Bailey Purman, Waynesburg, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Brenda McClure Donley, Mt. Morris, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

HUNTINGDON COUNTY

(Mrs.) Elizabeth Adams, Mt. Union, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

Henry Stafford, Huntingdon, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

Boyd Ewing, Orbisonia, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

(Mrs.) Fern Neff, Huntingdon, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

John M. Keichline, Huntingdon, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

(Mrs.) Lillian McGarvey, Shirleysburg, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

Roy I. Grove, Alexandria, from July 7, 1938, until December 31, 1939, and until his successor is duly appointed and qualified.

INDIANA COUNTY

(Mrs.) Frances Woodburn, Indiana, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

(Miss) Elizabeth Stoneback, Black Lick, from December 20, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

George C. Martin, Clymer, from December 20, 1937, until December 31, 1940 and until his successor is duly appointed and qualified.

John Ghizzoni, Homer City, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

(Mrs.) Bessie P. Kunkle, Shelocta, from March 31, 1938, until December 31, 1939, and until her successor is duly appointed and qualified.

Charles G. Prothero, Home, from March 31, 1938, until December 31, 1940, and until his successor is duly appointed and qualified.

JEFFERSON COUNTY

(Mrs.) Charlotte Britten, Brockway, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

(Mrs.) Adaline S. Corbet, Summerville, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

Thomas C. McQuown, Big Run, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

Leo D. Sullivan, Punxsutawney, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

(Miss) Cynthia Wehrle, Reynoldsville, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed.

(Mrs.) Hazel Edelblute, Reynoldsville, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed, and qualified.

(Mrs.) Minnie Dillman, Brookville, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

JUNIATA COUNTY

Jacob L. Groninger, Port Royal, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

(Mrs.) Mary Headings, McAllisterville, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

Banks L. Swartz, McAlisterville, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

(Mrs.) Pearl Basom, Richfield, from December 20, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

Allen I. Klinger, Liverpool, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

Bryan Crawford, McCoysville, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

Harvey C. Haas, Mexico, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

LACKAWANNA COUNTY

S. U. Colbassani, Old Forge, from December 21, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

John Hart, Mayfield, from December 21, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

Michael Holod, Dickson City, from December 21, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

Thomas A. Dempsey, Scranton, from December 21, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

(Mrs.) Katherine M. Butler, Archbald, from December 21, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Elizabeth Kraemer, Scranton, from December 21, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

James B. Rosenfeld, Scranton, from December 21, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

LANCASTER COUNTY

P. Harry Wohlsen, Lancaster, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

Wm. E. Alexander, Lancaster, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

(Mrs.) Laura Burtz Roye, Columbia, from December 20, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

(Mrs.) Katherine Flinn Foltz, Kinzer, from December 20, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

(Mrs.) Eleanor Swift Howell, Lancaster, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

Wallace R. Knerr, Denver, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

George W. Hensel, Jr., Quarryville, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

LAWRENCE COUNTY

(Mrs.) Blanche Sampson, Volant, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

D. D. Valiensi, New Castle, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

Harry H. Davies, New Castle, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

(Mrs.) Bernice Shannon, New Castle, from December 20, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

G. S. Bennett, New Castle, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

P. F. Butz, New Castle, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

S. D. Johnston, Ellwood City, from February 3, 1938, until December 31, 1940, and until his successor is duly appointed and qualified.

LEBANON COUNTY

Elwood Schwenk, Lebanon, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

Reverend Father John J. Lawley, Lebanon, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

(Mrs.) Clara Johnston, Lebanon, from December 20, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

(Mrs.) Helen Krause, Lebanon, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Addie Dinah Brenner, Lebanon, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs. Ernestine Turner Weber, Lebanon, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

LEHIGH COUNTY

William A. Gibson, Allentown, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

Albert D. Gomery, Allentown, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

Thos. L. Smith, Allentown, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

(Mrs.) Melba Hennemuth, Emaus, from December 20, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

(Mrs.) Anna O'Brien, Allentown, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Edna Zweifel, Bethlehem, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Cora Gangewere, Allentown, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

LUZERENE COUNTY

Frank Correale, Hazleton, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

Abram Salsburg, Wilkes-Barre, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

John B. Gallagher, Wilkes-Barre, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

Franklin Hill, Nanticoke, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

(Mrs.) Mary Agnes Gillis, Wilkes-Barre, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Mary Conlon Mundy, Wilkes-Barre, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

Charles K. Dewees, Forty Fort, from January 4, 1938, until December 31, 1939, and until his successor is duly appointed and qualified.

LYCOMING COUNTY

(Mrs.) Isabella Fairfax, Williamsport, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

(Mrs.) Sylvia B. Hays, Williamsport, from December 20, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

(Mrs.) Alice Delaney, Williamsport, from December 20, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

Kenneth D. Poust, Hughesville, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

Joseph A. London, Jersey Shore, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

James W. Foresman, Williamsport, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

McKEAN COUNTY

Elisha K. Kane, Kane, from June 9, 1938, until December 31, 1940, and until his successor is duly appointed and qualified.

(Miss) Bernice Horne, Bradford, from June 9, 1938, until December 31, 1940, and until her successor is duly appointed and qualified.

Martin E. Hanson, Bradford, from June 9, 1938, until December 31, 1939, and until his successor is duly appointed and qualified.

Edward M. O'Neill, Bradford, from June 9, 1938, until December 31, 1940, and until his successor is duly appointed and qualified.

(Mrs.) Beulah Lee Finney, Bradford, from July 5, 1938, until December 31, 1939, and until her successor is duly appointed and qualified.

MERCER COUNTY

R. E. English, Grove City, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

W. W. Richardson, Mercer, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

(Miss) Myrtle L. Allen, Sharon, from December 20, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

(Mrs.) Mildred Clark, Sharpsville, from December 20, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

Stephen B. Doyle, Sharon, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

Charles D. Risell, Greenville, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

Geo. Frankel, Farrell, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

MIFFLIN COUNTY

(Mrs.) Edith M. Jones, Burnham, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

W. H. Allison, Lewistown, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

(Mrs.) Marian U. Hoffman, Lewistown, from December 20, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

P M. Headings, Lewistown, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

T. C. Matthews, Lewistown, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

Charles C. Duck, Lewistown, from January 14, 1938, until December 31, 1940, and until his successor is duly appointed and qualified.

James H. Goss, Lewistown, from January 14, 1938, until December 31, 1938, and until his successor is duly appointed and qualified.

MONROE COUNTY

Montgomery F. Crowe, East Stroudsburg, from December 21, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

Ernest H. Wycoff, Stroudsburg, from December 21, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

(Mrs.) Leila M. Beers, Stroudsburg, from December 21, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

(Mrs.) Helen M. Hoffman, East Stroudsburg, from December 21, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Hazel S. Achterman, Stroudsburg, from December 21, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Elmira Shafer, Gilbert, from December 21, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

MONTGOMERY COUNTY

(Mrs.) Agnes O'Neil, Conshohocken, from December 30, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

Harry K. Bush, Pottstown, from December 30, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

(Mrs.) Jeanne R. French, Collegeville, from December 30, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

(Mrs.) Lillian L. Strauss, Ashbourne, from December 30, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

James J. Kane, Birdgeport, from December 30, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

Willis B. Bergey, Telford, from February 8, 1938, until December 31, 1940, and until his successor is duly appointed and qualified.

(Miss) Marjorie N. MacCoy, Haverford, from May 16, 1938, until December 31, 1938, and until her successor is duly appointed and qualified.

MONTOUR COUNTY

(Mrs.) Erma T. Deily, Danville, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

Harry Hinshillwood, Danville, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

Chas. Peifer, Danville, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

(Mrs.) Eloise Shultz, Mooresburg, from December 20, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

(Mrs.) Mary F. Wagner, Danville, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Blanche Baynhan, Danville, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Mary Perry, Danville, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

NORTHAMPTON COUNTY

(Mrs.) Jennie Kubilus, Nazareth, from December 23, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

(Mrs.) Maitland Raines, Pen Argyl, from December 23, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

David Brillhardt, Bethlehem, from December 23, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

(Miss) Fannie Henry, Bethlehem, from December 23, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Dora Levin, Easton, from December 23, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

Charles P. Warner, Easton, from December 23, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

NORTHUMBERLAND COUNTY

Mike Kotancick, Shamokin, from December 21, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

James Leavens, Shamokin, from December 21, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

Silas Nayfield, Mount Carmel, from December 21, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

Wm. Buckley, Mount Carmel, from December 21, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

(Mrs.) Loretta Houtz, Sunbury, from December 21, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

R. B. McCay, Sunbury, from December 21, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

(Mrs.) Irene Clinger, Milton, from December 21, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

PERRY COUNTY

G. Thomas Adams, Shermansdale, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

(Miss) Mabel O. Ellenberger, Marysville, from December, 20, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

(Mrs.) May S. Sharp, Newport, from December 20, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

B. Stiles Duncan, Duncannon, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

Edward L. Holman, New Bloomfield, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

PHILADELPHIA COUNTY

(Mrs.) Elsie Pfaelzer, Philadelphia, from August 17, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

Louis Schmidt, Philadelphia, from August 17, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

Vincent DeVergiliis, Philadelphia, from August 17, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

Philip C. Staples, Ardmore, from August 17, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

Henry P. Cheatam, Philadelphia, from August 17, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

Joseph D. Burke, Philadelphia, from August 17, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

(Mrs.) Rose Anna Piekarski, Philadelphia, from August 17, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

Louis Heiland, Philadelphia, from January 14, 1938, until December 31, 1940, and until his successor is duly appointed and qualified.

PIKE COUNTY

(Mrs.) Virginia S. Black, Milford, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

Frank B. Stutsman, Shohola, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

Joseph Mager, Matamoras, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

(Mrs.) Ethel Schumacher, Matamoras, from December 20, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

Raymond Hessberger, Lackawaxen, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

(Mrs.) Katherine Grimm, Greentown, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

George E. Darragh, Dingmans Ferry, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

POTTER COUNTY

(Mrs.) Emma K. Grover, Ulysses, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

Walter T. Palmer, Shinglehouse, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

Claude Valentine, Roulette, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

(Mrs.) Lenore Marie Carroll, Genesee from December 20, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

(Miss) Marion Stone, Coudersport, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

E. M. Fischler, Galeton, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

(Mrs.) Mary Burt, Coudersport, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

SCHUYLKILL COUNTY

I. A. Seltzer, Ringtown, from December 21, 1937 until December 31, 1938, and until his successor is duly appointed and qualified.

(Mrs.) Ann Pepper, Ashland, from December 21, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

(Mrs.) Nan Kenney, Mahanoy City, from December 21, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

Charles B. Williams, Pottsville, from December 21, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

Martin Brennan, Heckscherville, from December 21, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

(Mrs.) Helen Chaikowski, Shenandoah, from December 21, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

Ed Marazas, Minersville, from December 21, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

SNYDER COUNTY

John O. Parry, Port Trevorton, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

George Rhoads, Shamokin Dam, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

(Mrs.) Phoebe Wetzel, Selinsgrove, from December 20, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

David Owens, Selinsgrove, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

Cloyd Zeiders, Freeburg, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

(Mrs.) Wilhelmina Stetler, Middleburg, from December 20, 1937, until December 31 1940, and until her successor is duly appointed and qualified.

(Mrs.) Victoria Harrison, Beaver Springs, from February 23, 1938, until December 31, 1939, and until her successor is duly appointed and qualified.

SOMERSET COUNTY

(Mrs.) Teresa Baughman, Windber, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

(Mrs.) Jane G. Brown, Meyersdale, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

Father John P. Manning, Somerset, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

Frank R. Coder, Sr., Somerset, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

(Mrs.) Margaret Gilbert, Jennerstown, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Louise Miller, Somerset, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Ruey F. Picking, Somerset, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

SULLIVAN COUNTY

(Mrs.) Floye Davis Henning, Dushore, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

(Mrs.) Nellie Marie Kanally, Hillsgrove, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

Frank V. Rohe, Dushore, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

George Dietrick, Laporte, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

(Miss) Anna M. Finan, Mildred, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

Ralph Hugo, Forkeville, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

James P. McGee, Lopez, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

SUSQUEHANNA COUNTY

Mark B. Lake, South Montrose, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

John W. Murphy, Susquehanna, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

Michael Skubic, Forest City, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

Michael J. O'Reilly, St. Joseph, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

(Mrs.) Mary B. Donnelly, New Milford, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Winifred Meehan, Montrose, from May 4, 1938, until December 31, 1939, and until her successor is duly appointed and qualified.

TIOGA COUNTY

Arthur H. Dartt, Wellsboro, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

William Trowbridge, Westfield, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

Thomas J. Birmingham, Morris, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

Stanley J. Hudzinski, Morris Run, from December 20,

1937, until December 31, 1939, and until his successor is duly appointed and qualified.

John J. Preston, Mansfield, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

(Mrs.) Edna Mae Fleitz, Mansfield, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

UNION COUNTY

(Mrs.) Laura VonNeida, Laurelton, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

Charles DeWire, Lewisburg, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

(Mrs.) Blanche A. Ehrhart, Mifflinburg, from December 20, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

Charles Zeller, Lewisburg, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

Harry Barber, Lewisburg, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

Ralph E. Page, Lewisburg, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

Floyd Huff, White Deer, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

VENANGO COUNTY

(Mrs.) Eleanor Jenkins McLaughlin, Oil City, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

W. Robert Webb, Franklin, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

Maurice Splain, Oil City, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

Emmett E. Bailey, Oil City, from December 20, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

(Mrs.) Lillian Karns, Franklin, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Agnes F. Carmichael, Franklin, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Miss) Winnie Egbert, Oil City, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

WARREN COUNTY

Cecil C. Winans, Warren, from December 21, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

(Mrs.) Minnie Haggerty, Sugar Grove, from December 21, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

(Mrs.) Marjorie B. Briggs, Warren, from December 21, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

Leonard Swanson, Warren, from December 21, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

(Mrs.) Margaret Cecelia Harris, Tidioute, from December 21, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Mary McCracken, East Warren, from December 21, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Bessie Elder, Sheffield, from December 21, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

WASHINGTON COUNTY

Ralph W. Martin, Fredericktown, from December 23, 1937, until December 31, 1938, and until his successor is appointed and qualified.

Robert Crawford, Richeyville, from December 23, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

(Mrs.) Gladys Parry, Elrama, from December 23, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

Henry Sheaff, Canonsburg, from December 23, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

Samuel White, Claysville, from December 23, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

Ira Nickeson, Charleroi, from March 31, 1938, until December 31, 1939, and until his successor is duly appointed and qualified.

(Mrs.) Dorothy Richey, Burgettstown, from March 31, 1938, until December 31, 1940, and until her successor is duly appointed and qualified.

WAYNE COUNTY

Lyle Swingle, Lake Ariel, from December 21, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

(Mrs.) Lydia Dietrich, Aldenville, from December 21, 1937, until December 31, 1938, and until her successor is duly appointed and qualified

(Mrs.) Lottie M. S. Brenneman, Honesdale, from December 21, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

George Gilchrist, Lake Como, from December 21, 1937, until December 31, 1939, and until his successor is duly appointed and qualified.

(Mrs.) Emma Martin, Goldsboro, from December 21, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Mae Thorpe Osborn, Honesdale, from December 21, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Miss) Bridget Corcoran, Hawley, from December 21, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

WESTMORELAND COUNTY

(Mrs.) Mary McDonough Dinsmore, New Kensington, from December 21, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

(Miss) Nell Duke, Shafton, from December 21, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

(Mrs.) Margaret Flavin, Monessen, from December 21, 1937, until December 31, 1939, and until her successor is duly appointed and qualified

(Mrs.) Cecilia R. Jamison Greensburg, from December 21, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

(Mrs.) Mary Ann Noel, Derry, from December 21, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

Edward Sterling, Vandergrift, from December 21, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

J. Claire Manson, Jeannette, from December 21, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

WYOMING COUNTY

(Mrs.) Helen Smith, Nicholson, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

(Mrs.) Lillian Auvil, Noxen, from December 20, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

(Mrs.) Hilda C. Vaughn, Mehoopany, from December

20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Mary Quinn, Meshoppen, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

B. L. Billings, Tunkhannock, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

YORK COUNTY

(Mrs.) Nellie Neely, High Rock, from December 21, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

(Mrs.) Helen J. Appell, York, from December 21, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

Bertram R. Moore, York, from December 21, 1937, until December 31, 1939, and until his successor is duly appointed nd qualified.

(Mrs.) Lois Rinehardt, York, from December 21, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

(Mrs.) Edythe Brenneman, York, from December 21, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Lorna Myers, Hanover, from December 21, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

H. C. Ulmer, York, from December 21, 1937, until December 31, 1940, and until his successor is appointed and qualified.

GEORGE H. EARLE.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess for five minutes.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

ANNOUNCEMENT BY THE SECRETARY

There will be a meeting of the Committee on Executive Nominations in Room 265, immediately.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORT FROM COMMITTEE

Mr. Frey from the Committee on Executive Nominations reported with a favorable recommendation the following nominations, made by His Excellency the Governor of the Commonwealth.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, Pa., July 25, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

MEMBERS OF THE STATE WORLD'S FAIR COMMISSION

(Mrs.) Huberta Potter Earle, Haverford, from January 24, 1938, until annulled.

Edward J. Coleman, Scranton, from January 24, 1938, until annulled.

Samuel L. Gilson, Erie, from January 24, 1938, until annulled.

John B. Kelly, Philadelphia, from January 24, 1938, until annulled.

Irwin D. Wolf, Pittsburgh, from January 24, 1938, until annulled.

GEORGE H. EARLE

JUSTICES OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, Pa., July 26, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

Willard Benge, Modena, Chester County, for appointment as Justice of the Peace in the Borough of Modena, Chester County, vice Charlton K. Benge, resigned, to serve until the first Monday in January, 1940.

Raymond B. Baker, 522 Elm Street, Stowe, Montgomery County, for appointment as Justice of the Peace in the Township of West Pottsgrove, Montgomery County, vice Russell C. Bush, resigned, to serve until the first Monday in January, 1940.

GEORGE H. EARLE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, Pa., July 27, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

Harold J. Ranck, Cherry Tree, Indiana County, for appointment as Justice of the Peace in the Borough of Cherry Tree, Indiana County, to fill a vacancy, until the first Monday in January, 1940.

Harry A. Stein, Martins Creek, Northampton County, for appointment as Justice of the Peace in the Township of Lower Mt. Bethel, Northampton County, vice William J. Karabinus, resigned, until the first Monday in January, 1940.

GEORGE H. EARLE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, Pa., July 28, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

MEMBER STATE BOARD OF VETERINARY MEDICAL EXAMINERS

Dr. Philip J. McCarthy, 110 Abington Avenue, Chestnut Hill, Philadelphia, for appointment as a member of the State Board of Veterinary Medical Examiners, to fill a vacancy.

GEORGE H. EARLE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, Pa., July 29, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

MEMBER STATE BOARD OF OSTEOPATHIC EXAMINERS

Dr. John E. Barrick, 2301 E. Market Street, York, for appointment as a member of the State Board of Osteopathic Examiners, for the term of four years and until his successor is duly appointed and qualified, vice Dr. Harold J. Dorrance, Pittsburgh, whose term expired.

GEORGE H. EARLE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, Pa., August 3, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

MEMBER LEBANON COUNTY BOARD OF ASSISTANCE

Dr. I. Calvin Fisher, (Democrat) 135 South 10th Street, Lebanon, Lebanon County, for appointment as a member of the Lebanon County Board of Asistance, vice Mrs. Edith V. Walter, resigned.

JUSTICE OF THE PEACE

A. M. Eck, Carroltown, Cambria County, for appointment as Justice of the Peace in the Borough of Carroltown, Cambria County, vice Alex Grieff, deceased, until the first Monday in January, 1940.

GEORGE H. EARLE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, Pa., August 15, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

MEMBER BOARD OF TRUSTEES WARREN STATE HOSPITAL

J. D. Landers, Tionesta, Forest County, for appointment as a member of the Board of Trustees of Warren State Hospital, for the term of four years and until his successor is duly appointed and qualified, vice Merle Russell, deceased.

MEMBERS McKEAN COUNTY BOARD OF ASSISTANCE

Robert A. Russell, (Republican) Custer City, McKean County, for appointment as a member of the McKean County Board of Assistance, for the term ending December 31, 1938, vice John Moore, resigned.

Mrs. Theresa White, (Republican) 2 West Washington Street, Bradford, McKean County, for appointment as a member of the McKean County Board of Assistance, for the term ending December 31, 1938, vice Mrs. Emma Griffith Bovaird, resigned.

JUSTICE OF THE PEACE

Charles W. Compton, 313 Spring Street, Latrobe, Westmoreland County, for appointment as Justice of the Peace in the Borough of Latrobe, Westmoreland County, vice John L. Ackerman, deceased, until the first Monday in January, 1940.

GEORGE H. EARLE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, Pa., September 6, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

MEMBER PHILADELPHIA REGISTRATION COMMISSION

Francis S. Cantrell, Jr., (Republican) 309 West School Lane, Philadelphia, for appointment as a member of the Registration Commission in and for the City of Philadelphia, until the first Monday of January, 1941, and until his successor is duly appointed and qualified, vice Edward J. Hunter, deceased.

GEORGE H. EARLE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, Pa., September 6, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

MEMBER HUNTINGDON COUNTY BOARD OF ASSISTANCE

Dr. G. A. Parker, (Democrat) 907 Mifflin Street, Huntingdon, Huntingdon County, for appointment as a member of the Huntingdon County Board of Assistance, for the term ending December 31, 1940, vice Dr. John M. Keichline, resigned.

JUSTICES OF THE PEACE

Joseph J. Buczek, Box 93, Rigby, Lawrence County, for appointment as Justice of the Peace in the Borough of South New Castle, Lawrence County, vice Charles W. Lynn, resigned, until the first Monday in January, 1940.

Arthur L. Saxe, Noxen, Wyoming County, for appointment as Justice of the Peace in the Township of Noxen, Wyoming County, vice E. J. Miller, deceased, until the first Monday in January, 1940.

Thomas J. Gallagher, Aldwyn Lane, Villanova, Delaware County, for appointment as Justice of the Peace in the Township of Radnor, Delaware County, vice Frank McCann, Sr., deceased, until the first Monday in January, 1940.

COMMISSIONER OF DEEDS

Wilbur Zimmerman, 215 Guarantee Trust Building, Atlantic City, New Jersey, for re-appointment as Commissioner of Deeds for the Commonwealth of Pennsylvania with residence in the State of New Jersey, for the term of five years to compute from October 1, 1938.

GEORGE H. EARLE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, Pa., September 6, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

MEMBER ARMSTRONG COUNTY BOARD OF ASSISTANCE

Samuel Hockenberry, (Democrat) Edmon, Armstrong County, for appointment as a member of the Armstrong County Board of Assistance, for the term ending December 31, 1940, vice Glen T. Black, resigned.

MEMBER BOARD OF TRUSTEES OF WARREN STATE HOSPITAL

Wade D. Mertz, Sharpsville, Mercer County, for appointment as a member of the Board of Trustees of Warren State Hospital, for the term of four years and until his successor is duly appointed and qualified to fill a vacancy.

JUSTICE OF THE PEACE

William A. Rumsey, F. F. D., East Springfield, Erie County, for appointment as Justice of the Peace in the Township of Springfield, Erie County, vice Herbert S. Hopkins, resigned, until the first Monday in January, 1940.

GEORGE H. EARLE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, Pa., September 12, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

PROTHONOTARY COURT OF COMMON PLEAS

Joseph Bonacci, Tresckow, Carbon County, for appointment as Prothonotary of the Court of Common Pleas of Carbon County, vice James M. Dreher, deceased, until the first Monday in January, 1940.

JUSTICES OF THE PEACE

Mike Kmetz, P. O. Box 153, Dunlo, Cambria County,

for appointment as Justice of the Peace in the Township of Adams, Cambria County, vice J. W. Harrison, deceased, until the first Monday in January, 1940.

Walter Duhoski, 130 East Main Street, Plymouth, Luzerne County, for appointment as Justice of the Peace in the Borough of Plymouth, Luzerne County, vice William A. Spry, deceased, until the first Monday in January, 1940.

Richard G. Stenlake, Gladstone Street, East Bangor, Northampton County, for appointment as Justice of the Peace in the Borough of East Bangor, Northampton County, vice William J. Cann, deceased, until the first Monday in January, 1940.

GEORGE H. EARLE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, Pa., September 26, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

MEMBER ERIE COUNTY BOARD OF ASSISTANCE

Joseph C. Williams, (Republican) 439 Shawnee Drive, Erie, Erie County, for appointment as a member of the Erie County Board of Asistance, for the term ending December 31, 1938, vice Mrs. Henrietta Fink Fischer, resigned.

MEMBER TIOGA COUNTY BOARD OF ASSISTANCE

Miss Martha McInroy, (Democrat) 2½ Sherwood Street, Wellsboro, Tioga County, for appointment as a member of the Tioga County Board of Assistance, for the term ending December 31, 1940, vice Mrs. Rosa Hamilton, resigned.

MEMBER BOARD OF TRUSTEES OF SELINSGROVE STATE COLONY FOR EPILEPTICS

Dr. Frank C. Wagonseller, Richfield, Juniata County, for appointment as a member of the Board of Trustees of Selinsgrove State Colony for Epileptics, for the term of four years and until his successor is qualified, vice William Erdley, whose term expired.

JUSTICES OF THE PEACE

Dewey McGahen, R. D. 6, Waterford, Erie County, for appointment as Justice of the Peace in the Township of Le Boeuf, Erie County, until the first Monday in January, 1940, vice George Mitchell, deceased.

Clare L. Guswiler, Wayne Street, Roscoe, Washington County, for appointment as Justice of the Peace in the Borough of Roscoe, Washington County, until the first Monday in January, 1940, vice Joe T. S. Cowen, deceased.

GEORGE H. EARLE

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. RICE and Mr. McCREESH.

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all the nominations reported at to-day's session.

Which was agreed to.

Whereupon,

A motion was made by Mr. RICE and Mr. McCREESH.

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Barthold,	Eroe,	Kilgallen,	Pytko,
Buckman,	Frey,	Kunkel,	Reed,
Cavalcante,	Gelder,	Lanius,	Rice,
Chapman,	Haluska,	Law,	Ruth,
Dando,	Henney,	Mallery,	Shapiro,
Deitrick,	Heyburn,	McCreesh,	Sipe,
Dent,	Jacobs,	McGinnis,	Stiefel,
DiSilvestro,	Jaspan,	Owlett,	Thompson,
Ealy,	Kahle,	Pierson,	Wolfenden,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. RICE. Mr. President, I move that the Executive Session do now rise.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

HOUSE MESSAGE

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 8

The Clerk of the House of Representatives being introduced, presented an extract from the Journal of the House of Representatives which was twice read considered and agreed to, as follows:

In the House of Representatives, September 27, 1938.

Resolved (if the Senate concur) That House Bill No. 8, Printer's No. 44, entitled:

"An Act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed with the General State Authority of various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects."

be recalled from the Governor for the purpose of the amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

RESOLUTION ENDORSING PRESIDENT ROOSEVELT'S ACTION RELATIVE TO EUROPEAN CRISIS

Mr. KILGALLEN offered the following resolution which was twice read as follows:

In the Senate, September 27, 1938.

Whereas, the march of events in the older countries has brought the horrible threat of war to central Europe, and

Whereas, His Excellency, Franklin Delano Roosevelt, President of the United States, has dispatched to Chancellor Adolf Hitler of Germany and President Eduard Benes of Czechoslovakia a plea for the preservation of peace, and

Whereas, in his message the President has in no way departed from the fixed tradition and opinion of our people that the countries of the old world have problems which are remote to American judgment, and

Whereas, by his action the President has performed a noteworthy service to all the peoples of the earth. Now therefore be it resolved, that the Senate of Pennsylvania approves the President's action and requests him to continue to use the influence of his high office toward the preservation of peace among all nations and, be it further resolved, that a copy of this resolution be forwarded to the President of the United States by the Chief Clerk of the Senate.

The PRESIDENT. Is there objection to immediate consideration?

Mr. OWLETT. Mr. President, I object.

MOTION TO SUSPEND RULE 39

Mr. THOMPSON. Mr. President, I move that Rule 39, which requires resolutions to be referred to an appropriate committee, be suspended and that the Senate do now proceed to the consideration of the resolution just read.

Mr. McGINNIS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The PRESIDENT. A request has been made for the Secretary to again read the resolution for the information of the Senate.

The resolution was accordingly read.

And the question recurring,

Will the Senate agree to the motion?

REQUEST TO MAKE RESOLUTION SPECIAL ORDER OF BUSINESS

Mr. THOMPSON. Mr. President, I request that the Senate make this a matter of special order of business one-half an hour from now. I do this at the request of my colleague from Tioga, Senator Owlett.

Mr. KILGALLEN. Mr. President, in offering this resolution I had no thought that it would result in a hesitation on the part of any Senator on this floor toward giving his full support to it. We all know that the peacemakers are blessed and shall inherit the kingdom of Heaven. But in all of us there is some restraint in our mind lest the word of a peacemaker lead to some other word and then to some other word and then to some other word until the final result is confusing.

We also know that here in America we have the universal opinion of our people that we should stay remote from the troubles of other people. But, gentlemen of the Senate, in the old world today there are troubled lands and great fears and if the President of our nation can go far enough on the road but not too far to help in a bad situation then this Senate ought to support him and I say to you that any Senator who has read the message of the President must be convinced that the President of the United States has done just that; that at the right time he has said the right words and he has said no more than the right words. Any Senator here can safely and properly vote for this resolution.

Mr. OWLETT. Mr. President, I wish to explain to the Senate and to the Chair the reason that I objected to immediate consideration of this resolution. In the first place we could not hear it when it was first read. None of us have seen it and a momentous problem such as is facing the world today in the threat of a general European war is such that I do not think that any Senator ought to vote on a resolution regardless of whether it may be anything or not until he at least has a chance to read the resolution and to understand its full meaning. I personally do not propose to vote on any resolution touching on a matter as far reaching as this without having a chance to read the resolution myself, and that was my reason for objecting.

I suggested to the Senator from Centre that the matter be held up for a half an hour in order that we might read the resolution. It may be very fine and it may not be. There is one thing certain—the American people do not propose to have this country get into a European war and personally I do not propose to vote for any resolution that inferentially, directly or indirectly, commits or upholds the committing of our government to mixing in the European situation.

Mr. DENT. Mr. President, and members of the Senate, if I understand the resolution rightly it puts the stamp of approval upon the action taken by the President. If it does that and that only I intend to vote for it. However I cannot help but think of the danger of the President of the United States making any suggestions to a crazy mob-ruled crowd over in Europe who have already planned and debated this thing to the point where they are going to fight—there is no question about it. What would be the answer if we approved any interference by our President if they in turn suggested that the President of the United States send over a commission to sit in on the deliberations looking toward a peaceful solution of the problems? If we allow and grant the President of the United States our permission as representatives of the people of Pennsylvania to interfere and if this resolution supports him in appointing a commission to go to Europe and over there, with their slick maneuvering, they get this commission to make some proposition to the countries that are involved in this crisis and after the commission has given its approval to some sort of a compromise, it is accepted for a period of a few hours and then thrown overboard by the participants in this argument, before the thing winds up we the people of the United States who have no intentions whatsoever of being mixed up in the European war will probably be tied down to the fact that we sent somebody over to Europe interfering with their business.

I believe in the Monroe Doctrine and I believe in America for the Americans. If this resolution only accepts that which he has done and does not give him any permission in any way to go any further, I will vote for it. If it goes any further than that, count me out.

The PRESIDENT. The Chair might point out that while he has been very tolerant the discussion of international relations under this motion is not in order. The motion is to suspend.

Mr. THOMPSON. Mr. President, I would like to know if there is any objection to my request to make this a special order of business a half an hour from now?

The PRESIDENT. The Chair would suggest that you withdraw your motion and that we temporarily lay the resolution on the table.

MOTION WITHDRAWN

RESOLUTION LAID ON THE TABLE

Mr. THOMPSON. Mr. President, I withdraw the motion.

The PRESIDENT. Does the seconder, the Senator from Allegheny, agree to withdraw his second?

Mr. McGINNIS. Mr. President, I do.

The PRESIDENT. The motion is withdrawn.

Mr. THOMPSON. Mr. President, I would suggest also that with the stenographic force that we have here, because it is not a long resolution, that copies of the resolution could be made by the stenographers, and if any-

one is in doubt as to the import of the resolution that can be cleared up before action is taken on it.

Mr. CAVALCANTE. Mr. President, I heard the resolution read and have tried to permit the contents to impress themselves upon my mind. The only objection that I see with the resolution is that it infers or presumes that every member of this Senate has read the message of the President. I think that in a matter of this kind, which as already stated by the Senator from Westmoreland and the Senator from Tioga, is a very serious one, I think that probably if the message of the President would be attached to the resolution so that those of us who have not read it might know what it is, we might be able to vote intelligently upon the resolution.

Mr. KILGALLEN. Mr. President, I understand very well the sentiments that the different Senators have expressed, and I respect them. I do understand the danger that may come to our country through an undue influence with other countries, but certainly when the world stands on the brink of war, we can do some little thing to prevent that war, and in the recess which I suppose is now going to occur, I will be very glad to show the written resolution to any of the Senators who want to discuss it. Then let us come back in a half an hour and see what we want to do about it.

Mr. THOMPSON. Mr. President, I might say that the only reason that I made this motion to suspend the rule and which if it becomes necessary to do so, I will make again approximately a half an hour from now, is because this Senate will likely adjourn this afternoon, which means that the resolution cannot be up for action until next Monday night. In the meantime this deadline as to peace or war expires at midnight September 30th, and the decisions as to peace or war will be made before this Senate reconvenes next week.

I don't think it is out of place at all for this Senate to express, as it proposes to do, the wish of a large portion of the people of this state that the President know two things which we feel the resolution contains. First, that the sentiment of the American people is for peace, and the sentiment of the people of Pennsylvania is for peace, and in the second place that the sentiment of the people of Pennsylvania is against participating to any other degree than is absolutely necessary in the European controversy. If we are to be of any help in this situation, if we are to be of any assistance to the President of the United States, if we are to make any expression as representatives of the people of Pennsylvania, we must do that today, Mr. President, and not wait until next Monday night, for it to be of any value to the President.

Mr. CAVALCANTE. Mr. President, I would like to interrogate the Senator from Centre, Mr. Thompson.

The PRESIDENT. Will the Senator from Centre, Mr. Thompson, permit himself to be interrogated?

Mr. THOMPSON. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, does the Senator from Centre believe that by adopting this resolution we will forestall the threat of war in Europe before October 1st?

Mr. THOMPSON. Mr. President, well, by adopting this resolution we certainly won't be encouraging the threat of war in Europe. And as far as we are able, I am confident that it will be discouraging the threat of war in Europe.

Mr. CAVALCANTE. Mr. President, if this resolution is adopted will a copy of it be served on Hitler and the rest of them over there, to let them know what we have decided in this Senate?

The PRESIDENT. You can arrange for that if you so desire.

Mr. THOMPSON. Mr. President, if I recall correctly, the distinguished Senator from Fayette is Chairman of the Committee on Constitutional Changes and as such should have at least a speaking acquaintance with the Constitution of the United States. I believe, although I am subject to correction on the part of our constitutional authority here, that the man who is selected by the Constitution of the United States to carry on international negotiations in all respects is the President, or someone delegated by him, and not the officers of the State of Pennsylvania. Therefore, we send our expression to the man who is selected by the Constitution of the United States to carry on international affairs.

The PRESIDENT. The Chair suggests that no motion to fix a time for the consideration of this resolution will be in order. If the resolution lies on the table and we continue with our business, copies are being made right now, and it can be called up after we finish the calendar.

POINT OF INFORMATION

Mr. GILSON. Mr. President, I rise to a point of information.

The PRESIDENT. The Senator from Erie, Mr. Gilson, will state his point of information.

Mr. GILSON. Mr. President, the Chair has called for resolutions and I would like to interrogate the Senator from Westmoreland County, Senator Dent, as to whether he has prepared and has ready for submission to the Senate, any resolution in pursuance to the question of personal privilege to which he arose last evening.

Mr. DENT. Mr. President, in answer to the Senator, I might say that I am sorry but I have been busy writing letters to the European powers. However, I have the resolution, and with the permission of the Chair, I would like to read the resolution to the Senate.

RESOLUTION RELATIVE TO CIVIL SERVICE QUALIFICATIONS OF EMPLOYES OF DEPARTMENT OF LABOR AND INDUSTRY

Mr. DENT offered the following resolution which was twice read as follows:

In the Senate, September 27, 1938.

Whereas, by Act No. 1 approved December 5th 1936 the General Assembly of Pennsylvania established a system of unemployment compensation and provided for its administration by the Department of Labor and Industry and for the selection of personnel by civil service examination for the administration of said Act and

Whereas, such examination to be practical in character and relating to matters fairly testing the relative capacity and fitness of the applicants and further providing that no applicant shall be required to be possessed of any specific scholastic education or previous experience and training in order to be permitted to take such competitive examination or to be appointed to any position under this Act and

Whereas, in determining the eligibility of examinees under the authority of this Act the administrators have violated both the spirit and the letter of the Act with the purpose in mind of circumventing the provision of the Act as well as disregarding the will of the Legislature by

requiring certain scholastic and training attainments by the applicant that tend to handicap applicants with normal ability in determining fitness for employment under this Act and

Whereas, those charged with the responsibility of administering provisions of said Act relating to civil service persist in disregarding the provisions thereof

Therefore, be it hereby resolved and it is hereby resolved that all persons successful in passing the examination but declared ineligible by such rulings of the administrators relating to the preliminary qualifications be reinstated to the list of eligibles and same to be given equal opportunity for employment and be it further

Resolved, and it is resolved that all such rulings are declared to be a violation of the provision of the Act and are hereby removed from the requirements governing fitness for employment under the civil service division of this Act of the General Assembly.

Mr. DENT. Mr. President, I move that Rule 39, which requires resolutions to be referred to an appropriate committee, be suspended and that the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection?

Mr. JACOBS. Mr. President, I object.

The PRESIDENT. Objection is made. The resolution is referred to the Committee on Labor and Industry.

Mr. CAVALCANTE. Mr. President, shortly after the Senator from Westmoreland had made his remarks on the question of personal privilege last night out of which there has now come this resolution, I inquired of the Senator from Westmoreland if a certain Fred Cappolo was connected with the Unemployment set-up and I was informed that he was attached to the Department of Public Assistance. Since we have had letters of complaint from many citizens of this Commonwealth of Pennsylvania that the Public Assistance Departments is doing the same thing with their Civil Service examinees as the Unemployment Compensation set-up I also have a resolution prepared and would like the privilege of reading it myself to the members of the Senate.

RESOLUTION RELATIVE TO CIVIL SERVICE QUALIFICATIONS OF EMPLOYES DEPARTMENT OF PUBLIC ASSISTANCE

Mr. CAVALCANTE offered the following resolution which was twice read, as follows:

In the Senate, September 27, 1938.

Whereas, the Act creating the Department of Public Assitance in the Commonwealth of Pennsylvania provided for its administration and for the selection of personnel by civil service examination and

Whereas, such examination is to be practical in character and relating to matters fairly testing the relative capacity and fitness of the applicants and further that no applicant shall be required to be possessed of any specific scholastic education or previous experience and training in order to be permitted to take such competitive examination or to be appointed to any position under this Act and

Whereas, in determining the eligibility of examinees under the authority of this Act the administrators have violated both the spirit and the letter of the Act with the purpose in mind of circumventing the provision of the Act as well as disregarding the will of the Legislature by requiring certain scholastic and training attainments by the applicant that tend to handicap applicants with normal ability in determining fitness for employment under this Act and

Whereas, those charged with the responsibility of administering provisions of said Act especially Fred Cappolo relating to civil service persist in disregarding the provisions thereof

Therefore, be it hereby resolved and it is hereby resolved that all persons successful in passing the examination but declared ineligible by such rulings of the administrators relating to the preliminary qualifications be reinstated to the list of eligibiles and same to be given equal opportunity for employment and be it further

Resolved, that all such rulings are declared to be a violation of the provision of the Act and are hereby removed from the requirements governing fitness for employment under the civil service division of this Act of the General Assembly

Mr. CAVALCANTE. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions to be referred to an appropriate committee, be suspended and that the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection?

Mr. KUNKEL. Mr. President, I object.

The PRESIDENT. Objection is made. The resolution is referred to the Committee on Labor and Industry.

RECESS

Mr. DENT. Mr. President, I move that the Senate do now take a recess for ten minutes.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

ANNOUNCEMENT BY THE SECRETARY

There will be a meeting of the Committee on Labor and Industry in Room 265.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 40, entitled:

An Act to amend Sections one hundred eight, five hundred six, five hundred seven, eight hundred thirteen, eight hundred fourteen, and one thousand one hundred thirty-three of the act approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, by providing for the merger of certain school districts with other districts; re-defining indebtedness of school districts; empowering the county boards of school directors to employ an attorney and fix his compensation; increasing the salaries of members of the county board of school directors; and providing for limitations on the appointment of district superintendents.

And said bill having been read at length the third time, and agreed to,

And the amendments thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. RUTH. Mr. President, and members of the Senate Senate Bill No. 40 has been introduced not as new legislation but as an amendment to the Act that was passed

in the 1937 session in order to make correction. The principal points in this act are: First, it validates the mergers that have already taken place. In Pennsylvania we had 35 school districts that had no teachers employed and under Act 157 they were required to merge with other districts by January 1, 1938. Of the 35 districts 27 are already merged and are satisfied. Four have done nothing and four are in litigation in the courts. For the information of the Senate the Borough of Millbourne of Delaware County of which Senator Heyburn spoke last night is one of those in litigation and is specifically exempt under this act.

This act validates the action of 27 of the 35 districts; four have done nothing and four are in litigation and are exempt from the provisions of this act.

The second feature and the most important to every Senator in this body is the fact that all districts will be required to vote on the merger. Under the present act only the districts having less than ten teachers can vote. The districts to which the smaller districts may be added that have more than ten teachers have no say in the matter. This will require that every district will vote that has opposed the merger but any district that votes in opposition to the merger stays exactly as it is today and is not affected by the act. Therefore you are extending home rule to every voter; that is the effect of this measure.

The third feature is that under the present financial limitation laws of the schools the amount that the school board can borrow by bond issue is 7 per cent including temporary indebtedness. This amendment takes out temporary indebtedness and only includes the bond issue of 7 per cent. Further, it provides that the present school board may be paid for eighteen meetings in the year instead of twelve as at present. It does not increase their pay, it only enables them to be paid for eighteen meetings instead of twelve meetings during the year. The act also provides that in the case of attorneys who get these mergers through that where the expenses of the attorneys are more than $100 the attorneys' fees must be approved by the Court of Common Pleas It also limits the number of district supervisors that can be appointed.

The whole act is one to correct a condition. It creates a large degree of home rule. Under the present act the county school boards can make mergers as required by law but in those mergers there are a number of larger districts which will not have a vote under the act unless we pass this bill. If this bill is passed every district will vote on it and any district that votes in opposition remains exactly as it is today. I ask the Senators to vote for the bill.

Mr. HEYBURN. Mr. President, I would like to read into the records a letter from a councilman of the Borough of Millbourne.

BOROUGH OF MILLBOURNE
DELAWARE COUNTY
PENNSYLVANIA

September 26, 1938.

Honorable Weldon Heyburn,
Harrisburg, Pa.
c/o Senate.

Weldon:

In regard to what I was speaking to you about last evening might state that Senate Bill No. 40 is of vital importance to everyone in the Borough of Millbourne owning property or renting property, for if this should become a law and withstand attack in courts it would mean a raise of $5.00 rent per month.

Might state that we now have a school tax of four mills and average 32 children per year in school, if we are compelled to join another school district it would mean a school tax of at least 20 mills without any better conditions than we now have.

Have always wondered why the department of Public Instruction do not confine their efforts to the education of children, we can attend to the business of all arrangements. Anyone knows that there is very little business sense in an educator. They do not move in the same atmosphere as a business man, and while other people realize this, it is too bad that they do not. Wish that you would do all you can to defeat this bill and if possible have a public hearing so that we can personally appear to protest.

They undoubtedly proclaim that they are fair and honest in all their deliberations, but their actions speak louder than words which is something that I have never been able to understand. While this Borough would be robbed of $16,000 a year, the robber would not benefit one cent.

Awaiting your reply and appreciate your efforts, I remain

Yours very truly,

Dawson Martin Yerkes.

I might add that in the third paragraph the sentence "Anyone knows that there is very little business sense in an educator" is underlined by the writer of this letter.

Mr. THOMPSON. Mr. President, the only trouble with the Senator from Delaware and his constituent in the Borough of Millbourne is that apparently neither one of them has read the bill. I think that if the Senator from Delaware and his constituent the councilman from Millbourne will turn to page 6 line 22 of this bill they will find the following provisions: "And provided further that the provisions of this act shall not apply to any such merger which has been made the subject of litigation in any court of the Commonwealth instituted prior to the passage of this act and still pending and undetermined".

Unquestionably the Senator from Delaware is familiar enough with the affairs of his own district to know that the question of this Millbourne merger in Delaware County is now the subject of litigation and consequently the provisions of this act cannot affect Millbourne Borough in any respect whatsoever.

The Borough of Millbourne, whether we pass this Act or whether we do not, will be in exactly the same position as before. It will not be affected in any sense of the word. I am not a believer and never have been a believer in allowing the outcome of legislation to hinge on any one particular municipality or any one small group of people. That should not be the theory in the passage of legislation. The theory in the passage of legislation should be whether or not there is a sound public policy for the groups affected as a whole. Unquestionably this bill accomplishes what we tried to do last year, in a fair manner. This helps us in every small school district. It remedies the defects in last year's act. If anything the bill gives a larger measure of home rule than the bill of last year. The bill is unquestionably an improvement on the bill that is the law today in the State of Pennsylvania and I think that we would make a very grave mistake, and the Senator from Delaware is making a grave mistake, if we do not vote for this bill.

Mr. HEYBURN. Mr. President, the Senator from

Centre talks of helping small school districts and I would like to ask him whether or not he believes raising a property holder's tax from four mills to twenty mills is helping him.

Mr. THOMPSON. Mr. President, if this had anything to do with the question in Millbourne Borough I certainly would be very glad to say that I am not in favor of raising anybody's taxes to that extent. As I said before, the Senator from Delaware must be misinformed about this whole situation because in the first place I have the figures right here before me on the taxes of Millbourne Borough and if it were consolidated it would not raise the tax to twenty mills. I cannot understand the position the Senator takes. If he had just taken the trouble to read the bill he would find that this cannot affect the question of Millbourne Borough. That is all he has to do. We certainly cannot talk intelligently until we read the bill.

Mr. REED. Mr. President, I would like to interrogate the Senator from Centre, Mr. Thompson.

The PRESIDENT. Will the Senator from Centre, Mr. Thompson, permit himself to be interrogated?

Mr. THOMPSON. Mr. President, I will.

Mr. REED. Mr. President, is this bill a validating act?

Mr. THOMPSON. Mr. President, this bill is principally an act validating the mergers that have already been approved by the courts. That is the principal part of the bill.

Mr. REED. Mr. President, has the original act, passed in the session of 1937, been ruled on by the courts?

Mr. THOMPSON. Mr. President, oh yes, in a number of cases; four, I believe.

Mr. REED. Mr. President, did those decisions support the bill or not?

Mr. THOMPSON. Mr. President, I believe every decision of the court supported the bill except one in Somerset County.

Mr. REED. Mr. President, then the purpose of this bill is chiefly to validate the act passed in 1937?

Mr. THOMPSON. Mr. President, the purpose of this bill is to validate the mergers which the courts have already passed on and approved. Now it does not affect any of these school districts whose mergers are in the process of litigation today, like the one in Somerset County and the one in Delaware County.

Mr. REED. Mr. President, one more question then. Do both of the districts vote on the merger?

Mr. THOMPSON. Mr. President, yes, certainly, that is they will under this act but not under the original act. That is why I say this act is a great improvement over the act that is now the law in the State.

Mr. EALY. Mr. President, I desire to interrogate the Senator from Berks, Mr. Ruth.

The PRESIDENT. Will the Senator from Berks, Mr. Ruth, permit himself to be interrogated?

Mr. RUTH. Mr. President, I will.

Mr. EALY. Mr. President, do I understand the Senator from Berks to say that in every case the electors of the two districts or more districts will vote on the question of consolidation?

Mr. RUTH. Mr. President, absolutely, under this bill.

Mr. EALY. Mr. President, but whether or not there are enough school teachers?

Mr. RUTH. Mr. President, oh yes, but not where there are no school teachers. There is no change in this act as I understand it from the old act in cases where there are no school teachers at the present time. In such cases there is no submission to the electorate as to whether or not the districts will be consolidated.

Mr. EALY. Mr. President, the present act has been declared unconstitutional not only by the court of Somerset County but also by the court of Delaware County and if the Supreme Court should sustain those decisions I should like to ask how this act may be any more constitutional than the one we passed.

Mr. RUTH. Mr. President, I would answer that by saying that if the Supreme Court should not sustain that litigation and declare the original act and the present law constitutional still our larger districts would not have a vote unless this bill were passed. This is to give home rule to every district

There are only four districts in Pennsylvania that have not done a thing about it, and four who are in litigation and those in litigation are not affected by this act at all. This act will permit all districts connected with any merger to vote, and any district that votes not to go in remains exactly as it does today.

Mr. CAVALCANTE. Mr. President, will the Senator from Berks state whether or not this act will affect those districts that are now under litigation after a decision of the court on that question?

Mr. RUTH. Mr. President, on page 6, line 23, it says: "That the provisions of this act shall not apply to any such merger which has been made the subject of litigation in any court of the Commonwealth instituted prior to the passage of this act still pending and undetermined."

Mr. CAVALCANTE. Mr. President, but how after the court has rendered its decision on both cases will this act apply to those districts?

Mr. RUTH. Mr. President, not any more than the original act. This particular bill would not apply at all in that case. The original act would come before it.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—22

Barthold,	Gilson,	Kilgallen,	Pyfle,
Dando,	Haluska,	Kunkel,	Rice,
Dent,	Henney,	Law,	Shapiro
DiSilvestro,	Jacobs,	McCreesh,	Sipe
Eroe,	Jaspan,	McGinnis,	Stiefel,
Frey,	Kahle,		

NAYS—13

Bean,	Gelder,	Mallery,	Ruth,
Cavalcante,	Heyburn,	Owlett,	Thompson,
Chapman,	Lanius,	Reed,	Wolfenden,
Ealy,			

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 39, entitled:

An Act to amend and re-enact section five hundred and twenty-four of an act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish

a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by limiting and prescribing the method of fixing the levy of school taxes in school districts of the first class

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. STIEFEL. Mr. President, I was not in the Senate last night and I have had no chance to voice my objection to the amendments which were offered to Senate Bill No. 39. I was in favor of the bill in its unamended form. It seems to me that this bill offers only a temporary solution to the problem of Philadelphia, but I prefer to take half a loaf rather than to lose the entire loaf, and for that reason I will be in favor of the bill.

A certain philosopher has stated that the excellence of any municipality should be tested on the theory of consumption of soap and the standards of education. When it comes to standards of education, Philadelphia is proud of its schools, and we will do everything in our power to preserve those high standards.

Mr. SHAPIRO. Mr. President, this bill is made necessary by two things. One is that the Supreme Court of Pennsylvania said that the Legislature had no right to delegate the authority of taxation powers to any non-elective board unless that delegation is fixed within certain limitations. Secondly, both in Philadelphia and Allegheny counties where the taxation is based on the assessed value of real estate and the assessed value receded through parties having the power to adjust the assessments, the income of the schools normally reduced itself and therefore whenever you have a fixed tax rate as we have in Pittsburgh of 11¼ mills, and in Philadelphia of 9½ mills, that being fixed by the assessment and not permitted to fluctuate up or down with the values as they increase or decrease, you find yourself in the position where the obligation created by the Edmonds Act fix the salaries of the teachers and there is no way to increase the income because it is based upon a fluctuating situation.

In Philadelphia last year there was a shortage of $6,500,000 to meet the requirements of the Edmonds Act. That was met by this Legislature permitting the Board of Education of the cities of first class school districts to make loans upon delinquent taxes, and for the time being the City of Philadelphia was able to meet its payroll. Now, Philadelphia's assessments have decreased in the last ten years by close to one billion dollars. The income from the taxation in Philadelphia is twenty-three million dollars per year. The total amount necessary for the school teachers' salaries, in which school supervisors are included, is over twenty-one million dollars. In addition to the twenty-one million dollars the school districts are obliged to pay the running expenses and the debt service, which means the interest plus the sinking fund.

Now I have a great deal of criticism to offer against the Board of Education in the City of Philadelphia in that some of the expenditures have been unnecessary. I do not believe that it is necessary for the City of Philadelphia to have a several million dollar palace for an administration building and I am sure that there can be just criticism directed as well against other expenses which the schools have undertaken. I have long been opposed to the encroachment of the schools upon functions of the other departments of the Government. I know that when I went to school I used to walk a couple of miles and now we furnish the students with buses to ride in, and then we have to equip gymnasiums to give them the exercise that they would have gotten if they had walked instead.

But the real point in this case is, and there is no question about it, that this year in Philadelphia and next year in Pittsburgh schools will have to be closed or teachers' salaries will have to be cut. And they can't be reduced in view of the Edmonds Act, and we are at an impasse. But this is a special situation. Philadelphia must make up its budget and fix its tax rates by December. I would have suggested that this matter be allowed to remain over until the General Session of the Legislature except for the fact that the tax rate must be fixed before then.

I believe that there must be another method of reaching a solution to this problem. I do not believe that one particular class of people should be forced to bear the burden of schools and of teaching students exclusively and to the exclusion of another class. In other words every time Philadelphia increases the tax rate one mill we increase the burden of taxes on real estate, not on everybody but merely on the holders of real estate, by $3,250,000. This bill in its original form would have cost the city of Philadelphia $6,500,000 and you can see the injustice to the city of Philadelphia of this situation when you realize and bring it down to what it means, that real estate, not the tax payers generally, but real estate in Philadelphia will be taxed an additional $6,500,000. Property owners whose children do not go to school will be obliged to bear the burden alone. People who do not own property and send seven or eight children to school do not bear any of the burden. So it seems to me that it is unjust for this special session to impose a burden upon the people without trying at least to solve the problem and distribute more equitably the burden that will be imposed. For that reason I am one of those who insisted on making this measure an emergency measure and treating it as such. The increase that this bill provides is an increase in Philadelphia of not more than one mill and there may be an increase in Pittsburgh in Allegheny County also of not more than one mill and as the bill reads, only for the year 1939, and thereafter the tax rate must remain as fixed in 1938.

My desk is littered with a lot of letters. I know the contents of these letters. They all read, "vote for Senate Bill No. 39, without amendments." I had the very interesting experience last week of having a gentleman come from one store, who was its treasurer, and say to me that if we passed this bill it would increase their taxes and put an unnecessary burden upon them. The next day I had a gentleman from another department of the same store, who was interested in sales being increased by teacher's organizations, come to me and say that if we did not pass this bill teachers would not get their salaries, incomes would be reduced, and the de-

partment stores would lose sales. This is the same situation we meet in the Senate all the time. Two people will always agree on how much the other fellow should pay in taxes but you cannot get those two people to get together and treat it as a large proposition. Here is one organization with two departments and each department fighting for its own position, the same as we have each taxpayer fighting for his own position.

Now our problem is shall we allow these schools to close or have the teachers' salaries cut or shall we do something about it. Since we cannot study the problem thoroughly until the next session this bill will correct the problem temporarily. In January the tax rate will be fixed and we will be back here and we can then tackle the problem in a proper and careful manner.

But to simply get up and say you were in favor of the bill in its original form and close your eyes to the effect of the bill and think that the problem will be solved is no solution. I was not in favor of the bill in its original form for I do not believe that this Legislature should give these people the right to increase the taxes two mills or twenty cents in Philadelphia and in Pittsburgh until we can find some other way of distributing this burden and therefore I am in favor of this bill only as a temporary measure. When we come back next year those of us who will be here can make it our business to go into this thing a little more carefully and see how this problem can be solved in a better and larger sense.

Mr. LAW. Mr. President, I would like to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. LAW. Mr. President, will the Senator from Philadelphia state whether the Philadelphia school district has a per capita tax?

Mr. SHAPIRO. Mr. President, it does not have a per capita tax.

Mr. LAW. Mr. President, will the Senator state whether under the present law it is possible for the city of Philadelphia to have a per capita tax?

Mr. SHAPIRO. Mr. President, under the existing law it is not but this Legislature can authorize it. That is my opinion and I read the Supreme Court's decision six months ago but of course they may have changed their minds since then.

Mr. LAW. Mr. President, can sufficient money be raised under the per capita tax to take care of this deficit?

Mr. SHAPIRO. Mr. President, I would say that there are enough adults in Philadelphia for the imposition of a reasonable per capita tax to give enough money to the city to take care of the deficit. Whether that is the proper method I am not prepared to say at this time.

Mr. DENT. Mr. President, I would like to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. DENT. Mr. President, as I understand this amendment it sets up a certain standard in the classrooms as to the number of pupils to be taught by the teachers.

Mr. SHAPIRO. Mr. President, it provides that in elementary schools there should not be more than one teacher for 32 pupils and in junior and senior high schools more than one teacher for 25 pupils and not more than one superintendant for 600 students or more than one supervisor for every 1200.

Mr. DENT. Mr. President, is that word "more" or "less."

Mr. SHAPIRO. Mr. President, the word is "more." It is a limitation.

Mr. DENT. Mr. President, then there is no restriction under the act on one teacher teaching 35 pupils?

Mr. SHAPIRO. Mr. President, no, it also provides that there is no restriction on one teacher teaching 26 pupils but they cannot compute the tax levy on that basis. They must get the money from some other source. According to the inquiries and investigation I have made that standard set up is in accordance with the present existing standard in both Philadelphia and Pittsburgh.

Mr. DENT. Mr. President, well I just wanted to make sure that we are not setting up something that is going to cost the rural schools money. In our schools sometimes one teacher has to teach as many as 55 pupils in certain districts.

Mr. SHAPIRO. Mr. President, I do not know what you mean by rural counties because I am not sure that Philadelphia is not becoming more rural every day but this applies to first class school districts.

Mr. DENT. Mr. President, well often they start out in Philadelphia as a testing ground and end up in our counties.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Barthold,	Eroe,	Kahle,	Reed,
Bean,	Frey,	Kilgallen,	Rice,
Buckman,	Gelder,	Kunkel,	Ruth,
Cavalcante,	Haluska,	Lanius,	Shapiro,
Chapman,	Henney,	Mallery,	Sipe,
Dando,	Heyburn,	McCreesh,	Stiefel,
Dent,	Jacobs,	McGinnis,	Thompson,
DiSilvestro,	Jaspan,	Pytko,	Wolfenden,
Ealy,			

NAYS—2

Gilson,	Law.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 42, entitled:

An Act to amend Article two of Section one of the act, approved the twelfth day of June, one thousand nine hundred and thirty-one (P. L. 575), entitled "An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River, and the improvement of the facilities for transportation across the river; authorizing the Governor, for these purposes, to enter into an agreement with New Jersey; creating The Delaware River Joint Commission and specifying the powers and duties thereof, including the power to finance projects by the issuance of revenue bonds; transferring to the new commission all the powers of the Delaware River Bridge Joint Commission; and making an appropriation," by fixing the term of office of certain members.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas nd nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—27

Barthold,	Gilson,	Kilgallen,	Rice,
Cavalcante,	Haluska,	Kunkel,	Ruth,
Dando,	Henney,	Lanius,	Shapiro,
Dent,	Heyburn,	Law,	Sipe,
DiSilvestro,	Jacobs,	McGinnis,	Stiefel,
Eroe,	Jaspan,	Pytko,	Thompson,
Frey,	Kahle,	Reed,	

NAYS—6

Bean,	Ealy.	Mallery,	Wolfenden,
Chapman,	Gelder,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 51 (House Bill No. 47), entitled:

An Act making a deficiency appropriation to the Anthracite Coal Industry Commission created by the act approved the eighth day of February, one thousand nine hundred and thirty-seven (Pamphlet Laws twenty-one) entitled "An act creating the Anthracite Coal Industry Commission, defining its powers and duties and making an appropriation."

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Barthold,	Haluska,	Lanius,	Rice,
Cavalcante,	Henney,	Law,	Ruth,
DiSilvestro,	Jacobs,	Mallery,	Shapiro,
Eroe,	Jaspan,	McGinnis,	Sipe,
Frey,	Kahle,	Pytko,	Stiefel,
Gelder,	Kilgallen,	Reed,	Thompson,
Gilson,	Kunkel,		

NAYS—4

Chapman,	Ealy.	Heyburn,	Wolfenden,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 47 (House Bill No. 40), entitled:

An Act to ratify confirm and make valid the actions proceedings expenses and expenditures of the commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth appointed pursuant to the joint resolution approved the twenty-ninth day of April, one thousand nine hundred and thirty-seven (Pamphlet Laws five hundred forty) entitled "A joint resolution authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas requiring the commission to make a report of its findings to the Governor together with its recommendations as to such regulatory legislation as may be needful to correct any abuses and evils connected with such industry which are prejudicial to the interests of the citizens of this Commonwealth authorizing the commission to employ counsel and employes and making an appropriation" and its amendment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 53 (House Bill No. 10), entitled:

An Act authorizing the Secretary of Highways to change the location of State Highway routes in cities of the first class constituting part of the approaches to interstate bridges including terminal points thereof authorizing the abandonment of such relocated sections of State highways authorizing he Secretary of Highways to enter into agreements with Cities of the First Class Interstate Joint Commissions persons associations and corporations for the sharing of the cost exclusive of property damages of widening streets and relocating highways forming part of the State highway system and constituting approaches to interstate bridges authorizing Cities of the First Class Interstate Joint Commissions persons associations and corporations to enter into agreements with each other for the sharing of the cost of property damages direct and not merely consequential thereto in connection with the widening of said streets and relocating said highways and with the Secretary of Highways and each other for the sharing of the cost of widening said streets and relocating said highways exclusive of property damages and making an appropriation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 57 (House Bill No. 62), entitled:

An Act to ratify, confirm and make valid the joint legislative committee to investigate governmental costs of Philadelphia. Concurrent Resolution No. 2, approved the thirteenth day of January, one thousand nine hundred and thirty-seven, (P. L. 2869), which committee was provided with an appropriation under Appropriation Act No. 9-A, entitled "An act making an appropriation for the expenses of the joint legislative commission created by Senate Concurrent Resolution Serial Number 102, approved January thirteenth, one thousand nine hundred thirty-seven," together with its actions, proceedings, expenses and expenditures.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 58 (House Bill No. 65), entitled:

An Act creating a commission to study and report on use of devices and methods of transmission of information for advices in furtherance of gambling and making an appropriation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

REPORTS FROM COMMITTEES

Mr. FREY. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY from the Committee on Labor and Industry to which was referred resolution offered by Mr. Cavalcante at today's session reported the same without amendment, as follows:

In the Senate, September 27, 1938.

Whereas, The Act creating the Department of Public Assistance in the Commonwealth of Pennsylvania provided for its administration and for the selection of personnel by civil service examination and

Whereas, Such examination is to be practical in character and relating to matters fairly testing the relative capacity and fitness of the applicants and further that no applicant shall be required to be possessed of any specific scholastic education or previous experience and training in order to be permitted to take such competitive examination or to be appointed to any position under this Act and

Whereas, In determining the eligibility of examinees under the authority of this Act the administrators have violated both the spirit and the letter of the Act with the purpose in mind of circumventing the provision of the Act as well as disregarding the will of the Legislature by requiring certain scholastic and training attainments by the applicant that tend to handicap applicants with normal ability in determining fitness for employment under this Act and

Whereas, Those charged with the responsibility of administering provisions of said Act especially Fred Cappolo relating to civil service persist in disregarding the provisions thereof

Therefore, Be it hereby resolved and it is hereby resolved that all persons successful in passing the examination but declared ineligible by such rulings of the administrators relating to the preliminary qualifications be reinstated to the list of eligibles and same to be given equal opportunity for employment and be it further

Resolved, That all such rulings are declared to be a violation of the provision of the Act and are hereby removed from the requirements governing fitness for employment under the civil service division of this Act of the General Assembly

Mr. EROE. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EROE, from the Committee on Labor and Industry to which was referred resolution offered by Mr. Dent at today's session reported the same without amendment, as follows:

In the Senate, September 27, 1938.

Whereas, by Act No. 1 approved December 5, 1936 the General Assembly of Pennsylvania established a system of unemployment compensation and provided for its administration by the Department of Labor and Industry and for the selection of personnel by civil service examination for the administration of said Act and

Whereas, such examination to be practical in character and relating to matters fairly testing the relative capacity and fitness of the applicants and further providing that no applicant shall be required to be possessed of any specific scholastic education or previous experience and training in order to be permitted to take such competitive examination or to be appointed to any position under this Act and

Whereas, in determining the eligibility of examinees under the authority of this Act the administrators have violated both the spirit and the letter of the Act with the purpose in mind of circumventing the provision of the Act as well as disregarding the will of the Legislature by requiring certain scholastic and training attainments by the applicant that tend to handicap applicants with normal ability in determining fitness for employment under this Act and

Whereas, those charged with the responsibility of administering provisions of said Act relating to civil service persist in disregarding the provisions thereof

Therefore, be it hereby resolved and it is hereby resolved that all persons successful in passing the examination but declared ineligible by such rulings of the administrators relating to the preliminary qualifications be reinstated to the list of eligibles and same to be given equal opportunity for employment and be it further

Resolved, and it is resolved that all such rulings are declared to be a violation of the provision of the Act and are hereby removed from the requirements governing fitness for employment under the civil service division of this Act of the General Assembly

A motion was made by Mr. EROE and Mr. DENT.

That rule 39, which requires resolutions reported from committee to lie over for one day be dispensed with and the Senate proceed to the conclusion of the foregoing resolution.

Which was agreed to.

On the question,

Will the Senate agree to the resolution?

Mr. KUNKEL. Mr. President, I desire to interrogate the Senator from Westmoreland.

The PRESIDENT. Will the Senator from Westmoreland, Mr. Dent, permit himself to be interrogated?

Mr. DENT. Mr. President, I will.

Mr. KUNKEL. Mr. President, I understand that this resolution is aimed at the Civil Service provisions of the Unemployment Compensation Act. I would like to ask the Senator from Westmoreland how the adoption of this resolution will affect the status of the employes who have qualified and who have already been appointed under the Civil Service provisions of this act.

Mr. DENT. Mr. President, in answer I want to say that the resolution is aimed more at the rules prescribed for Civil Service examinations. If any person has been appointed to a position under these rules and another person has taken the examination who would have a higher rating by setting aside these rules, if they are entitled to the job I believe that they should get the job and for that reason I presented this resolution.

Mr. KUNKEL. Mr. President, I cannot see how an expression of opinion on the part of this Senate as to how the Civil Service provisions of the act shall be administered can possibly affect any action past or future that may be taken by the administrative officials. It seems to me that this resolution is simply a gesture designed to stir up trouble and to create dissatisfaction

and has no definite concrete purpose. I am well aware, Mr. President, that there may be criticism as to the administration of the Civil Service provisions. I cannot see that the passage of this resolution will aid or help in any way to correct any errors or wrongs in the method of administering Civil Service. Therefore I intend to vote against this resolution.

Mr. DENT. Mr. President, in order that the Senator from Dauphin and I may have a perfect understanding I want to state that this resolution has behind it more than a desire to create confusion and to disrupt anything that has already taken place. All this resolution does is see to it that the provision of the law and the intent of the Legislature are carried out in full by those who are entrusted with the administration of the act. If they are doing so now, if I am wrong, then the resolution means nothing and I stand reprimanded. But if I am right then no persons in Pennsylvania who have taken the examinations should be thrown out upon some ruling made by any board in direct opposition to the act of the Legislature.

Mr. SHAPIRO. Mr. President, I did not think I would take any part in the discussion of this resolution but in view of the fact that there has been appointed a subcommittee of the House and Senate, of both Welfare Committees, for the purpose of delving into this situation I would like to tell the Senator from Westmoreland just what has happened and perhaps in view of that he may be willing to forego the resolution temporarily.

For the past three or four weeks there have been meetings of this joint committee and the examining board of the Public Assistance Department and we have discovered that this examining board, whether they did it consciously or unconsciously have in the system which they have adopted brought about a great many inequities in the appointment of persons who took the examinations. In some respects I think by their regulations they defeated the intent of the Legislature. I do not think as far as we have gone now that we would be justified in making a general condemnation of the act. I personally think and do not hesitate to express my opinions that in the appointment of an executive secretary by the Board of Examiners these men had no right. I think that gentleman was referred to last night by the Senator from Fayette, Mr. Cavalcante.

But at today's meeting, and I think that the other members of the committee will bear me out, we advanced pretty far into that matter. I think we convinced these gentlemen that they have at least unconsciously brought about these inequities. As a result of that meeting this morning they are re-examining all of the lists of persons who have taken the examinations and are engaged in an effort to see whether or not a more equitable arrangement cannot be arrived at by giving these gentlemen a rating on their oral examinations which will enable them at least to go in and take these examinations and if they get a fair mark, to get on the eligible list. It would seem to me therefore that it would do no harm to allow this resolution to remain on the desks until next week. Personally if the resolution is insisted upon I shall vote for it because it is an innocuous one. This Senate cannot change an act of the Legislature by a single resolution. The House has not acted on it yet. The House is not prepared to act on it and I do not think it would be in the interests of good tactics or wise at this time, when we are in the midst of solving this problem somewhat, to irritate the situation by a resolution which of itself cannot accomplish anything.

Mr. DENT. Mr. President, I would like to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. DENT. Mr. President, in the Senator's negotiations and discussions with this commission has any consideration been given to facts other than the requirements of the commission itself or the makeup of the commission itself and have they gone into the phase that I covered under this resolution?

Mr. SHAPIRO. Mr. President, yes.

Mr. DENT. Mr. President, I just spoke to one of the members of the commission and he tells me that that phase has never been discussed.

Mr. SHAPIRO. Mr. President, let me answer the Senator from Westmoreland by saying that when I answered his question in the affirmative it was because his resolution is directed at the Unemployment Compensation Board. The discussions that we are having are with the Public Assistance Board but the situation is exactly the same. Both Boards are working on the same system and both Boards, I think, have ignored these provisions of the Act. Whether they have done it deliberately we are not prepared to say at this time but I am sure that I can speak for the committee in saying that we are on the way to progress and there cannot be any help by the passage of this resolution.

Mr. DENT. Mr. President, I want to say that I studied law on the U. S. S. Texas and as we learned law on a seagoing proposition I understand that my resolution does not intend to change any act of the Legislature. My resolution only calls attention to the fact that the administrators of this act are not living up to the provisions of the act of the Legislature.

Mr. SHAPIRO. Mr. President, let me say that there is a larger problem involved than the mere passage of this resolution. The department in Washington contributes to the cost of administration of both the Public Assistance and the Unemployment Compensation Boards. There has been a great deal of rumor spread throughout the State that has reached Washington that we are attempting to upset the Civil Service provision of the act. Washington is entitled to and has some control over the disbursements for expenditures and what I am afraid of is that if you pass this resolution you may be charged with any effects that Washington's action may have and people in authority at Washington may take the position that you are interfering with the administration of this act contrary to the laws of the Social Security Act and contrary to the regulations made under it. I have said to the Senator from Westmoreland that I will reluctantly vote for this resolution but I think it is not in the interests of good tactics or good legislative methods to put this resolution through at this time. I think his efforts are proper and I think he should be commended and I think the Senator from Fayette and all of us are interested in this problem. It is a large problem and it cannot be handled merely by making snap judgments.

We have thousands of people on the list—some 273,000

examinations were given—we have those thousands who are posted as being on the list, and we have got people marked for employment. But if you pass this resolution you upset their standing and they do not know their position and it is just doing piecemeal what I think we will do better if given just a little more time.

Mr. DENT. Mr. President, a minute ago the Senator from Philadelphia said that the resolution was innocuous and did not have anything to do with the bill and could not possibly affect the act. Now he says that if this resolution passes it upsets the whole procedure. I do not know whether it is proper or not but I want to say this, that we in Pennsylvania are passing legislation for the benefit of Pennsylvanians and if the federal government agencies decide what we have to do then it is time that they pass the legislation and we let them make the provisions and we will just sit here and take the medicine.

Mr. McGINNIS. Mr. President, I have received a good many complaints about the administration of the Unemployment Compensation Board and the Bureau of Public Assistance in the way of filling these positions under the Civil Service Examinations. And if it be true that these Boards are ignoring the act and placing men and women on the payroll who do not belong there under that act a most serious injustice has been done to hundreds and hundreds of Pennsylvanians who took that act at its face value, appeared and passed the examinations and stood high, and then had somebody else come in under a rule of the Board after the act was passed. The act is very clear; there is nothing about the act that could not be understood by anyone, and if these Boards have taken it upon themselves or their secretaries to establish rules that change that act a most serious injustice has been done to perhaps thousands of Pennsylvanians who went in there with good faith to these examinations, who prepared for them, who have had experience, and then have had some secretary establish a rule that you have got to be a college graduate and have three or four years experience, and then give outsiders a higher rating than Pennsylvanians; it is unfair.

It is a serious thing and in any event I cannot see any harm in passing this resolution and at least notifying these Boards and these secretaries that the Senate of Pennsylvania knows exactly what they are doing and that we will be in regular session next year and if they continue to go along as they are doing, this Legislature can correct it in very positive terms at the next session.

Mr. JACOBS. Mr. President, it is obvious to me that the passing of a resolution of this nature nullifying the work of the Unemployment Compensation Board of Review and its employes, which is exactly what we are doing, is wrong and that we are pre-judging the situation. Maybe there is something wrong but if there is why is not the logical way to find it out through a committee such as the committee of which the Senator from Philadelphia spoke? In this resolution, which I feel is not only a resolution but is really a bill or an act and should be enacted by bill, we are saying that there are definite things wrong with the Compensation Department and we are going to correct them in this manner. But we do not attempt to find out just what may be wrong.

This act sets up a new department. Mr. Dent last night read excerpts from the act which goes on to say: "Such competitive examinations shall be in writing, but in arriving at the final rating of applicants for such administrative and professional grades of employment as are so designated by the board, the board may take into consideration such experience and personal qualifications as are related to the grades of employment for which applicants are being examined, provided that the same standards shall apply with respect to all applicants in the same grade of employment."

A little further on in the act it says: "In making appointments therefrom, the secretary shall select from the three persons ranking highest on the list of eligibles for the grade of employment in the administrative district, or in the State as a whole, as the case may be, the applicant most suitable for the position in the grade of employment for which a vacancy exists, taking into consideration his experience and personal qualifications with sole reference to merit and fitness for the position to be filled."

This gives the secretary certain discretionary powers to be used by him in determining how to administer his department of government. Is it right for the Legislature with a resolution to hamstring the secretary of an administrative board? I do not believe that it is and I do not believe that such a resolution should be enacted at this time. I think this is merely another example of the Legislative branch attempting to hamstring the Executive when the Legislative has so often in the past howled because it claims that the Executive hamstrings it. I ask my colleagues of the Senate to vote against this resolution.

Mr. DENT. Mr. President, I do not care to carry this any longer. When this bill was before the Senate the very features that the Senator read from the bill now were inscribed in the bill. The intention of the Legislature I think after they accepted this amendment was very clear when they said that no applicant shall be required to be possessed of any scholastic education or training in order to be permitted to take a competitive examination or to be appointed to any position. Now if those of us who are lawyers are going to be fooled by "clause A with sub-clause B," I am still interested in clause A. I know what I want and I know what the people in my territory want and therefore I am going to ask those Senators who see it my way to vote for this resolution.

The PRESIDENT. The Chair understands that the Senator from Westmoreland is a lawyer. He is qualified as a sea lawyer.

Mr. DENT. Mr. President, that is all.

And the question recurring,

Will the Senate agree to the resolution?

It was agreed to.

POINT OF INFORMATION

Mr. CAVALCANTE. Mr. President, I rise to a point of information.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his point of information.

Mr. CAVALCANTE. Mr. President, is the resolution that we reported just before this resolution still in the hands of the Clerk?

The PRESIDENT. It is.

CONSIDERATION OF RESOLUTION RELATIVE TO CIVIL SERVICE QUALIFICATIONS OF EMPLOYES DEPARTMENT OF PUBLIC ASSISTANCE

Mr. CAVALCANTE. Mr. President, I move that the Senate do now proceed to the consideration of the resolution introduced by me at today's session which was reported from the Committee on Labor and Industry and laid on the table.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

The resolution was read as follows:

In the Senate, September 27, 1938.

Whereas, the act creating the Department of Public Assistance in the Commonwealth of Pennsylvania provided for its administration and for the selection of personnel by civil service examination and

Whereas, such examination is to be practical in character and relating to matters fairly testing the relative capacity and fitness of the applicants and further that no applicant shall be required to be possessed of any specific scholastic education or previous experience and training in order to be permitted to take such competitive examination or to be appointed to any position under this act and

Whereas, in determining the eligibility of examinees under the authority of this act the administrators have violated both the spirit and the letter of the act with the purpose in mind of circumventing the provision of the act as well as disregarding the will of the Legislature by requiring certain scholastic and training attainments by the applicant that tend to handicap applicants with normal ability in determining fitness for employment under this act and

Whereas, those charged with the responsibility of administering provisions of said act especially Fred Cappolo relating to civil service persist in disregarding the provisions thereof

Therefore, be it heregy resolved and it is hereby resolved that all person successful in passing the examination but declared ineligible by such rulings of the administrators relating to the preliminary qualifications be reinstated to the list of eligibles and same to be given equal opportunity for employment and be it further

Resolved, that all such rulings are declared to be a violation of the provision of the act and are hereby removed from the requirements governing fitness for employment under the civil service division of this act of the General Assembly.

A motion was made by Mr. FREY and Mr. CAVALCANTE.

That Rule 39, which requires resolutions reported from committee to lie over for one day be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

Which was agreed to.

On the question,

Will the Senate agree to the resolution?

Mr. KUNKEL. Mr. President, I would like to state that I intend to vote against this resolution for the same reasons that I expressed against the resolution of Senator Dent. Both these resolutions determine facts against administrative officers without giving them a hearing. These resolutions as adopted by the Senate amount to the Senate finding a person guilty without giving him a trial. Therefore I intend to vote against this resolution.

And the question recurring,

Will the Senate agree to the resolution?

It was agreed to.

HOUSE MESSAGES

The Clerk of the House of Representatives being introduced, presented an extract from the Journal of the House which was twice read as follows and referred to the Committee on Federal Relations:

In the House of Representatives, September 19, 1938.

Whereas, The newspapers have published the recent correspondence between the American and the Mexican Governments and we believe that all the statements of fact made by Secretary Hull are true and

Whereas, From that correspondence it appears that soon after the success of the Mexican revolution in 1914 the Mexican Government started confiscating properties belonging to American citizens for which no compensation has even been awarded and

Whereas, Although in 1923 the United States of America and Mexico entered into a convention by virtue of which an American-Mexican Claims Commission was created and although the claims of American citizens for compensation for said confiscation were referred to it for one reason or another it has not been possible for said commission to pronounce any decision on said confiscations and the respective compensations and

Whereas, Since 1927 new confiscations have taken place and many small American owners have been deprived of their properties and

Whereas, After twenty-four years of patience and forbearance the American Government has finally undertaken to obtain compensation for past confiscations and to stop future confiscations without compensation and

Whereas, The Mexican Government refuses to take any serious step toward compensation for the past confiscations and to stop confiscations in the future and

Whereas, Mr. Hull's policy consists in obtaining compensation for past confiscations and in stopping future confiscations without prompt adequate and fair compensation therefore be it

Resolved (if the Senate concur) That the General Assembly approves of the position taken by Secretary Hull and the policy adopted by him to bring about the settlement of American claims for compensation for lands and properties of American citizens seized by the Mexican Government and urges upon Secretary Hull that he advises the Mexican Government of the desire of the citizens of the United States that future seizures shall not be made unless fair and adequate compensation be paid immediately and be it further

Resolved, That a copy of this resolution be duly engrossed and be transmitted to Secretary of State Cordell Hull.

HOUSE BILL FOR CONCURRENCE

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 66, (Senate Bill No. 59), entitled:

A Supplement to the act, approved the second day of July, one thousand nine hundred thirty-seven (Appropriation Acts, page seventy-four), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven," providing for the deficiencies in certain appropriations to the Department of Justice for the fiscal biennium ending May thirty-first, one thousand nine hundred thirty-nine.

Which was committed to the Committee on Appropriations.

SENATE BILL NO. 28 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 28, entitled:

An Act relating to institutions of counties cities and

institution districts for the care maintenance and treatment of mental patients providing for the transfer of such institutions to the Commonwealth providing for the management and operation or closing and abandonment thereof and the maintenance of mental patients therein including the collection of maintenance in certain cases providing for the retransfer of certain property to institution districts under certain circumstances conferring and imposing upon the Governor the Department of Welfare the courts of common pleas and counties cities and institution districts certain powers and duties prohibiting cities counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients and repealing inconsistent laws.

With the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

Mr. RICE. Mr. President, I move that Rule 21, which requires amended bills to be noted on the calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. EALY. Mr. President, I understand this question is merely on the suspension of the rule.

The PRESIDENT. That is correct.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

Said amendments having been twice read and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

Mr. EALY. Mr. President, I do not want to raise a technical objection, and delay the consideration of this bill. I do not wish to make a long speech either. However, I feel that it is necessary for me to make a final protest. The bill has been amended to some extent in the House, but in principle it is just the same. It is still a base theft, whether property worth one million dollars is stolen or whether the owners are left with one-sixth of their former possessions as in the case of my own county.

If the Supreme Court should legalize this crime, then we have indeed taken the greatest step toward the totalitarian state that has been taken in my twelve years in Harrisburg. Benjamin Franklin, when he came from the convention which had at last put in its final form our national Constitution, was asked what form of government they had provided, and he replied, "a Republic if we can keep it." Self-government has been preserved only until it has proven itself incapable of self-government.

I am not worried so much that you people in Washington and Harrisburg wish to be dictated to, but I am disturbed about the supine willingness of the Republicans and Democrats alike to hand over the right of home rule, and wear the empty husk of political and economic slavery. In its implications this bill is the most corrupt and vicious one that we have had before us, and that is saying a good deal.

Mr. SHAPIRO. Mr. President, this bill involves principle which is more important to the Commonwealth of Pennsylvania than anything I know of at this session, and I place myself on record now by saying to the members of this Senate that those members who are not in their seats can be justly criticized by the public for the manner in which this bill is being handled today. I don't hesitate to say on the floor of this Senate that I don't know of any other measure of equal importance to the people of the Commonwealth of Pennsylvania than the measure that is now under discussion and I am glad to see that an opportunity will be given to the people of Pennsylvania so that they can judge the persons who are here, interested in paying attention to lawful and legal measures and important measures that come before us, and compare us with those other Senators who have business elsewhere which is more important to them than the millions of people that are involved in this measure.

I resent the fact that the burden of this legislation has been placed entirely upon the shoulders of a few men in this Senate and I don't believe it is fair. It is not fair responsibility. I don't claim to say that this is my bill. This is no more my bill than it is the bill of any other member of the Senate. This is a bill which if it should be defeated should be defeated, and if it should be passed, it should be passed. But it is entitled to more consideration than it is receiving from the members of this Senate. This isn't a Philadelphia bill, and if this is the way a bill that originates from Senators from one district is to be treated it may be that we might better put some fences around our districts and hold our own meetings, and we had better secede from the Commonwealth of Pennsylvania until we can get cooperation and recognition of the fact that every part of the State is a component part and should not be separated. Anybody can look around the floor of this Senate today and understand what little consideration is being given to one of the most important problems in the Commonwealth of Pennsylvania. For fifty years people of Pennsylvania have been trying to get this proposition before the Senate, and finally they have gotten it before the Senate, and it is so important that many of the Senators find it more interesting and more profitable to go elsewhere. Well, I say to the Senators who are not here that they may know that they will get an opportunity now to assume their responsibility for the defeat of this bill, if it is defeated because of their absence.

Mr. EALY. Mr. President, the Senator fails to call attention to the fact that the people of Pennsylvania do not want this bill. The Senators no doubt have absented themselves because they do not wish to be forced to vote for this bill.

Mr. CAVALCANTE. Mr. President, I would like to interrogate the Senator from Somerset.

The PRESIDENT. Will the Senator from Somerset, Mr. Ealy, permit himself to be interrogated?

Mr. EALY. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, does the Senator from Somerset think that the matter of caring for the insane of this Commonwealth is a matter that should be involved in the question of home rule?

Mr. EALY. Mr. President, certainly. I am not complaining so much about the purpose of taking over the mental hospitals in this State. I just want to to say, Mr. President, that I have not complained so much about the taking over of the mental hospitals as about the methods with which it has been attempted to be put over.

And the question recurring,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28

Barthold,	Haluska,	Kunkel,	Rice,
Cavalcante,	Henney,	Lanius,	Ruth,
Dando,	Heyburn,	Law,	Shapiro,
Dent,	Jacobs,	McCreesh,	Sipe,
DiSilvestro,	Jaspan,	McGinnis,	Stiefel,
Eroe,	Kahle,	Pytko,	Thompson,
Frey,	Kilgallen,	Reed,	Wolfenden,

NAYS—4

Chapman,	Ealy,	Gelder,	Mallery,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

Senate Bill No. 28, entitled:

An Act relating to institutions of counties cities and institution districts for the care maintenance and treatment of mental patients providing for the transfer of such institutions to the Commonwealth providing for the management and operation or closing and abandonment thereof and the maintenance of mental patients therein including the collection of maintenance in certain cases providing for the retransfer of certain property to institution districts under certain circumstances conferring and imposing upon the Governor the Department of Welfare the courts of common pleas and counties cities and institution districts certain powers and duties prohibiting cities counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients and repealing inconsistent laws.

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

Mr. KILGALLEN. Mr. President, I ask unanimous consent to offer a resolution at this time. For the benefit of the Senators this is a resolution which the better minds of the other Senators have decided on in place of my original resolution this afternoon.

The PRESIDENT. Is there objection?

The Chair hears none.

RESOLUTION COMMENDING PRESIDENT ROOSEVELT ON HIS MESSAGE FOR PEACE

Mr. KILGALLEN offered the following resolution which was twice read as follows:

In the Senate, September 27, 1938.

Whereas, the march of events in the olden countries has brought the horrible threat of war to central Europe, and

Whereas, His Excellency, Franklin Delano Roosevelt, President of the United States, has dispatched to Chancellor Adolf Hitler of Germany and President Eduard Benes of Czechoslovakia a plea for the preservation of peace, and

Whereas, by his action the President has performed a noteworthy service to all the peoples of the earth, now therefore be it

Resolved, that the Senate of Pennsylvania approves the President's action and be it further

Resolved, that a copy of this resolution be forwarded to the President of the United States by the Chief Clerk of the Senate.

Mr. KILKALLEN. Mr. President I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

Which was agreed to.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

MOTION TO READ BILLS THE FIRST TIME

Mr. LAW. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 54, (House Bill No. 58), entitled:

An Act to ratify, confirm and make valid the commission to make certain studies in respect to bituminous mines, appointed pursuant to the joint resolution, approved the fifth day of June, one thousand nine hundred and thirty-seven (P. L. 1689), entitled "A joint resolution creating a commission to make certain studies in respect to bituminous mines; defining its powers and duties; and making an appropriation," together with its actions, proceedings, expenses and expenditures.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

ANNOUNCEMENT BY THE SECRETARY

There will be a Caucus of the Democratic Senators next Monday evening in the Senate Caucus Room at 8:00 o'clock p. m.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn until Monday, October 3, 1938 at 9:00 o'clock P. M.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 5:37 o'clock p. m. until Monday, October 3, 1938 at 9:00 o'clock P. M.

HOUSE OF REPRESENTATIVES

TUESDAY, SEPTEMBER 27, 1938.

The House met at 1:00 p. m.
The SPEAKER, (Roy E. Furman), in the Chair.

PRAYER

Dr. GEORGE W. BUCKNER, Pastor of the First Christian Church, Canonsburg, offered the following prayer:

O Thou that dwellest in the heavens, we lift up our eyes unto the Giver of all good gifts, in grateful praise for Thy mysterious goodness throughout the years.

Driven by the uncertainties and perils of the hour to Thy throne of Grace, may we find shelter in the clefted side of the Eternal Rock.

Overrule the confusion and distraction which have beset the world—and in Thine own way and wisdom lead us in paths of righteousness and peace.

We invoke Thy blessing upon these Thy servants, here by the confidence and suffrage of their fellow-citizens—at once a privilege and a responsibility. Reveal also to their constituents at home the fact of their moral debt to these servants here.

Bless our beloved Commonwealth and nation, and may Thy Grace be upon those to whom the affairs of state are committed. Thy Kingdom come, Thy will be done on earth as it is in heaven. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. COSTANZO, the further reading was dispensed with and the Journal approved.

LEAVE OF ABSENCE

Mr. Atkins asked and obtained leave of absence for Mr. KANE for the remainder of the week.

REPORT FROM COMMITTEE

Mr. ACHTERMAN, from the Committee on Rules reported as committed, House Resolution No. 16.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. KELSO asked and obtained permission for the Committee on Education to meet during the session of the House.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 63, as follows:

An Act to further amend section four of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 465) entitled "An act to provide for the safety of persons employed housed or assembled in certain buildings and structures not in cities of the first class second class and second class A by requiring certain construction and ways of egress equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the third class providing penalties for violations of the provisions of this act and repealing certain acts" by changing the number of ways of egress required in the case of certain buildings

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 465) entitled "An act to provide for the safety of persons employed housed or assembled in certain buildings and structures not in cities of the first class second class and second class A by requiring certain construction and ways of egress equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the third class providing penalties for violations of the provisions of this act and repealing certain acts" as last amended by the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1016) is hereby further amended to read as follows

Section 4 Ways of Egress From every floor of buildings enumerated in section two of this act there shall be proper and sufficient ways of egress and means of escape from fire and panic Provided That in all buildings hereafter erected or adapted for any of the purposes enumerated in section two of this act there shall be not less than two (2) ways of egress as remote from each other as possible [In buildings of more than one story all means of egress shall be located inside the building at least one of which shall be an enclosed stair tower of fire resistive construction] except that the requirement for two means of egress shall not be applicable to buildings two stories or less in height with an occupancy of not more than three persons above the ground floor when it is determined by the department that adequate means of egress are available to all occupants and except that there may be one means of egress of fire resistive construction in the case of tenement houses apartment houses and apartment hotels not over three stories in heighth with not more than a gross area of three thousand (3000) square feet on each floor between exterior and fire walls comprising a maximum of six (6) apartments under Regulations which may be promulgated by the Department of Labor and Industry

In buildings of more than one story all means of egress shall be located inside the building at least one of which shall be an enclosed stair tower of fire resistive construction Where the department finds after proper investigation that in buildings erected prior to the passage of this act the internal ways of egress herein provided for cannot be installed it may direct that such means of egress be provided as will in its judgment to better advantage carry out the intent and purpose of this section The Department of Labor and Industry may order fire walls or smoke barriers or both to be built in buildings already erected or which may hereafter be erected where in its judgment the erection of such fire walls or smoke barriers is necessary to the reasonable safe protection of the occupants The ways of egress shall be free from obstruction lighted and ready for instant use at all times Fire escapes now in use or hereafter erected shall be painted at least once a year and be kept in safe condition and up to such standard requirements as may be specified by the Department of Labor and Industry

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 75, (Senate Bill No. 27), entitled:

An Act to amend Section two of the act approved the eleventh day of April, one thousand nine hundred twenty-nine (P. L. 487), entitled "An act authorizing the Department of Welfare to determine the legal residence of indigent, insane, feeble-minded and epileptic persons, returned to this Commonwealth by the authorities of another state, or transferred from one poor district to another by the department and requiring the proper district to pay the costs of the care and treatment of such persons in accordance with the laws relating to indigent insane persons" by relieving poor districts of certain costs and placpenses of the Joint Legislative Commission investigating such costs on the Commonwealth.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 76, (Senate Bill No. 29), entitled:

An Act to amend the act, approved the eleventh day of July, one thousand nine hundred twenty-three (Pamphlet Laws, nine hundred ninety-eight), entitled "An act for the prevention and treatment of mental diseases, mental defect, epilepsy, and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients; providing for the payment by individuals, counties, or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties," as amended, by further defining the limiting the institutions in which persons mentally ill may receive care and treatment; relieving counties and poor districts of the payment of the cost of the admission, care, and discharge of mental patients, with certain exceptions; imposing such costs on the Commonwealth; and repealing inconsistent laws.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess for fifteen minutes. Are there objections. The Chair hears none and declared a recess for fifteen minutes.

AFTER RECESS

The time of recess having expired the House was called to order.

The SPEAKER, (Roy E. Furman), in the Chair.

ANNOUNCEMENT

Mr. HERBERT B. COHEN. Mr. Speaker, I wish to announce that the hearing before the House Investigating Committee scheduled for 3:00 p. m. has been postponed until 7:00 p. m. because of the deliberations of the House.

RESOLUTION

RECALLING HOUSE BILL No. 8 FROM THE GOVERNOR

Mr. ACHTERMAN offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, September 27, 1938.

Resolved (if the Senate concur), that House Bill No. 8, Printer's No. 44, entitled "An act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed with the General State Authority of various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 26 Printer's No. 60 was passed over at the request of Mr. HERBERT B. COHEN.

There being no objection House Bill No. 52 Printer's No. 39 was passed over at the request of Mr. HORTING.

There being no objection House Bill No. 21, Printer's No. 55 was passed over at the request of Mr. LEWIS.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 66, entitled:

A Supplement to the act, approved the second day of July one thousand nine hundred thirty-seven (Appropriation Acts, page seventy-four), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public school for two years beginning June first, one thousand nine hundred and thirty-seven; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven" providing for deficiencies in certain appropriations to the Department of Justice for the fiscal biennium ending May thirty-first, one thousand nine hundred thirty-nine.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. TURNER, SCHROCK and SPROUL asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—143.

Achterman,	Downey,	Long,	Rothenberger
Alexander,	Dubbs,	Longaker,	Ruffennach
Allen,	Dyson,	Lopresti,	Rush,
Allmond,	Falkenstein,	Lovett,	Sarraf,
Arnold,	Finnerty,	Mallen,	Scanlon,
Atkins,	Flanagan,	Marino,	Scheer,
Aukerman,	Flannery,	McArdle,	Schropp,
Baine,	Flinchbaugh,	McCullough,	Shaw,
Baker,	Ganser,	McDermott,	Shea,
Balthaser,	Gerard,	McDevitt,	Shoemaker,

Bierly,	Gorski,	McElroy,	Shugarts,
Bohn,	Haberlen,	McFall,	Siegel,
Boles,	Hagerty,	McGee,	Simon,
Boltz,	Hamilton, F. P.,	Melchiorre,	Smith, James A.
Bradley,	Harkins,	Mellott,	Smith, John A.,
Brancato,	Hays,	Mihm,	Spengler,
Brigerman,	Hering,	Moomaw,	Stank,
Broad,	Hess,	Mooney,	Thompson,
Brown,	Hetrick,	Moran,	Tronzo,
Burrows,	Hindman,	Moul,	Tumelty,
Cadwalader,	Hirsch,	Murrin,	Valibus,
Caesar,	Holland,	Nagel,	VanSickle,
Caputo,	Holmes,	O'Brien,	Vogt,
Chervenak,	Holstrom,	O'Connor,	Wagner,
Coakley,	Hontz,	O'Keefe,	Walsh,
Cohen, H. B.,	Horting,	O'Neill,	Welliver,
Cohen, R. E.,	Jirolanio,	Patterson, C. S.,	Welsh,
Coolahan,	Keenan,	Patterson, J. W.,	Westrick,
Corrigan,	Kelso,	Pearson,	Whalen,
Costanzo,	Kilroy,	Piole,	Whitenight,
Davies,	Kline,	Powers,	Wright,
Decker,	Kroll,	Preston,	Yanoshat,
DeNote,	LaRue,	Readinger,	Yourishin,
Dickinson,	Leisey,	Reese,	Zappala,
Donohoe,	Levy,	Reising,	Furman,
Dougherty,	Lewis,	Robinson,	

NAYS—27.

Boose,	Muir,	Stewart,	Wampole,
Boyer,	Perry,	Stockham,	Weidemann,
Eckels,	Royer,	Terry,	Wilson,
Gillette,	Schrock,	Trout,	Winner,
Habbyshaw,	Serrill,	Turner,	Woodside,
Hall,	Sloan,	VanAllsburg,	Yeakel,
McKinney,	Sproul,	Wall,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

(During the verification of the affirmative roll.)

Mr. TURNER. Mr. Speaker. I heard the name of the gentleman from Allegheny, Mr. Gerard called. I haven't seen him in the Hall of the House this afternoon.

Mr. GERARD. I beg your pardon, I am here, Mr. Speaker, and I have been here.

Mr. TURNER. I heard the name of the gentleman from Luzerne, Mr. Yourishin, called.

The SPEAKER. Is the gentleman from Luzerne, Mr. Yourishin, present?

Mr. BLANK. Mr. Yourishin voted and just went outside, Mr. Speaker.

Mr. TURNER. Mr. Speaker, did I hear the name of the gentleman from Sullivan, Mr. Peale, called?

The SPEAKER. Is the gentleman from Sullivan, Mr. Peale in the Hall of the House?

(No response)

The SPEAKER. Does any member know whether the gentleman from Sullivan, Mr. Peale, was in the Hall of the House when the roll was called?

Mr. TURNER. Mr. Speaker, I do not believe he is here. I am certain he was not here.

The SPEAKER. The gentleman's name will be stricken from the roll.

Mr. TURNER. Mr. Speaker, I heard the name of the gentleman from Snyder, Mr. Fiss, called.

(No response)

The SPEAKER. Does any member of the House know whether or not this member was present when the roll was called?

Mr. TURNER. Mr. Speaker, I feel certain he was not here when the roll was called.

The SPEAKER. The gentleman's name will be stricken from the affirmative roll.

Mr. TURNER. The gentleman from Lycoming, Mr. Jacob F. Matthews, his name was called on the affirmative roll. I am confident he was not here at the time of the calling of the roll.

The SPEAKER. Was the gentleman in the Hall of the House when the roll was called?

(No response)

The SPEAKER. Does any member of the House know whether the gentleman from Lycoming, Mr. Jacob F. Matthews, was present when the roll was called?

(No response)

The SPEAKER. His name will not appear on the affirmative roll.

Mr. TURNER. I heard the name of the gentleman from Clearfield, Mr. Shugarts, called on the affirmative roll.

The SPEAKER. The gentleman is present and can answer for himself.

Mr. TURNER. The gentleman was not in his seat.

Mr. SHUGARTS. Mr. Speaker, I beg your pardon, I was in my seat. I was right here.

Mr. TURNER. Mr. Speaker, the gentleman from Westmoreland, Mr. Pershing, his name was called on the affirmative roll.

The SPEAKER. Was the gentleman from Westmoreland, Mr. Pershing, in the Hall of the House?

(No response)

The SPEAKER. Does any member of the House know whether the gentleman from Westmoreland was present when the roll was called?

(No response)

The SPEAKER. The gentleman's name will not appear on the affirmative roll.

Mr. TURNER. The gentleman from Lackawanna, Mr. Coleman.

The SPEAKER. Was the gentleman from Lackawanna, Mr. Coleman in the Hall of the House?

(No response)

The SPEAKER. Does any member know whether the gentleman was in the Hall of the House during the calling of the roll?

(No response)

The SPEAKER. Apparently the gentleman was not present and his name will not appear upon the roll.

Mr. TURNER. The gentleman from Mercer, Mr. Thomas.

The SPEAKER. Was the gentleman from Mercer, Mr. Thomas, in the Hall of the House?

(No response)

The SPEAKER. Does any member know whether the gentleman was present during the calling of the roll?

(No response)

The SPEAKER. The gentleman was not present and his name will not appear on the roll.

Mr. TURNER. Mr. Speaker, I heard the name of the gentleman from Mercer, Mr. Lyons, called on the affirmative roll. He also was not in the Hall of the House, as I understand it, at the time of the calling of the roll.

The SPEAKER. Is the gentleman from Mercer, Mr. Lyons, in the Hall of the House at the present time?

(No response)

The SPEAKER. Was the gentleman present during the calling of the roll?

(No response)

Mr. TURNER. I understand he was not, Mr. Speaker.

The SPEAKER. Apparently he was not. His name will not appear upon the roll.

Mr. TURNER. Mr. Speaker, the gentleman from Philadelphia, Mr. Shepard appeared on the affirmative roll.

Mr. BROWN. Mr. Speaker, Mr. Shepard just left here a second ago. I do not know whether he was here when the roll was called or not.

The SPEAKER. The gentleman from Philadelphia Mr. Shepard, is now present. Did the gentleman vote when the roll was called?

Mr. SHEPARD. No, Mr. Speaker, I did not.

The SPEAKER. The gentleman is not recorded.

Mr. TURNER. It seems to me, under the conditions that exist, that the Speaker should declare the roll call void and call for another roll call.

The SPEAKER. There is nothing in order but the verification of the roll. Are there any further corrections of the affirmative roll?

Mr. HERBERT B. COHEN. Mr. Speaker, the gentleman from Philadelphia, Mr. Shepard, being in the Hall of the House and not recorded on the roll, I ask unanimous consent that he be allowed to record his vote on the affirmative roll.

The SPEAKER. The gentleman from York asks unanimous consent that the gentleman from Philadelphia, Mr. Shepard, be permitted to be recorded as voting in the affirmative. Is there objection?

Mr. TURNER. Mr. Speaker, I would certainly hesitate to deprive any member of the House of his right to vote on any measure, but under the circumstances I object.

The SPEAKER. The Chair hears objections, and consent is not granted.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 73, (Senate Bill No. 29), as follows:

An Act relating to institutions of counties cities and institution districts for the care maintenance and treatment of mental patients providing for the transfer of such institutions to the Commonwealth providing for the management and operation or closing and abandonment thereof and the maintenance of mental patients therein including the collection of maintenance in certain cases providing for the transfer of certain property to institution districts under certain circumstances conferring and imposing upon the Governor the Department of Welfare the courts of common pleas and counties cities and institution districts certain powers and duties prohibiting cities counties and institution districts from maintaining and operatng institutions in whole or in part for the care and treatment of mental patients and repealing inconsistent laws

Whereas experience has proven that the care and maintenance of indigent mentally ill persons mental defectives and epileptics should be centralized in the State Government in order to insure their proper and uniform care maintenance custody safety and welfare and

Whereas complete care for such persons in institutions operated exclusively by the State Government will effect great economies for municipal subdivisions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All buildings acquired or erected by any county city or institution district for the care maintenance and treatment of mental patients the personal property within such buildings or incidental thereto and any and all other grounds and lands connected therewith or annexed thereto are hereby transferred to and vested in the Commonwealth of Pennsylvania except that where any such buildings for mental patients are operated in conjunction with buildings dedicated to the care and maintenance of indigent persons who are not mental patients the buildings used for the care of such persons the land actually occupied by such buildings the lands or yards presently set apart for the use of the indigent persons cared for in such buildings and the lands necessary for ingress and egress thereto and therefrom shall not be deemed to be hereby transferred but shall remain vested in the county city or institution district as theretofore

Where any lands and property so transferred are presently used by any institution district as a farm and woodlands in connection with buildings dedicated to the care and maintenance of indigent persons who are not mental patients the Department of Welfare of the Commonwealth with the approval of the Governor shall set apart and reconvey to the institution district through deed executed by the Secretary of Property and Supplies of the Commonwealth so much of such ground as the ratio of indigent persons bears to the total patient population of the institution as shall be determined by the Department of Welfare of the Commonwealth The metes and bounds of the lands so to be conveyed shall be determined by agreement between the Department of Welfare of the Commonwealth and the authorities of the institution district In the case the Department of Welfare of the Commonwealth and the authorities of the institution district cannot agree as to the metes and bounds of the lands so to be conveyed to the institution district the matter shall be laid before the court of common pleas of the county where the lands are located by petition of either the Secretary of Welfare of the Commonwealth or the authorities in charge of the institution district which court after hearing all parties in interest on such notice as it shall direct shall determine the metes and bounds of the lands which shall be conveyed to the institution district and shall enter an order accordingly The action of the court shall be final

Where auxiliary structures and facilities furnishing light heat power water laundry kitchen sewage treatment services and coal supply are so transferred to the Commonwealth which were theretofore used in common for the buildings devoted to mental patients and also the buildings devoted to indigent persons the Commonwealth shall thereafter continue to furish the proper institution district with such services at the actual cost thereof to the extent the same may hereafter be requested by the institution district

Any property so transferred to and vested in the Commonwealth shall if found suitable in accordance with this act be thereafter used as a State mental hospital but if such property shall within one year thereafter be found unsuitable for such purpose or shall within one year after transfer to and use by the Commonwealth as a State mental hospital be thereafter abandoned by the Commonwealth as such a hospital before substantial improvements thereto have been made then in either event such building lands and personal property so transferred to the Commonwealth shall absolutely revert to and vest in the county city or institution district from which transferred and the Commonwealth shall have no further claim or title thereto

The words "substantial improvements" as used in this section shall be construed to mean capital investments involving an expenditure of at least two hundred and fifty thousand dollars ($250,000)

Section 2 It shall be unlawful hereafter for any county city or institution district to operate or maintain in whole or in part any existing institution for the care of mental patients or thereafter to begin to operate or manage any institution in whole or in part for this purpose Provided however That the county city or institution district having charge of any such existing institution shall continue to operate and manage the same under existing laws until the Department of Welfare of the Common-

wealth with the approval of the Governor formally takes over the management and operation of such institution or formally closes such institution in the manner hereinafter prescribed in this act And provided further That the authorities of general hospitals may continue to maintain or hereafter may set apart establish and maintain beds wards or departments for the temporary care of mental patients under licensure by the Department of Welfare as now provided by law

Section 3 The Department of Welfare shall promptly make an investigation and survey of the institutions hereby transferred to the Commonwealth for the purpose of determining (1) which of the institutions are necessary having regard to the number of persons requiring care and treatment because of mental illness and the geographic location and capacity of other such mental hospitals and (2) which of the institutions having regard to existing facilities may be operated by the Commonwealth in such a manner as to insure the proper maintenance custody safety and welfare of mental patients Upon the completion of its investigation and survey the Department of Welfare shall submit to the Governor a report setting forth its findings and recommendations with respect to the institutions deemed necessary and suitable for the care maintenance and treatment of mental patients and the institutions deemed unnecessary or unsuitable for this purpose Upon receiving the report of the Department of Welfare the Governor shall from time to time but not later than the thirty-first day of May one thousand nine hundred thirty-nine having regard to the standards of necessity and suitability hereinbefore set out in this section determine which of the institutions shall be managed and operated by the Commonwealth as State mental hospitals and which institutions if any shall be closed Provided however That the Governor shall direct the State Department of Welfare to take over the management and operation of any such institution which is operated and managed by any city of the first class as soon as practicable after the effective date of this act and before the completion of the investigation and survey hereinbefore required in thie section Before the management and and operation of any institution is taken over by the Department of Welfare the Governor shall issue his proclamation setting forth the date on which the Department of Welfare will take over the management and operation of the institution In the event it shall be determined that a particular institution is to be closed the Governor shall issue a proclamation setting forth the date on which such institution will be closed The original of any such proclamation shall be filed in the office of the Secretary of the Commonwealth and a copy thereof shall be furnished the county city or institution district authorities having charge of such institution

Section 4 Each institution subject to this act which the Governor shall direct the Department of Welfare to operate and manage shall be operated and managed by such department as a State mental hospital in accordance with the laws of the Commonwealth relating to such hospitals The Department of Welfare in managing and operating any such institution shall have all the powers and perform all the duties vested in and imposed upon boards of trustees of State mental hospitals by the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) and its amendments designated as The Administrative Code of one thousand nine hundred twenty-nine All mental patients in any such institution at the time the management and operation thereof is assumed by the Department of Welfare shall have the same status as if originally committed or admitted to a State mental hospital Commitments may be made to any such institution mental patients may be detained maintained and cared for therein and transfers may be made therefrom and thereto in the same manner and in accordance with laws applying to other State mental hospitals The Department of Welfare shall have power to designate the counties of the Commonwealth from which commitments may be made to any such institution

Each institution acquired and operated by the Commonwealth as a State Mental hospital under the provisions of this act shall be known as the .....
(descriptive
.....
name of political subdivision in which institution is located State hospital for example the Philadelphia Hospital for Mental Diseases shall be known as the Philadelphia State Hospital

Section 5 When the Commonwealth through the Department of Welfare assumes the control and management of any institution subject to this act the terms of all officers and employes and the local management of such institution shall cease and terminate The officers and employes of any such institution shall thereupon become employes of the Commonwealth subject to removal by the Secretary of Welfare

Section 6 In the event it shall be determined that any institution subject to this act shall be closed the Department of Welfare shall take charge of such institution and the terms of all officers and employes and the local management of such institution shall cease and terminate The officers and employes of such institution shall thereupon become the employes of the Commonwealth subject to removal by the Secretary of Welfare when their services are no longer required No new patients shall be admitted to any such institution after the date specified for its closing The Department of Welfare shall as soon as practicable transfer the patients in such institution to any other State mental hospital including any institution transferred to and being operated by the Commonwealth under this act as a State mental institution As far as practicable the department shall transfer such patients to such State mental hospital nearest to the locality in which the institution to be closed is located After the patients in such institution are transferred therefrom the Department of Welfare shall with the approval of the Governor turn the institution and its grounds over to the Department of Property and Supplies for use for any other State purpose as may be deemed necessary and advisable by the Governor unless such institution under the provisions of section one of this act would revert to a county city or institution district in which event such institution shall be turned over to the proper authorities thereof and shall thereafter be used for such purposes not inconsistent with this act as the county city or institution district may determine

Section 7 After the effective date of this act and until the management and operation of a particular institution is formally assumed by the Department of Welfare or until a particular institution is closed under the provisions of this act but not later than the thirty-first day of May one thousand nine hundred thirty-nine the county city or institution district engaged in the operation and management of that institution shall continue to bear the expense of administering and operating the institution and the Commonwealth shall contribute towards the expense of indigent patients therein to the same extent and in the same manner as pertained under existing laws on the effective date of this act

Section 8 (a) All obligations incurred by reason of the erection acquisition or maintenance of a mental institution by the county city or institution district which are outstanding on the date that the Commonwealth shall take over the operation and management of such institution or shall order such institution closed shall remain the obligations of such county city or institution district and shall be paid in the same manner as though said operation and management still remained in said county city or institution district For the payment of such obligations the proper authorities of such county city or institution district shall continue to have the power to levy and collect taxes as if control and management of the institution were still vested in such county city or institution district

(b) All amounts due any county city or institution district for the care of any mental patient in any institution transferred to the Commonwealth by this act that have accrued and remain unpaid on the date that the Commonwealth shall take over the operation and management of such institution or the date such institution is closed may be collected by the county city or institution disrict in the same manner as if the control and manage-

ment of the institution were still vested in such county city or institution district Provided however That where there is a claim against the estate of any such mental patient both on behalf of the Commonwealth and on behalf of the Commonwealth and on behalf of any county city or institution district and there is not sufficient in the estate to pay the claim in full the same shall be paid pro rata to the Commonwealth and the county city or institution district in the proportion of the amount of maintenance legally recoverable by each

Section 9 The following acts and parts of acts are hereby repealed

The act approved the twenty-fifth day of May one thousand eight hundred ninety-seven (Pamphlet Laws eighty-three) entitled "An act to provide for the maintenance care and treatment of the indigent insane in county and local institutions" as amended

The act approved the thirteenth day of May one thousand nine hundred nine (Pamphlet Laws five hundred thirty-five) entitled "An act to amend an act entitled "An act to provide for the maintenance care and treatment of the indigent insane in county and local institutions' approved May twenty-five one thousand eight hundred ninety seven increasing the weekly sum therein authorized to be paid from one dollar and fifty cents to two dollars"

All other acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 10 Section nine of this act shall become effective on the first day of June one thousand nine hundred thirty-nine and in all other respects this act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. KLINE. Mr. Speaker and members of the House, this bill, Senate Bill No. 28, apparently, from the sense of it, is mainly intended for one institution, which I have no fault to find, but I feel that we should at least have a report on our own institution in Schuylkill County, which is more or less affected by this bill. In Schuylkill County, the taxpayers have spent close to one million dollars to build and maintain an institution for the mentally ill. At present there is carried on the books of our county in the last report a value of $680,724. Our bonded indebtedness on it is $76,000. This bill would take from the taxpayers of Schuylkill County an institution which is run well, and managed as well as any institution in the State, is non-politically run. The institution is being run on a sound, business basis, and very economically. This institution is being governed on a solid economic basis. The bill also calls for the taking of a lot of farm land and other appliances from our poor district. I understand under the terms of this bill, the light plant, which is operated by the poor district, will be taken over by the State, and the poor district charged for the cost of their power. This seems to be going a little beyond the usual American system of taking property over and then thereafter charging you for those things. It sounds more or less Hitler-like.

According to the statements of the proponents of this bill and their figures, the cost of the operation of this institution is slightly more than one half of the cost of the institution's maintenance by the State, and under the plea of economy, it would naturally result in a higher cost of operation, and not a measure of economy at all.

We should also take into consideration on this that upon the passage of this bill we are also removing more or less home rule, which is something that I think should be taken into consideration. I ask the members of the House to vote "no" on this bill.

Mr. McARDLE. Mr. Speaker and members of the House, I rise to speak against the passage of this bill. This bill, if passed, takes approximately $17,000,000 worth of buildings and property, that were paid for by the taxpayers of both Allegheny County and Pittsburgh. It also opens the portals of our institution to people from all over the State, who have not been able to provide for their mentally ill, and the State has not given Allegheny County or the City of Pittsburgh any assurance of what they intend to do in the way of additions to the present buildings.

One of the arguments used for the passage of this bill is that they have to pass this bill in such a rush that they may apply or make application to the P. W. A. for money before September 30th. I am convinced and I think that the majority of the members of this House are convinced, that P. W. A. will not be discontinued after September 30th. The President has indicated that he intends to carry on that program and help both the Commonwealths and other municipalities, by advancing sufficient money to pay for any projects that are worth the government's consideration.

I believe that this bill should be defeated at this time, and presented after the report of the Committee investigating conditions in the institutions of the State, has been presented to the membership of this House for their consideration. The people of Allegheny County have approved bond issue after bond issue and have been willing to pay the taxes to take care of their mentally ill. This House is called upon today to pass upon a bill of such momentous importance to the mentally ill, that I think, in deference to those people in the different counties and cities who have gone forward to take care of the mentally ill, should be given an opportunity to pass judgment upon the merits or demerits of this bill.

The people of Pittsburgh have expended a considerable sum of money for their institutions. Some people have taken the position that the institutions in Pittsburgh and in Allegheny County are overcrowded. The people that run those institutions in the County Home and the County Hospital for the mentally ill have stated that they are not overcrowded. The State home and hospital at Mayview is overcrowded for the reason that they are taking care of 250 patients that should be in State institutions at the present time. Therefore, I ask the membership of this House to vote down the bill that is before them for consideration now.

Mr. HOLLAND. Mr. Speaker and members of the House, I do not think that there is a member in this House who believes that the State or Federal government should not contribute to the mentally ill. However, when we contribute to the mentally ill throughout the State, I believe that we should contribute it in a business like manner, and not be asked to vote for a bill, which according to the very first principles of business, is very bad. I believe that this bill is very closely drawn and would be very poor business if it was passed. First of all, let me tell you, if this bill is passed, the State will only take care of the mentally ill. That means that in these counties and in the city where the hospitals are maintained to take care of the mentally ill, and the aged and the sick, that two organizations must be

maintained. For instance, in the City of Pittsburgh, if the State takes care of the mentally ill in Mayview, the City of Pittsburgh must maintain an organization to take care of the aged and the sick, and the same thing holds good in the County of Allegheny at Woodville. No two organizations can function under one roof without bickering, and particularly in the political world, when these two organizations may be of different political faith.

On page 5, line 15 to 28, and on page 6, lines 1 to 24, the gist of these lines is, if after one year of operation the State decides that they do not wish to continue that mental hospital, in whichever county it is located, that they can walk out on the job and give that hospital back to the city or county in which it is located. But, my friends, it says one other thing. It says if the State has spent $250,000 in that hospital that they can take that building from that county or from that city and use that building for whatever purpose they may want to use it, even if that city or county is caring in that building for the aged and for the sick.

On page 6, section 3, lines 23 to 29, and on page 7, lines 1 to 28, it says that these buildings or these hospitals do not have to be taken over until May 1, 1939. Why the rush in a special session, when these hospitals cannot be taken over until May 1, 1939? The only hospital which will be taken over immediately is the hospital located in Philadelphia, Byberry, and therefore, Philadelphia will be the only part of the State that will be benefited in 1938.

Section 8, page 11, says that the city and county will continue to pay for their indebtedness. For instance, in the City of Pittsburgh, and the County of Allegheny, the City of Pittsburgh will continue to pay $2,400,000 worth of debt on Mayview, and the county will continue to pay a like amount on their debt, while at the same time, the State takes over $25,000,000 worth of property paid for by the taxpayers of the City of Pittsburgh and the County of Allegheny. I feel that when they take those properties over they leave those hospitals open to the State. What is there to assure the City of Pittsburgh and the people of Allegheny County that our mentally ill will be taken into those hospitals? Can they not say to us, like they say to us when we try to get the patients into Polk, "We haven't any room." Just as Mr. McArdle said, in Mayview there are 251 patients that are being cared for by the City of Pittsburgh that should be into Polk Institute. Regardless of what is done, the local county and the local city will have to continue their organizations. They say that the City of Pittsburgh will save $360,000 if this bill is passed. I doubt those figures because it looks as if over night you had a lot of twenty-four hour experts giving us figures of how much money it will save the taxpayers, and I think that we members of the House know a lot of times that these figures work out fine on paper but in reality do not work out at all in the end.

I am in favor of the State taking over the mentally ill, and I think everyone else is in favor of the State taking over the mentally ill. Some of the members from the rural districts, who do not have a county institution in their county, are eager to see the State take over the mental hospitals throughout the State. I say to the members of the rural districts, you know that when you come back to the Legislature you will be asked to raise fifteen to twenty million dollars for the care of these institutions. Of course, this burden should be taken from the real estate owners, and a lot of other burdens should be taken from the real estate owners, but, my friends, I believe we are putting the cart before the horse. The state should not run in blindfolded at this time. We should not be compelled to pass this bill because if we do not have it passed by a certain date we are afraid that they cannot receive money from the State Authority.

We the people of Pittsburgh and we the people of Allegheny County are proud of our buildings, we are proud of our hospitals, and if the state wants to help us take care of our mentally ill, then why don't the state send back to the City of Pittsburgh, the County of Allegheny the cost of taking care of those mentally ill, and we can then keep in the City of Pittsburgh and in the County of Allegheny that $25,000,000 worth of building paid for out of the taxpayers' money in the City of Pittsburgh and the County of Allegheny, that, my friend, I think is the best business way of handling this. No two organizations can function under one roof. If they do, there will be bickering and the people whom we are trying to help, the mentally ill, will not be taken care of.

Mr. O'KEEFE. Mr. Speaker and members of the House while it is true that we in Allegheny County, as well as in other counties, hesitate to give up our institutions, we believe that they are run on a very efficient basis and are run in a very good manner, I believe that my colleague from Allegheny misses the point and takes a rather selfish attitude in opposing this bill. This bill, in principle, is a very good bill, and on a State-wide basis. If we hope to take care of the insane throughout our State, we must disregard our personal feelings because only under this plan, where the State is able to secure funds in order to carry out a building program will we be able to take care of all of the mental patients throughout the State. That is the attitude that I believe the majority of the people in the City of Pittsburgh and in the County of Allegheny will take on this bill. Therefore, Mr. Speaker, I ask that the members of Allegheny County vote in favor of this bill in order that we may carry out a long range program to take care of the mentally ill in this State.

Mr. TROUT. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Shaw.

The SPEAKER. Will the gentleman from Allegheny, Mr. Shaw, permit himself to be interrogated?

Mr. SHAW. I will, Mr. Speaker.

Mr. TROUT. Mr. Speaker, I would like to have the gentleman from Allegheny, Mr. Shaw, explain for the information of the House a situation such as exists in Lancaster County, where we have an institution for the care of the indigent and the mental cases under one roof as one organization—just how and what division will be made of the property as it now is in Lancaster County?

Mr. SHAW. Mr. Speaker, in reply to the interrogation of the gentleman from Lancaster, as I recall the situation in Lancaster County, at the old Lancaster County poor farm, and I investigated it last year prior to the passage of the Public Assistance Law, I was told then that they had one building devoted to the care of mental cases, is that correct Mr. Trout?

Mr. TROUT. Mr. Speaker, they are both in the same building.

Mr. SHAW. Mr. Speaker, that was not the information

I had from Doctor Hammer and from members of the poor board. I believe Mrs. Horting was with me at the time I investigated it. If that is not true, if that is not correct, Mr. Trout, then I have merely this to say, that I took up with the sponsor of the bill the question of how the property was to be divided, in the case of a county institution that had only one building, and I was told that that would have to be worked out possibly between the institution which in the case of Lancaster County would be the County Commissioners and the Department of Welfare. I would assume that in case they were not able to agree, the same principle as is laid down in this law, or in the bill rather, for the partition of the acreage, of the various institutional districts would apply. That it, where the institutional authorities of the Department of Welfare could no agree, the matter would then go to the Common Pleas Court of the county. Possibly our colleague, Mr. Lewis, who was a member of the Committee investigating conditions at Byberry and the other mental institutions in the Commonwealth, might answer that question more satisfactorily.

Mr. TROUT. Mr. Speaker, if that is the division of the land, the part that was taken over by the Department of Welfare would be cared for by the State, and the part retained by the County would be cared for by it?

Mr. SHAW. That is it, Mr. Speaker. The bill requires the entire property be conveyed to the Commonwealth, and in return the Commonwealth will deed back to the instiutional districts the buildings which are used for only the indigent plus the portion of the acreage attached to the building, in the same ration that the number of indigent inmates, or residents rather, of the institution bear to the total number of residents of that institution.

Mr. HOLLAND. Mr. Speaker and members of the House, I feel that I should answer the representative from Allegheny County, Mr. O'Keefe. He remarked that both Mr. McArdle and myself were taking a selfish attitude. I do not think we take a selfish attitude. After all, if protecting $25,000,000 worth of real estate owned by the taxpayers of the City of Pittsburgh and Allegheny County is selfish, you can term it a selffish attitude; if to see that people who are mentally ill are admitted to hospitals when they should be admitted, is a selfish attitude, then it is a selfish attitude. However, I don't think so. I do not want to give the impression to this House that I am opposing this bill purely from a selfish standpoint. After all, I believe that the people who paid for these hospitals back in the City of Pitstburgh and the County of Allegheny should be given some consideration, and we should not rush with our eyes closed, rush madly into this legislation that may later on turn into a Frankenstein and destroy some of the things we are trying to do.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I do not wish to impose upon the membership of the House by lengthy discussion as to the merits of this bill. I think that the proposition is a very simple one. The Commonwealth proposes to take over all mental institutions that are now being maintained by individual counties, and those who are acquainted with the situation in Pennsylvania know that certain counties have been maintaining their own institutions for the care of the insane and the mentally ill. Now, those institutions, not being under the supervision of one general agency, must of necessity, as far as their method is concerned, be different. Undoubtedly, the authors of this bill had no idea whatever to cast any reflection upon the methods that were utilized in a lot of county institutions, in the maintaining of their indigent in those institutions. However, certain abuses have been called to the attention of the people of the Commonwealth, and in an effort to eradicate the abuses that are existant, this bill was proposed. It will give to the Commonwealth, and to the people of the Commonwealth of Pennsylvania, a uniform method in treatment and care, and in the payment of the cost of maintaining the insane. This bill goes a step further. It relieves the counties of their institutions quite correctly, but at the same it relieves those counties of further maintaining those institutions, with the necessary and attendant burden that those counties are exposed to in order to maintain those institutions.

There has been presented to me the total appropriations made by the various counties for the maintenance of the institutions:

Allegheny County, Woodville	$319,000
Blair County	41,000
Blakely, Lackawanna County	13,000
Chester County Institution	41,000
Hillside, Lackawanna County	125,000
Lancaster County	55,000
Mercer County	27,000
Pittsburgh City, Mayview	416,000
Ransom, Lackawanna County	48,000
Retreat, Luzerne County	152,000
Schuylkill County	76,000
Somerset County	69,000

The taxpayers of those counties are going to be relieved of that obligation. The small home owner, the big home owner, the factory owner, as well as the farm owner, will be relieved of the necessity of paying to their respective counties that particular portion of the tax burden that they of necessity must pay. We get the moneys that have been appropriated by those various counties out of county funds for the maintenance of those institutions, this bill would relieve those counties of that payment, and, in addition, it will go a step further, and will relieve the counties of the necessity of making a contribution for the maintenance of the insane in the insane State hospital. Altogether it presents what I would say is one of the most far reaching and advanced types of legislation that any legislature has had an opportunity to vote on. It will make uniform the treatment of the insane by the experts that the State is able to employ, and that advanced knowledge of the treatment of mental diseases will be passed on to those institutions, as well as to the State institutions. With the completion of this particular enactment, and with the completion of the program of the General State Authority, I would say that Pennsylvania will have the best conducted, maintained and housed State institutions for the care of the insane of any state in the entire nation, and on a par, if not superior, to those maintained by any country in the world. I might say that I am informed that Pennsylvania is one of the five states at present that has this diversification in the treatment of the insane. We have had an opportunity to experiment in the other states of the union, and Pennsylvania is the only State of any prominence at the present time that has diversification in the treatment of the insane. By this Act the whole problem becomes one

of the State, the moneys must be provided by the State. The treatment will be provided by the State, the treatment will be uniform, the local taxpayers will be relieved of the obligations, and I recommend this bill to the entire membership of the House.

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman from York, permit himself to be interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from York whether he has any estimate of the amount that this will add to the budget of the Commonwealth during the next biennium.

Mr. HERBERT B. COHEN. Mr. Speaker, I understand that this will necessitate an increased budgetary allocation of some five to six million dollars a year. I further understand that this increased budget will in turn relieve each and every one of our sixty-seven counties from making a payment to the Commonwealth of three dollars a week for the maintenance of the insane in the State-owned institutions.

Mr. TURNER. Mr. Speaker, can the gentleman from York tell me the amount which is now being contributed by the counties to the State each year for the maintenance of the insane from each county, not taking them separately, but the total.

Mr. HERBERT B. COHEN. Mr. Speaker, I would say that my figures indicate that the amount presently paid to the Commonwealth of Pennsylvania by the sixty-seven counties of the Commonwealth at the rate of three dollars per week for the insane patients in the State institutions, amounts to $2,612,968 a year.

Mr. TURNER. Mr. Speaker, in other words, that is about five million dollars,—somewhere between four and a half and five million dollars a biennium?

Mr. HERBERT B. COHEN. That is correct, Mr. Speaker.

Mr. TURNER. And the gentleman figures that the cost under this measure will amount to about ten or twelve million dollars a biennium?

Mr. HERBERT B. COHEN. That is correct, Mr. Speaker.

Mr. TURNER. In other words, it will cost the Commonwealth about five to seven million dollars more a biennium under this bill than under the present arrangement?

Mr. HERBERT B. COHEN. Mr. Speaker is the gentleman talking in terms of the people or the Commonwealth?

Mr. TURNER. Mr. Speaker, I am talking of the Commonwealth.

Mr. HERBERT B. COHEN. Mr. Speaker, the people of the Commonwealth or the government of the Commonwealth?

Mr. TURNER. I do not know the distinction, Mr. Speaker, between the people and the government.

Mr. HERBERT B. COHEN. Mr. Speaker, I would say no, it is not going to cause the people of the Commonwealth one cent more to maintain them in this position. The only thing it will do, it will effectuate a transition, it will take the $2,612,000, which is now being paid by the counties, from real estate taxes, and that will be paid, the money will be provided by the methods of indirect taxation now being utilized by the State.

Mr. TURNER. Mr. Speaker, at the present time is it not true that the Commonwealth does not have more money than is needed for its operations in the next biennium?

Mr. HERBERT B. COHEN. Mr. Speaker, the gentleman from Delaware well knows that were it not for the fact that relief has continued at an accelerated rate, the collections for the first year of the biennium, would have exceded the estimated expenditures in th sum of approximately $25,000,000, and I would say, under those circumstances, if relief by any means has a downward trend, the moneys available for expenditure by the Commonwealth could adequately take care of the Commonwealth's assumption of this necessary obligation.

Mr. TURNER. Mr. Speaker, is it not true that the $25,000,000 which is claimed, and I think it is purely a guess based on some wish-bone figure, if that $25,000,000 was appropriated to relief, at th present rate of expenditures for relief, it will not be sufficient to carry us through the biennium.

Mr. HERBERT B. COHEN. Mr. Speaker, that is not true. If the same income is present in the second year of the biennium as we had in the first, even with the same relief problem during the second year of the biennium, as we had in the first year, we will still have sufficient money, and I might call to the attention of the gentleman from Delaware another form of—

Mr. TURNER. Mr. Speaker, if the gentleman from York doesn't mind, let us stick to one problem first before we switch over to another.

The estimate of $25,000,000 of excess revenue was not excess revenue for the first year of the biennium, was it?

Mr. HERBERT B. COHEN. Mr. Speaker, that is correct; it was.

Mr. TURNER. Mr. Speaker and members of the House, rather than try to debate this by interrogations, I would like to say I think that the gentleman from York is mistaken. The estimate of $25,000,000 is not excess revenue during the first year of the biennium, but is a ratio of excess, which is figured from the receipts from the first year of the biennium. I do not think that it has ever been contended that there would be in the second year of the biennium, another $25,000,000, or a total excess of $50,000,000 of receipts in the biennium, over that which was estimated. Therefore, if you have $25,000,000, or even conceding for the sake of argument, you could have some increase, I understand the present appropriations, outside of the $25,000,000 are sufficient to take care of the relief only to about October or November of this year. That would mean that there are at least six to seven months of the next year, and that $25,000,000 will hardly carry us beyond four months of the next biennium.

Therefore, it seems to me it must be apparent from any kind of figuring that the ten or twelve million dollars which is now being sought to be charged to the Commonwealth will have to be raised by additional taxation in the next biennium, if we are to carry out this program. Therefore, it seems to me that there is a very grave problem in this whole issue. I realize that there are conditions in the Commonwealth of Pennsylvania which need changing; I realize that tnere are conditions in the Commonwealth with reference to mental patients which make it imeprative for the Commonwealth to increase the size of its institutions. It seems to me, before we

make a change that saddles on the State an estimated ten or awelve million dollars, and we always know that this kind of estimate is inclined to be low, it may be $15,000,000 instead of ten or twelve million dollars, and with the increase employment in the departments in order to care for such a program, that no program that increases the cost of the state government in any way by means of additional taxes should be entered into without the most careful consideration and without the most careful study as to the results, because we know, in spite of the fact that the golden apple is held out to the people of this Commonwealth constantly, turning it over to the state government or turning it over to the federal government, we know that those taxes must come from one place or the other, and they have to come back on the people, whether they fall on the real estate owner or whether they fall upon the worker, because, after all, we have the word of the President of the United States that all taxes are paid in the sweat of labor. Therefore, in the end, the people must pay it, and in that way we are going to add ten or twelve million dollars to the general budget, which means an increase in taxation. Such a problem ought to be approached more carefully than can be possibly done in the haste of a special session.

On the question

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. TURNER, SCHROCK and SPROUL asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—111.

Achterman,	Dubbs,	McCullough,	Shaw,
Alexander,	Dyson,	McDermott,	Shea,
Allen,	Falkenstein,	McDevitt,	Shepard,
Allmond,	Finnerty,	McFall,	Shoemaker,
Arnold,	Flannery,	McGee,	Shugarts,
Aukerman,	Flinchbaugh,	Melchiorre,	Siegel,
Baker,	Ganser,	Mellott,	Simon,
Balthaser,	Gerard,	Mihm,	Smith, James A.,
Bierly,	Gorski,	Moomaw,	Smith, John A.,
Bohn,	Hagerty,	Mooney,	Spengler,
Boltz,	Hamilton, F. P.,	Moran,	Stank,
Bradley	Hays,	Moul,	Thompson,
Brancato,	Hering,	O'Brien,	Tronzo,
Broad,	Hess,	O'Connor,	Tumelty,
Brown,	Hetrick,	O'Keefe,	Valibus,
Burrows,	Hindman,	O'Neill,	VanSickle,
Caesar,	Hirsch,	Patterson, J. W.,	Vogt,
Chervenak,	Holmes,	Pearson,	Wagner,
Coakley,	Holstrom,	Powers,	Walsh,
Cohen, H. B.,	Hontz,	Readinger,	Welliver,
Coleman,	Horting,	Reising,	Welsh,
Coolahan,	Keenan,	Robinson,	Whalen,
Corrigan,	Kilroy,	Rothenberger,	Wright,
Costanzo,	LaRue,	Ruffennach,	Yanoshak,
Decker,	Lewis,	Rush,	Yourishin,
Dickinson,	Long,	Sarraf,	Zappala,
Donohoe,	Lopresti,	Scanlon,	Furman,
Dougherty,	Mallen,	Schor,	

NAYS—46.

Atkins,	Harkins,	Muir,	Terry,
Baine,	Holland,	Perry,	Trout,
Bois,	Jirolanio,	Piole,	Turner,
Boose,	Kelso,	Royer,	VanAllsburg,
Boyer	Kline,	Schrock,	Wampole,
Cadwalader,	Leisey,	Schrope,	Watkins,
Davies,	Longaker,	Serrill,	Weidemann,
Downey,	Lovett,	Sloan,	Wilson,
Eckels,	Marino,	Sproul,	Winner,
Gillette,	McArdle,	Stewart,	Woodside,
Habbyshaw,	McElroy,	Stockham,	Yeakel,
Haberlen,	McKinney,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

REASONS FOR VOTE

Mr. HARKINS filed the following reasons for his vote:

Reason for voting against Senate Bill No. 28, House Bill No. 73, Printers No. 53.

I am voting against Senate Bill No. 28 not because I oppose the principle that the Commonwealth should be responsible for the care of the persons suffering from mental disorders, but because I feel that the County of Allegheny has provided better care in the past than many State institutions have been able to offer.

It appears to me extremely uncertain that this bill will reduce the real estate tax as its sponsors claim.

The only pressing reason to include Allegheny County at this time seems to be that this will enable the General State Authority to obtain a larger grant from the Public Works Administration. However there is no way of knowing at this time what new construction will be allocated to Allegheny County, nor if any actually will be allocated.

Due to the fact that this bill contemplates the transfer of property valued at millions of dollars from the Allegheny County Institution District to the Commonwealth of Pennsylvania without the assumption by the Commonwealth of any portion of the bonded indebtedness of the Allegheny County Institution District, together with the fact that Allegheny County now is able to provide treatment for applicants within three days after the applicant first applies, I believe that the possible benefits to be derived by the people of my legislative district are problematical. The present waiting lists for State institutions are over-crowded and I fear the Allegheny County Home at Woodville will be overcrowded by people who are not residents of Allegheny County.

REASONS FOR VOTE

Mr. WAGNER filed the following reasons for his vote:

I wish to file my reasons for supporting Senate Bill No. 28, House Bill No. 73, Printers No. 53.

That Pennsylvania's system of caring for its mentally ill (insane) is antiquated and has been replaced by complete State administration in practically all other states in the Union.

That some counties and cities are penalized financially through the operation of our present system.

That by reason of our antiquated system, thousands of our citizens are handicapped through the necessity of being cared for in inferior hospitals.

That Pennsylvania trains so few doctors in psychiatry that it cannot supply one-half of its own present needs.

That our system, if continued, can never cope successfully with the problem of prevention of mental illness.

That your system confuses three distinct problems: mental illness, feeble-minded and destitution.

That Pennsylvania has 44 out of every 100 patients still cared for in county mental hospitals in the whole United States.

That on January 1, 1938, the administration of 11 men-

tal hospitals passed into the jurisdiction of County Commissioners who already carry ample responsibility, and that they are furthermore unfamiliar with the technical requirements of mental hospital management.

The fact that almhouses are built in conjunction with county mental hospitals largely precluded "ground parole" and outdoor activities for many patients who would be distinctly benefitted by these privileges. Nor should it be necessary for people to go to 'the poor house" to be treated for mental illness.

Anyone in some measure aware of the manifold responsibilties of County Commissioners must wonder how they can assume this added burden of mental hospital management with any degree of efficiency. Hardly will they have begun to familiarize themselves adequately with the needs of the hospital before the dictates of the electors will place a new group in office and the whole learning process will have to be repeated, to te detriment of the hospital program.

And that counties and poor districts be relieved of contributions toward this maintenance. Here is an instance of overlapping functions.

RESOLUTION

SYMPATHY EXTENDED

Messrs. CHERVENAK, O'CONNOR and LOPRESTI offered a resolution which was twice read, considered and unanimously adopted as follows:

In the House of Representatives, September 27, 1938.

Whereas, Information has just been received that Earl Westrick, the son of Honorable Dennis L. Westrick, our colleague from Cambria County, died last evening; therefore be it

Resolved, That the Members of the House of Representatives express to the Honorable Dennis L. Westrick and his family, their sincere sympathy for the loss they have sustained by the death of their son; and be it further

Resolved, That a copy of this resolution be transmitted to the family by the Chief Clerk of this House.

MOTION TO PERMIT COMMITTEE TO MEET DURING SESSION

Mr. NAGEL. Mr. Speaker, I move that permission be granted to the Committee on Municipal Corporations to hold a meeting in the Conference Room in the rear of the House immediately.

The SPEAKER. It is the understanding of the gentlement, in case the House finishes its business, they will adjourn without waiting for the Committee to return. There is not much work to be done, except to wait for Senate messages.

Mr. NAGEL. Mr. Speaker, I wish to announce that immediately at the close of this session a meeting of the Committee on Municipal Corporations will be held in the conference room in the rear of the House.

On the question,

Will the House agree to the motion?

It was not agreed to.

RESOLUTION No. 17

Mr. ZAPPALA. Mr. Speaker, I desire to call up at this time Resolution No. 17, Printer's No. 61.

The resolution was read by the Clerk as follows:

In the House of Representatives, September 19, 1938.

Whereas, The newspapers have published the recent correspondence between the American and the Mexican Governments and we believe that all the statements of fact made by Secretary Hull are true; and

Whereas, From that correspondence it appears that soon after the success of the Mexican revolution in 1914, the Mexican Government started confiscating properties belonging to American citizens, for which no compensation has ever been awarded; and

Whereas, Although in 1923 the United States of America and Mexico entered into a convention by virtue of which an American-Mexican Claims Commission was created, and although the claims of American citizens for compensation for said confiscation were referred to it for one reason or another, it has not been possible for said commission to pronounce any decision on said confiscations and the respective compensations; and

Whereas, Since 1927 new confiscations have taken place, and many small American owners have been deprived of their properties; and

Whereas, After twenty-four years of patience and forbearance, the American Government has finally undertaken to obtain compensation for past confiscations and to stop future confiscations without compensation; and

Whereas, The Mexican Government refuses to take any serious step toward compensation for the past confiscations and to stop confiscations in the future; and

Whereas, Mr. Hull's policy consists in obtaining compensation for past confiscations and in stopping future confiscations without prompt, adequate, and fair compensation; therefore, be it

Resolved (if the Senate Concur), That the General Assembly approves of the position taken by Secretary Hull and the policy adopted by him to bring about the settlement of American claims for compensation for lands and properties of American citizens seized by the Mexican Government and urges upon Secretary Hull that he advises the Mexican Government of the desire of the citizens of the United States that future seizures shall not be made unless fair and adequate compensation be paid immediately; and be it further

Resolved, That a copy of this resolution be duly engrossed and be transmitted to Secretary of State, Cordell Hull.

On the question,

Will the House adopt the resolution?

Mr. TURNER. Mr. Speaker, I think we can concur in the efforts of Secretary Hull. The one thing it seems to me that ought to be added to the resolution is that if they do not accede to the requests of Secretary Hull, we won't let Governor Earle go down there and inspect the police force any more.

On the question recurring,

Will the House adopt the resolution?

It was agreed to.

Ordered, That the Clerk present the same to the Senate for concurrence.

CONGRATULATIONS

Mr. BOHN offered a resolution which was twice read, considered and unanimously adopted as follows:

In the House of Representatives, September 27, 1938.

Whereas, Some men have the faculty of being able to concentrate on the particular problems at hand, regardless of the hurricane, fires or earthquakes that might surround them in their work; and

Whereas, This apparently is the trait of a great engineer, for it is reported that while Robert N. Bierly was giving a very attentive ear to the testimony of Mr. Margiotti and others, his wife was busily occupied with other matters, the result of which was that our colleague, Robert N. Bierly, became a father of a baby boy, born on Friday, September 23rd; therefore be it

Resolved, That the Members of this House extend to the Honorable Robert N. Bierly their congratulations upon his great faculty of concentration; secondly, upon his being the proud father of a little boy; the House also extends its congratulations to Mrs. Robert N. Bierly, and it is also hoped that all three are well and happy.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senat being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, September 27, 1938.

Resolved (if the Senate concur), that House Bill No. 8. Printer's No. 44, entitled "An act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed with the General State Authority of various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects," be recalled from the Governor for the purpose of amendment.

BILL INTRODUCED AND REFERRED

By Mr. SHAW. HOUSE BILL No. 82.

An Act to amend sections two hundred two, four hundred one and two thousand three hundred eighteen of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commission; defining the powers and duties of the Governor and other executive and adofficers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departmnts boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by creating as departmental administrative boards in the Department of Welfare and conferring powers and duties upon boards of trustees for the respective institutions acquired by the Commonwealth from counties cities and institution districts for use as State mental hospitals.

Referred to the Committee on Welfare.

REPORT FROM COMMITTEE

Mr. ALEXANDER, from the Committee on Education, re-reported as amended, House Bill No. 24, entitled:

An Act to further amend section one thousand four hundred and sixteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by extending the age limit within which certain children engaged in farm work or domestic service may be exempted from complying with the provisions of said act relating to compulsory school attendence.

SENATE MESSAGES

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made be the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 28.

An Act relating to institutions of counties, cities, and institution districts for the care, maintenance and treatment of mental patients; providing for the transfer of such institutions to the Commonwealth providing for the management and operation or closing and abandonment thereof and the maintenance of mental patients therein including the collection of maintenance in certain cases providing for the retransfer of certain property to institution districts under certain circumstances conferring and imposing upon the Governor the Department of Welfare the courts of common pleas and counties cities and institution districts certain powers and duties prohibiting cities counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients and repealing inconsistent laws

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 39. (HOUSE BILL No. 83).

An Act to amend and re-enact Section five hundred and twenty-four of an act approved the eighteenth day of May one thousand nine hundred and eleven(Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by limiting and prescribing the method of fixing the levy of school taxes in school districts of the first class

Referred to the Committee on Education.

SENATE BILL No. 42. (House BILL No. 84).

An Act to amend Article two of Section one of the act approved the twelfth day of June one thousand nine hundred and thirty-one (Pamphlet Laws five hundred seventy-five) entitled An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River and the improvement of the facilities for transportation across the river authorzing the Governor for these purposes to enter into an agreement with New Jersey creating the Delaware River Joint Commission and specifying the powers and duties thereof including the power to finance projects by the issuance of revenue bonds transferring to the new commission all the powers of the Delaware River Bridge Joint Commission and making an appropriation" by fixing the term of office of certain members.

Referred tot he Committee on State Boards.

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 47.

An Act making a deficiency appropriation to the Anthracite Coal Industry Commission created by the act approved the eighth day of February one thousand nine hundred and thirty-seven (Pamphlet Laws twenty-one) entitled "An act creating the Anthracite Coal Industry Commission defining its powers and duties and making an appropriation"

With the information that the Senate has passed the same without amendment.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 28.

An Act relating to institutions of counties, cities, and institution districts for the care, maintenance and treatment of mental patients; providing for the transfer of such institutions to the Commonwealth; providing for the management and operation or closing and abandonment thereof and the maintenance of mental patients therein including the collection of maintenance in certain cases providing for the retransfer of certain property to institution districts under certain circumstances conferring and imposing upon the Governor the Department of Welfare the courts of common pleas and counties cities and institution districts certain powers and duties prohibiting cities counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patents and repealing inconsistent laws

HOUSE BILL No. 41.

An Act making a deficiency appropriation to the Anthracite Coal Industry Commission created by the act approved the eighth day of February one thousand nine hundred and thirty-seven (Pamphlet Laws twenty-one) entitled "An act creating the Anthracite Coal Industry Commission defining its powers and duties and making an appropriation"

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

ADJOURNMENT

Mr. SHOEMAKER. Mr. Speaker, I move that this House do now adjourn until Monday, October 3, 1938, at 9:00 p. m.

The motion was agreed to, and (at 5:45 p. m.) the House adjourned until Monday, October 3, 1938, at 9:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1938

Vol. 22 HARRISBURG, PA., MONDAY, OCTOBER 3, 1938. No. 22.

SENATE

MONDAY, OCTOBER 3, 1938.

The Senate met at 9:00 o'clock P. M.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, LL.D., offered the following prayer:

Thou eternal personal spirit, perfectly good, who in holy love creates, sustains and orders all things whatsoever, we know that our

"God moves in a mysterious way,
His wonders to perform;
He plants His footsteps on the sea,
And rides upon the storm."

We thank Thee our Father for the promise of respite from the ravages of war; for the unadorned, bare fact of peace; that our young husbands, fathers, brothers, sons, friends, may be spared for a season from the slaughter-house of hate, yet we cover our hearts with crepe, as we ponder the widening realm of the nation in hopeless grip of the madman. God forbid that we shall ever forget their shameless vendetta against a people who gave us the ten commandments, and Moses and the prophets; from whom there arose the matchless Philosopher of Love, out of the manger of Bethlehem; and whose genius has added lustre to every nation and every age. Truly, Thou hast kept Thy holy word of blessing to Abraham, that in his seed all the nations of the earth should be blessed.

Bless our coming together tonight, and by Thy spirit of truth and love, guide us in all things. Amen.

JOURNAL APPROVED

The PRESIDENT—A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. RICE, the further reading was dispensed with, and the Journal was approved.

BILL SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 47, entitled:

An Act making a deficiency appropriation to the Anthracite Coal Industry Commission, created by the act, approved the eighth day of February, one thousand nine hundred and thirty-seven (P. L. 21), entitled "An act creating the Anthracite Coal Industry Commission, defining its powers and duties; and making an appropriation."

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

LEAVES OF ABSENCE

Mr. Rodgers asked and obtained leave of absence for the Senator from Allegheny, Mr. RANKIN, who has been unavoidably detained.

Mr. Rice asked and obtained leave of absence for the Senator from Monroe, Mr. HUFFMAN, on account of illness.

PETITIONS AND REMONSTRANCES

The Chair cleared his table and laid before the Senate petition from Harry Shimmell, Executive Secretary of the Chestnut Street Association, Philadelphia, favoring the passage of Senate Bill No. 49 as a humanitarian measure.

(Printed in Appendix.)

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public and Commissioner of Deeds which were laid on the table.

COMMUNICATION FROM THE GOVERNOR

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, October 3, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

MEMBER STATE ART COMMISSION

Dr. Warren Powers Laird, 2031 Locust Street, Philadelphia, for appointment as a member of the State Art Commission, until the third Tuesday of January, 1939, and until his successor is appointed and qualified, vice Dr. R. Tait McKenzie, deceased.

MEMBER DELAWARE COUNTY BOARD OF ASSISTANCE

Dr. J. O. Crist, (Democrat) 206 East Broad Street, Chester, Delaware County, for appointment as a member of the Delaware County Board of Assistance, for the term ending December 31, 1940, vice Mrs. Emma R. English, resigned.

JUSTICE OF THE PEACE

Joseph W. Gurtis, Mount Pleasant, Westmoreland County, for appointment as Justice of the Peace in the Township of Mount Pleasant, Westmoreland County, until the first Monday in January, 1940, vice John W. Miller, resigned.

GEORGE H. EARLE.

COMMUNICATIONS FROM THE GOVERNOR

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows:

APPROVAL OF SENATE BILL NO. 10

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, September 27, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 10, Printer's No. 40, entitled "A Supplement to the act approved the sixteenth day of June one thousand nine hundred and thirty-six (Pamphlet Laws sixteen) entitled 'An act making an appropriation to the Department of Health to defray the cost of pumping the water from slate quarries and anthracite and bituminous coal mines which have been flooded directly or indirectly by the high waters during March one thousand nine hundred thirty-six' by making a further appropriation to supply the deficiency incurred and needed under the provisions of said act."

GEORGE H. EARLE.

APPROVAL OF SENATE BILL NO. 28

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, September 29, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 28, Printer's No. 53, entitled "An Act Relating to institutions of counties cities and institution districts for the care maintenance and treatment of mental patients providing for the transfer of such institutions to the Commonwealth providing for the management and operation or closing and abandonment thereof and the maintenance of mental patients therein including the collection of maintenance in certain cases providing for the retransfer of certain property to institution districts under certain circumstances conferring and imposing upon the Governor the Department of Welfare the courts of common pleas and counties cities and institution districts certain powers and duties prohibiting cities counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients and repealing inconsistent laws."

GEORGE H. EARLE.

TIME OF NEXT MEETING

Mr. SHAPIRO, offered the following resolution, which was twice read, considered and agreed to:

In the Senate, October 3, 1938.

Resolved (if the House of Representatives concur) That when the Senate adjourns this week it reconvene on Monday evening, October 10, at 9 o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, October 10, at 9 o'clock.

Ordered, that the Clerk present the same to the House of Representatives for concurrence.

EMPLOYE OF THE SENATE

Mr. PYTKO offered the following resolution which was twice read, considered, and agreed to:

In the Senate, October 3, 1938.

Resolved, That Robert W. Crimmel be elected Page to the Senate, vice Paul C. Trout, resigned.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 30, entitled:

An Act authorizing the compromise of delinquent taxes on real property and the penalties interest and costs due thereon before a tax sale of such real property and providing the procedure in such case

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—29.

Cavalcante,	Gilson,	Lanius,	Ruth,
Chapman,	Haluska,	Law,	Shapiro,
Dando,	Henney,	Mallery,	Sipe,
DiSilvestro,	Heyburn,	McGinnis,	Sones,
Ealy,	Jaspan,	Pytko,	Stiefel,
Eroe,	Kahle,	Rice,	Thompson,
Frey,	Kunkel,	Rodgers,	Wolfenden,
Gelder,			

NAYS—6.

Buckman,	Jacobs,	Rupp,	Scarlett,
Deitrick,	Kilgallen,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 47 (House Bill No. 40), entitled:

An Act to ratify, confirm and make valid the actions, proceedings, expenses and expenditures of the commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth, appointed pursuant to the joint resolution, approved the twenty-ninth day of April, one thousand nine hundred and thirty-seven, (P. L. 540), entitled "A joint resolution authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate, efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth; conferring upon the commission full power to issue subpoenas; requiring the commission to make a report of its findings to the Governor, together with its recommendations as to such regulatory legislation as may be needful to correct any abuses and evils connected with such industry which are prejudicial to the interests of the citizens of this Commonwealth; authorizing the commission to employ counsel and employes; and making an appropriation," and its amendment.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26.

Cavalcante,	Henney,	Lanius,	Ruth,
Dando,	Heyburn,	Law,	Shapiro,
DiSilvestro,	Jacobs,	McGinnis,	Sipe,
Eroe,	Jaspan,	Pytko,	Sones,
Frey,	Kahle,	Rice,	Stiefel,
Gilson,	Kilgallen,	Rodgers,	Thompson,
Haluska,	Kunkel,		

NAYS—8.

Buckman,	Deitrick,	Gelder,	Scarlett,
Chapman,	Ealy,	Mallery,	Wolfenden,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 53 (House Bill No. 10), entitled:

An Act authorizing the Secretary of Highways to change the location of State Highway routes in cities of the first class, constituting part of the approaches to interstate bridges, including terminal points thereof, authorizing the abandonment of such relocated sections of State highways, authorizing the Secretary of Highways to enter into agreements with Cities of the First Class, Interstate Joint Commissions, persons, associations and corporations for the sharing of the cost exclusive of property damages of widening streets and relocating highways forming part of the State highway system and constituting approaches to interstate bridges, authorizing Cities of the First Class, Interstate Joint Commissions, persons, associations and corporations to enter into agreements with each other for the sharing of the cost of property damages, direct and not merely consequential thereto in connection with the widening of said streets and relocating said highways and with the Secretary of Highways and each other for the sharing of the cost of widening said streets and relocating said highways exclusive of property damages and making an appropriation.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36.

Barthold,	Frey,	Kilgallen,	Rupp,
Buckman,	Gelder,	Kunkel,	Ruth,
Cavalcante,	Gilson,	Lanius,	Scarlett,
Chapman,	Haluska,	Law,	Shapiro,
Dando,	Henney,	Mallery,	Sipe,
Deitrick,	Heyburn,	McGinnis,	Sones,
DiSilvestro,	Jacobs,	Pytko,	Stiefel,
Ealy,	Jaspan,	Rice,	Thompson,
Eroe,	Kahle,	Rodgers,	Wolfenden,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 57 (House Bill No. 62), entitled:

An Act to ratify, confirm and make valid the joint legislative committee to investigate governmental costs of Philadelphia, Concurrent Resolution Number Two, approved the thirteenth day of January, one thousand nine hundred and thirty-seven (Pamphlet Laws two thousand eight hundred sixty-nine) which committee was provided with an appropriation under Appropriation Act Number Nine A entitled, "An act making an appropriation for the expenses of the joint legislative commission created by Senate Concurrent Resolution Serial Number One hundred two approved January thirteenth, one thousand nine hundred thirty-seven," together with its actions, proceedings, expenses and expenditures.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. BUCKMAN. Mr. President, I would like to ask the Senator from Philadelphia, Mr. Shapiro, if he would be kind enough, without making a long speech, to explain this bill.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, yield with the reservation?

Mr. SHAPIRO. Mr. President, the reservation makes it almost impossible to help the Senator from Bucks and I suggest that he take time out to read the bill. Then he will understand it just as readily as I did when I read it.

For the benefit of the Senator from Bucks and the benefit of some of the other Senators here this bill has been prepared because of a decision of the Supreme Court which affects another commission. This bill relates to the committee appointed to investigate costs and functions of city government at Philadelphia.

The Oil Commission which was appointed was held by the Supreme Court to hold unconstitutional powers particularly since an appropriation was given to it by a resolution. The committee to which this bill refers had a separate bill for an appropriation but in order to avoid any question as to its legality this bill was introduced and I hope it will be passed.

I want to say for the benefit of the members of the Senate that this committee received an appropriation of $25,000, and that it has spent the money solely for stenographic services, and traveling expenses of the committee, which amounted to less than four or five hundred dollars. The stenographic services run somewhere in the neighborhood of $17,000. There was no special counsel fee to be paid and I think before the end of this session this committee will return to the Treasury about $6,800.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Buckman,	Haluska,	Lanius,	Ruth,
Cavalcante,	Henney,	Law,	Scarlett,
Dando,	Heyburn,	Mallery,	Shapiro,
DiSilvestro,	Howell,	McGinnis,	Sipe,
Ealy,	Jacobs,	Owlett,	Sones,
Eroe,	Jaspan,	Pytko,	Stiefel,

Frey,	Kahle,	Rice,	Thompson,
Gelder,	Kilgallen,	Rodgers,	Wolfenden,
Gilson,	Kunkel,	Rupp,	

NAYS—2

Chapman, Deitrick,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 58, (House Bill No. 65), entitled:

An Act creating a commission to study and report on use of devices and methods of transmission of information for advices in furtherance of gambling and making an appropriation.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. JASPAN. Mr. President. The Joint Legislative resolution under which a joint committee was appointed to investigate into the existing facilities for permitting gambling needs no quotation here. The Committee as appointed consists of men who are beyond reproach. They are men of ability, honesty, and integrity. Immediately after their appointment, it is my understanding, they contacted and appointed an attorney in Philadelphia.

For quite some time, the State has been conducting a probe into the gambling activities in Philadelphia. Under that investigation, $90,000 has already been expended and 300 men indicted. Some of these men, I am informed, are and had been represented by Lemuel B. Schofield, the attorney for whom you are now appropriating money to handle the legal affairs of the Joint Committee.

If that fact is true and it can be easily ascertained, we would be selecting a man who is trying to serve two masters—trying to carry water on both shoulders. That is gross deception, and as you know, one deception leads to another. The lawyer who represents that committee must come to it with clean hands and above reproach. He must be free from prejudice and wearing no man's collar. If he does not answer to those qualifications, no matter what his professional skill or eminence, and no matter what his professed zeal, he is unfitted for that job and should be dispensed with. While it is still true, as the old German proverb used to say, that lawyers and cartwheels have to be well greased to do their most effective work, we cannot subscribe to any activity on the part of a lawyer selected to represent this Committee who would be well greased by both sides of the question, and which would hamper his fair judgment in the handling of the committee's investigation.

I do not blame the committee for this appointment because I realize if they had known that he was interested in the gambling probe and representing defendants who had been using these devices in the furtherance of their gambling practice, they certainly would not have appointed him. The fact of the matter is that when I approached one member of the committee and related to him Schofield's connections, he was taken aback.

Mr. President, I thoroughly approve the principle of the bill now before this Chamber, because I firmly believe that some measure of control should be exercised over unbridled gambling and its unfortunate consequences to innocent victims. But I definitely refuse to subscribe to the manifest motives behind this legislation, particularly as accentuated by the proposed employment of counsel to perform a Machiavellian role.

Recrimination and vindictiveness are alien to American institutions and tradition and to our spirit of good sportsmanship. We must not become engulfed in the maelstrom of distrust and self-interest which dominates a large part of the civilized world today. We must resist, with all our power, any desecration of our democracy by the shortsightedness of a few whose vision has become blurred by the desire for an immediate objective.

The people of Pennsylvania are presently faced with many problems which demand a solution and which are more vital to their welfare than that embraced by this bill. Have the economic problems of our destitute citizens been so completely solved that we can indulge in the luxury of this investigation? Are there not more useful ways of spending the taxpayers' money today than dissipating it in a gambing inquiry? At a time when the nation is seeking to reduce the tax burden of our people, is it fair to impose an additional load on the taxpayers of this State to cover the cost of an investigation which may well be postponed to a later and more propitious date?

Important as these considerations are, and despite any averment of the comparatively small cost of this proposed investigation, I am unalterably opposed to this bill before the Senate because of the motives behind it. To me they present a paramount issue. And for this Chamber to approve this bill at the present time would be nothing less than a subversion of a cherished principle of democracy—the principle of fair play.

With all deference to my fellow Democrats who favor this bill, I regret that I cannot acquiesce and must refuse to support it.

Mr. LAW. Mr. President, I desire to interrogate the Senator from Centre, Mr. Thompson.

The PRESIDENT. Will the Senator from Centre, Mr. Thompson permit himself to be interrogated?

Mr. THOMPSON. Mr. President, I will.

Mr. LAW. Mr. President, will the Senator state when the committee proposes to make its report to this Senate?

Mr. THOMPSON. Mr. President, if the work of the committee goes ahead in the fashion we would like it to, we can probably report the latter part of this month.

Mr. LAW. Mr. President, my objections to this bill when it was first brought to my attention were due to the fact that it had so long been delayed and that action had not been taken earlier in the session to carry out the important matter of investigating these improper gambling devices. However, in view of the statement that the committee proposes to act so that legislation can definitely be drawn at this session of the Legislature I shall support this bill.

Mr. BUCKMAN. Mr. President, this may not be considered by some people a very important bill but I want to call the attention of the Senate to the fact that it is just one bill after another, appropriating $25,000, $50,000, $25,000 again, until this money appropriated for the various commissions amounts to quite a large sum and would go a long way toward relieving the people in distress in the Commonwealth of Pennsylvania. I cannot imagine

how this committee is going to use up $25,000 between now and the end of the month. Maybe they can but I do not see how they can do it.

It seems to me that in addition to what I have said, this bill is not within the Governor's call for this extraordinary session. If we look at the Governor's call, at Section 15, on page 2 of the first day's Journal, we will find it provides as follows, among the other subjects to be legislated upon, "Number 15. Making illegal the use of devices or methods of transmission of information or devices in furtherance of gambling."

Now we have a perfect right to pass a law preventing this sort of gambling if there is such a thing but I cannot see anything in this law that would authorize the appropriation of money to study something that is already supposed to exist and I would like to interrogate the Senator from Centre, Mr. Thompson.

The PRESIDENT. Will the Senator from Centre, Mr. Thompson permit himself to be interrogated?

Mr. THOMPSON. Mr. President, I will.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator from Centre, Mr. Thompson, why they have placed in this bill a provision that if they do not get through with their work during the present session of the General Assembly they shall have the power to sit and continue their investigation after the adjournment of the current session.

Mr. THOMPSON. Mr. President, of course this is a House bill and I was not in any way responsible for the drafting of the bill. As chairman of this committee I might say that I am more anxious than perhaps anyone in this Senate to perform this investigation expeditiously and I can assure the Senator that the work of this committee will not drag out until the next session if I can prevent it.

Mr. BUCKMAN. Mr. President, how does the Senator expect to use $25,000 between now and election?

Mr. THOMPSON. Mr. President, well it is a gambling proposition. If all of the reports I hear about the Republican slush fund are true we Democrats can easily use $25,000.

Mr. BUCKMAN. Mr. President, is the Senator's answer to my question to the effect that this is to be part of the Democratic slush fund?

Mr. THOMPSON. Mr. President, no, I think the Senator from Bucks has misinterpreted my remarks. If he is really anxious to know something about this bill and wants to ask me how this money is to be used I will be glad to indicate how we need the money for committee purposes.

Mr. BUCKMAN. Mr. President, I would be very much interested in hearing about just that.

Mr. THOMPSON. Mr. President, well, the good Senator from Bucks, following his Quaker ancestry, I am quite sure is not familiar with all of the rackets that are abroad in this State at the present time and he does not realize of course the implications and ramifications of a problem such as this committee is trying to deal with. Of course the work of this committee is directed primarily toward what is unquestionably today one of Pennsylvania's biggest rackets and that is the transmission of news in connection with race-horse gambling.

Race-horse gambling as it is carried on today by use of the teleflash, the teletype, and means of instantaneous communication, has assumed tremendous proportions. It has been reported to us that at least as much as a half a billion dollars a year is gambled away in this State. The appalling part of this whole situation is the fact that information which we have and which we want to ascertain the truth or falsity of reveals that approximately eighty per cent of the bets that are laid on race-horse gambling today through these bookies and these agencies are, as a rule, laid after the race is run; that the people who handle this system of communication get this news almost instantaneously from the track in whatever part of the United States it is; that they lay the bets after they receive this information instantaneously and keep on laying bets for anywhere from twenty minutes to half an hour before this information gets into the hands of the public at large.

Of course the transmission of this information and the use to which it is put involves interstate commerce and involves a wide variety of problems. It involves the use of the telephone and telegraph lines. No satisfactory solution to this problem perhaps will ever be reached by the sole use of or resort to criminal statutes. It appears to the committee, in what work has been done so far, and which we hope in the next two weeks to be able to verify thoroughly, that we will perhaps need legislation giving the power to the Public Service Commission to adjust the use of their apparatus, perhaps even to license if need be the people who use it, as well as statutes providing criminal penalties.

In ascertaining the exact information that the committee must have, Mr. President, we must have the records and knowledge of such companies as the Bell Telephone Company, the American Telephone and Telegraph Company, and the Keystone Telephone Company. We must bring records through for hearings from Baltimore and Chicago and New York. There is a wide variety of expenses of that kind that the committee must engage in.

I do not know whether it is going to be necessary to spend twenty-five thousand or not. Perhaps it will not be. If it is not necessary for the committee to spend twenty-five thousand dollars, Mr. President, it will not be spent. Only as much money will be spent as is necessary to perform the duties of the committee. In that connection I would just like to remind the Senator from Bucks that last year I was chairman of the Joint Legislative Committee to investigate relief. We had an appropriation of five thousand dollars and if my memory serves me right (the former Secretary of the Senate was secretary of that committee and he can check me up) we returned out of that five thousand dollars appropriation approximately thirty-two hundred dollars. Perhaps that is not the exact figure but I know it was some very substantial sum in excess of fifty per cent of the appropriation that was returned in connection with the work of that committee. If we have an excess over what is necessary for the prosecution of the work of this committee that money will be returned to the Legislature. There are certain very definite purposes that we can spend this money for. The money will be spent for that. What is not spent for those purposes will be returned to the State Treasury, Mr. President.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator from Centre, Mr. Thompson, as he believes in the Grand Jury system why he does not either submit

this proposition to the present Vice Grand Jury sitting in the City of Philadelphia or to the new Grand Jury in Dauphin County which is about to start work?

Mr. THOMPSON. Mr. President, I would have thought my good colleague from Bucks was too astute a lawyer even to ask a question like that. He appreciates as well as anybody in this Senate that the only agency of government that has the power of inquiry throughout the entire State of Pennsylvania is the Legislature and its various agencies, and that the Grand Jury examination at best is local and confined to county-wide purposes.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator further if this is not aimed strictly at Philadelphia so that the Vice Grand Jury sitting in Philadelphia, which has already spent ninety thousand dollars, could not function perfectly without the expenditure of this large sum of money at his time.

Mr. THOMPSON. Mr. President, I think the second question is as equally ridiculous as the first. This racket is just as general in many other sections of our State as it is in Philadelphia and information will have to be secured from those sections just the same as from Philadelphia.

Mr. BUCKMAN. Mr. President, the Senator has not told us yet how he is going to spend this twenty-five thousand dollars.

Mr. THOMPSON. Mr. President, I have not told you that and I cannot tell you because I do not know, but I can assure the Senator that whatever is spent will be spent for the purposes of this committee. I have outlined to some extent some of the requirements that will be imposed upon this committee for expenditures. We cannot transport records of the American Telephone and Telegraph Company from Baltimore to Harrisburg and Philadelphia and expect them to bear the expense of it. We will have to do that at our expense and that will run up into a considerable sum of money.

Mr. BUCKMAN. Mr. President, just one question more. I would like to ask the Senator from Centre how much he expects to pay as a retaining fee for lawyer or lawyers.

Mr. THOMPSON. Mr. President, there has been no compensation agreed upon with our counsel as yet but I can assure the Senator that whatever compensation is agreed upon will be a fair professional fee. I know something about fair professional fees, though perhaps not to the extent as the Senator from Bucks does. I do know something about what a lawyer ought to charge and what he ought to receive, as I was at it for twelve years myself.

The PRESIDENT. The Chair might make a parliamentary observation that with this information in the hands of the committee there is no reason why it should not be able to double the monies before the session adjourns.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—22

Barthold,	Haluska,	Kunkel,	Rice,
Dando,	Hennev,	Lanius,	Rodgers,
DiSilvestro,	Heyburn,	Law,	Ruth,
Eroe,	Jacobs,	McGinnis,	Sipe,
Frey,	Kahle,	Pytko,	Stiefel,
Gilson,	Kilgallen,		

NAYS—16

Buckman,	Ealy,	Mallery,	Shapiro,
Cavalcante,	Gelder,	Owlett,	Sones,
Chapman,	Howell,	Rupp,	Thompson,
Deitrick,	Jaspan,	Scarlett,	Wolfenden,

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

RECONSIDERATION OF SENATE BILL No. 40

Mr. RUTH. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 40, entitled:

An Act to amend Sections one hundred eight, five hundred six, five hundred seven, eight hundred thirteen, eight hundred fourteen, and one thousand one hundred thirty-three of the act approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, by providing for the merger of certain school districts with other districts; redefining indebtedness of school districts; empowering the county boards of school directors to employ an attorney and fix his compensation; increasing the salaries of members of the county board of school directors; and providing for limitations on the appointment of district superintendents.

was defeated, Sept. 27, 1938.

The PRESIDENT. How did the Senator vote?

Mr. RUTH. Mr. President, I voted "Nay."

Mr. THOMPSON. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. THOMPSON. Mr. President, I voted "Nay."

The motion was agreed to.

And the question recurring.

Shall the bill pass finally?

Mr. RUTH. Mr. President, I move that the Senate do now reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. RUTH. Mr. President, I voted "Aye."

Mr. THOMPSON. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. THOMPSON. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring.

Will the Senate agree to the bill on third reading?

Mr. RUTH. Mr. President, I move that the Senate do now reconsider the vote by which the bill passed second reading.

The PRESIDENT. How did the Senator vote?

Mr. RUTH. Mr. President, I voted "Aye."

Mr. THOMPSON. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. THOMPSON. Mr. President, I voted "Aye."

The motion was agreed to.

And the question recurring.

Will the Senate agree to the bill on second reading?

Mr. RUTH. Mr. President, I move that the Senate do

now reconsider the vote by which the title was agreed to.

Mr. THOMPSON. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the title?

Sections, from seven to one inclusive of the bill were severally reconsidered.

And the question recurring,

Will the Senate agree to the first section?

Mr. RUTH. Mr. President, I move to amend Sec. 1 (Cl. b), page 4, lines 7 to 29, both inclusive, by striking out the following: all of said lines; amend Sec. 1 (Cl. b), page 5, lines 1 to 29, both inclusive, by striking out the following: all of said lines; amend Sec. 1 (Cl. b), page 6, lines 1 to 3, both inclusive, by striking out the following: all of said lines, and inserting in lieu thereof:

(b) On or before the first day of January, one thousand nine hundred and thirty-nine, each county board of school directors, with the advice of the county superintendent, and pursuant to standards and regulations promulgated by the State Council of Education, shall prepare and submit to said council a plan for the merger of school districts or parts of school districts and for the reorganization of attendance areas and administrative units.

Upon the approval of said plans for the merger of school districts or parts of school districts by the State Council of Education, it shall be the duty of the county board of school directors to prepare and present petitions for such mergers to the court of common pleas of the county wherein such district or parts of districts lie. The petition for any such merger shall request the submission of the question of such merger to the electors of all the districts or parts of districts proposed to be merged at the next general or municipal election to be held at least ninety (90) days after the presentation of said petition. The question to be submitted to the electors shall be framed by the court and be by it certified to the county commissioners for submission to the electors of the districts or parts of districts so proposed to be merged. Such submission shall be in accordance with the laws of this Commonwealth relating to the submission of similar questions. If a majority of the electors of each school district or part of a school district, voting at said election shall be in favor of said merger as shown by the returns of said election, a certificate of the returns shall be filed with the Superintendent of Public Instruction, the prothonotary of the court of common pleas, the county board of school directors and the board of school directors of each of said school districts.

No such merger shall be effective unless the majority of the electors of the districts or parts of districts proposed to be merged shall have first assented to said merger in accordance with the question submitted: Provided, That whenever such assent shall have been given by the electors, said merger shall become effective on the first Monday in July next succeeding said election.

In any instance in which a school district is merged with another district or districts by the terms of this act, the directors then in office in each of said districts shall continue in office until the expiration of their respective terms, and shall jointly constitute the board of school directors of the resulting merged school district. At the first municipal election after such merged school district is created and at each subsequent municipal election, there shall be elected in such resulting merged school district the same number of school directors, and for like terms, as is provided by law for school districts of the class to which such resulting merged school district belongs, so that, upon the expiration of the terms of the directors of the former districts which were merged, the board of school directors of such resulting merged district shall be composed of the same number as in other districts in said class.

Whenever any school district or part of any school district shall be merged with any other district or districts the lands comprising the same together with any property or equipment owned by any such district shall become a part of and belong to such other district or districts, and the debts and liabilities of any such district shall become the debts and liabilities of such other district or districts in the same manner as is provided by law in the creation of union school districts.

Mr. THOMPSON. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows:

Section 2 Sub-section (c) of section one hundred eight of said act is hereby amended to read as follows

[(c) The provisions of clause (b) of this section and of clause (c) of section eight hundred fourteen shall not apply in the case of any school district affected if the district has since the first day of January one thousand nine hundred and thirty-seven and not later than the first day of July one thousand nine hundred and thirty-seven obtained from the State Council of Education the approval of a plan of consolidation of two or more districts as a union district and has actually accomplished and completed such a consolidation before the effective dates set forth in clause (b) of this section]

(c) The merger of any school district which employed no teacher with another district or districts prior to the effective date of this act is hereby ratified and confirmed and is a valid merger under the terms of this act Provided That all the requirements of law concerning the merger of such districts as provided by this act have been complied with And provided further That the provisions of this act shall not apply to any such merger which has been made the subject of litigation in any court of the Commonwealth instituted prior to the passage of this act and still pending and undetermined

On the question,

Will the Senate agree to the section?

Mr. RUTH. Mr. President, I move to amend Sec. 2 (Cl. c), page 6, lines 17 and 18, by striking out the following: "which employed no teacher with another district or districts"; amend Sec. 2 (Cl. c), page 6, lines 21 to 23 by striking out the following: "That all the requirements of law concerning the" in line 21, all of line 22, and the words "been complied with And provided further" in line 23; amend Sec. 2 (Cl. c), line 24, by striking out the following: "act" and inserting in lieu thereof: subsection.

Mr. THOMPSON. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third, fourth and fifth sections of the bill were read as follows and agreed to:

Section 3 The third paragraph of section five hundred and six of the said act as last amended by section one of the act approved the second day of July one thousand nine hundred and thirty-seven (P. L. 2860) is hereby further amended to read as follows

In school districts of the second third and fourth class the indebtedness of any such school district including the bonded indebtedness [together with the temporary indebtedness] shall never exceed seven (7) per centum of

the last assessed valuation of the taxable property for school purposes therein

Section 4 The fourth paragraph of section five hundred and seven of the said act as last amended by section two of the act approved the second day of July one thousand nine hundred and thirty-seven (P. L. 2860) is hereby further amended to read as follows

The assent of the electors shall be required in all school districts of the second third and fourth class in this Commonwealth to issue bonds which will incur any new debt or increase the indebtedness [including the bonded indebtedness together with temporary indebtedness] to an amount in excess of two per centum of the assessed value of the taxable property for school purposes therein Provided That the indebtedness of any such school district shall never exceed seven (7) per centum of the last assessed valuation of taxable property for school purposes therein provided further that the board of school dircetors of any first second third or fourth class school district shall have authority without the assent of the electors to issue bonds to incur upon its own authority any amount of such indebtedness not in excess of two (2) per centum of the last assessed valuation of taxable property for school purposes therein Provided further That the board of school directors in any school district may issue all refunding bonds as herein provided upon its own authority without submitting any such refunding bond issue to a vote of the electors

Section 5 Section eight hundred and thirteen of the said act as added by section five of the act approved the thirteenth day of May one thousand nine hundred and thirty-seven (P. L. 605) is hereby amended to read as follows

Each member of the county board of school directors shall receive a salary which shall equal five dollars for each meeting attended but shall not exceed [sixty dollars ($60.00)] ninety dollars ($90.00) per annum which shall be paid monthly by the State from appropriations made for this purpose or from appropriations for the public schools The county board of school directors shall be provided at the expense of the county with such telephone typewriter and stenographic services as may be needed which services may if adequate be the same as those furnished to the county superintendent

The sixth section of the bill was read as follows:

Section 6 Section eight hundred and fourteen of the said act as added by section five of the act approved the thirteenth day of May one thousand nine hundred and thirty-seven (P. L. 605) is hereby amended to read as follows

Section 814 The county board of school directors shall have power and its duty shall be

(a) To inspect all budgets and annual financial reports and shall render such advice and assistance regarding the same as may seem proper before such budgets or reports are transmitted to the Department of Public Instruction

(b) To advise local boards and make recommendations to them regarding all free transportation routes and contracts to be used after the first day of July one thousand nine hundred thirty-eight

(c) Subject to the approval of the State Council of Education to apportion the cost of free transportation among school districts in all cases where after the first day of July one thousand nine hundred thirty-eight such districts jointly use the same transportation facilities

(d) To recommend the approval or disapproval of school sites and buildings by the State Council of Education

(e) In accordance with standards and regulations set up by the State Council of Education and subject to the provisions of this act to prepare plans and to present the same in a petition to the court of common pleas of the county whereby all school districts which employ no teacher [for the school year one thousand nine hundred thirty-six one thousand nine hundred thirty-seven (1936-1937)] shall be immediately merged with other districts and all school districts which employ ten teachers or less [for the school year one thousand nine hundred thirty-six one thousand nine hundred thirty-seven] shall [subject to the provisions set forth in clause (b) of section one hundred and eight of this act] be merged with other districts on and after July first one thousand nine hundred forty-one also to prepare and submit to the State Council of Education plans for additional re-organization of school districts and attendance areas the first draft of which plans shall be submitted on or before the first day of January one thousand nine hundred thirty-nine and supplemental drafts of plans shall thereafter be submitted at such intervals as requested by the said council

(f) To advise local boards and make recommendations to them for the collection of current and delinquent taxes

(g) To establish a uniform and simple system of accounting under the direction of the county superintendent and the Department of Public Instruction

(h) To advise local boards and make recommendations to them for the enforcement of the attendance law

(i) To make such studies and reports as may be suggested by the State Council of Education

(j) To employ an attorney for such purposes as may be required and to fix his compensation which shall not exceed one hundred dollars ($100.00) per annum except upon the approval of the court of common pleas of the county The compensation herein provided for shall be paid by the Commonwealth from appropriations for this purpose or from the appropriations for the public schools

On the question,

Will the Senate agree to the section?

Mr. RUTH. Mr. President, I move to

Amend Sec. 6 (Sec. 814), page 9, lines 23 and 24, by inserting the following: a light-faced bracket before the word "whereby" in Line 23, and after the word "teacher" in line 24; Amend Sec. 6 (Sec. 814), page 9, lines 26 and 27, by inserting the following: a light-faced bracket before the word "shall" in line 26, and after the word "less" in line 27; Amend Sec. 6 (Sec. 814), page 10, line 1, by inserting the following: a light-faced bracket before and after the word "shall"; Amend Sec. 6 (Sec. 814), page 10, lines 3 and 5, by inserting the following: a light-faced bracket before the word "be" in line 3, and after the word "also" in line 5; Amend Sec. 6 (Sec. 814), page 10, line 6, by inserting after the word "for" the following: "such"; Amend Sec. 6 (Sec. 814), page 10, lines 7 and 11, by inserting the following: a light-faced bracket before the word "the" in line 7, and after the word "council" in line 11; Amend Sec. 6 (Sec. 814), page 10, line 11, by inserting at the end of said line, the following: "as the county board of school directors may deem advisable."

Mr. THOMPSON. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The seventh section of the bill was read as follows and agreed to:

Section 7 Section one thousand one hundred and thirty-three of said act is hereby amended to read as follows

Section 1133 The board of school directors in every school district of the first and second class shall and in every district of the third class may by a majority vote of all the members thereof elect a properly qualified person as district superintendent together with such properly qualified assistant district superintendents as it deems wise The directors of any school district required or electing to have a district superintendent of schools shall not participate in the election of a county superintendent and the public schools of any district which has a district superintendent shall not be subjected to the superintendence or supervision of a county or an assistant county superintendent but

shall all be under the supervision of the district superintendent

After the first day of July one thousand nine hundred and forty the board of school directors of any school district not employing a district superintendent at the effective date of this act shall before creating the office of district superintendent obtain the approval of the county board of school directors

The title was read as follows and agreed to:

An Act to amend sections one hundred eight five hundred six five hundred seven eight hundred thirteen eight hundred fourteen and one thousand one hundred thirty-three of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by providing for the merger of certain school districts with other districts redefining indebtedness of school districts empowering the county boards of school directors to employ an attorney and fix his compensation increasing the salaries of members of the county board of school directors and providing for limitations on the appointment of district superintendents

And said bill as amended having been read at length the second time and agreed to.

Ordered To be transcribed for a third reading.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of personal privilege.

Mr. SHAPIRO. Mr. President, I practiced law in the city of Philadelphia for about twenty-five years and I have tried many cases before the Supreme Court and I have lost many cases before the Supreme Court and therefore I am speaking with authority as a lawyer. I have been disappointed in some of the decisions of the Supreme Court and think I am able to state that I have accepted those decisions in the same spirit that I would expect someone in a similar position to do. I have tried to criticize those decisions or disagree with them in a respectful manner. I have never joined in any statements publicly against the Supreme Court or any other court before which I have had what I consider a privilege to practice, because I believe that the foundation of any democracy and its last bulwark, and the safety of democracy, lies in the courts and in the respect for those courts.

It has always been my custom wherever I was present, to discourage or to disagree with any attempt on the part of any citizen to publicly show disrespect for the courts. Now there have been some decisions in this session of the Senate that have probably displeased one side or another and probably at the last session of the Senate which have displeased either Republicans or Democrats. I am satisfied to say that all of us took those decisions with full knowledge that we would as citizens respect the courts that made the decisions.

I was horrified this morning when I picked up my paper to find in one of the Philadelphia papers the following statements: "Whitewash laws to be killed." "Supreme Court to void two acts blocking Jury." "Ruling expected today." "Decision will deny House precedence over investigation by Grand Jury." "Will uphold the right of Attorney General." "The State Supreme Court will declare unconstitutional this week the two key measures of the whitewash legislation designed to head a Grand Jury investigation of the Earle Administration. The court, which has been deliberating for four weeks, is in session at Pittsburgh and it is highly probable that the ruling will be announced today. The Inquirer is able to forecast that the court will find Acts One and Four of the whitewash program unconstitutional and that the Earle Administration, successful in blocking a Grand Jury investigation for five months, will at last find itself at the end of the rope."

Then the paper goes on to say: "The court also will rule on Act No. Three which bestows on the Attorney General absolute discretion to supercede any District Attorney. This measure will be upheld, the Inquirer forecasts. It is probable however that Attorney General Guy K. Bard will be disqualified for participation in the present case in view of his relationship with the Governor, one of the fourteen accused."

Mr. President, I want to say that I have no quarrel with the Supreme Court in their decision. They made a decision, and it was a unanimous decision, and I think it is the duty of every citizen to respect the decision of the highest court or of any court of the State. You may disagree with those decisions, you may not agree with the conclusions, but certainly there is no right if we are to continue and maintain a democratic form of government to publicly hold in contempt any court. The evidence of what is going on in our European countries is proof positive of that fact. If courts had been respected, if individual rights of citizens had been respected, there would not exist there what there does today and certainly I for one feel that whenever the opportunity arises for me to say a word on the importance of that subject I shall do it.

I charge, Mr. President, that this publication is in actuality in contempt of court. Whether these people had the information or not is immaterial though it so develops that the Supreme Court's decision is absolutely in accord with what this paper said the Supreme Court will do. This paper does not say, does not prophesy, that it is even rumored or in fact that from the argument before the court it might be indicated that they would do that, but this paper says that the Supreme Court will declare these acts unconstitutional. If you look at the top of this paper you will notice that it is headed "Extra. 6 A. M. Edition." It takes at least three or four hours to prepare a paper and therefore at three o'clock in the morning the owners of this publication published the fact that the Supreme Court would make a decision and published the decision of the Court. Now I say it is immaterial whether they had the information or not. What is more important is the fact that the general public, reading that paper is going to believe something which I will not believe and which I do not believe until the Court says so itself, namely, that somebody on that Court furnished the information that this paper published.

It is because of that fact that I charge that the statement made by that paper is in contempt of Court and I stand up here to protest against any such condition in a free and democratic form of government. I say that this newspaper should have and every newspaper should have more respect for the importance of the Court; if not for

the Court, then the individual members of that Court. I know most of them, all of them, personally and I have a high regard and a high respect for them. I also have a great respect for the privileges that I enjoy as a citizen of a democratic government and I do not propose to allow to go unchallenged any act on the part of any person or any persons or publication whenever I have the power to do so, that is in contempt of the Supreme Court of the Commonwealth of Pennsylvania.

I now say to my colleagues in the Senate that tomorrow at our session I shall propose and introduce a resolution that the Supreme Court shall publicly investigate this newspaper and the persons who published this story the manner in which it was procured, and see to it that proper punishment is meted out with respect to it in view of the regard that the public generally has or should have for this high Court.

Mr. BUCKMAN. Mr. President, I am somewhat surprised that the Senator from Philadelphia should make the remarks that he did. If he was here in this session, in the early part thereof, he would have heard the same predictions made as were made by this newspaper. I know nothing whatever of the reason for the publication in this newspaper but I have always known and I have stated time and again on this floor that the decision of the Supreme Court would be just what it was and I am surprised that the Senator from Philadelphia who has been practicing law for 25 years did not know that the Supreme Court was right.

Mr. SHAPIRO. Mr. President, I should like to answer the Senator from Bucks. I have said and I repeat again that what the Senator has said to me privately or what he has said publicly to someone as to his opinion of a law and what the Supreme Court will do is one thing. The Senator from Bucks is too good a lawyer not to understand what I mean.

The Senator from Bucks knows that the Supreme Court of the United States guards carefully its opinions to such an extent that the printer who prints them is selected as a man of known integrity. The Senator from Bucks knows as a lawyer that if the Supreme Court ever discovered any leak in its opinions it would not hesitate very long before it would take action. The Senator from Bucks will remember, I think, that there was some stock market gambling some years ago when a supposed statement of what the Supreme Court's opinion in an important case would be and the Senator from Bucks, if he followed the newspapers, knows what happened.

What I say is not that we may not disagree or may not prophesy what a decision will be. That is unimportant, but what is important is the opinion of the people who read this newspaper. The opinion of the people who read this newspaper cannot be anything other than that somebody from the Supreme Court has told the newspaper what the decision was going to be. Look at this headline. It is not a statement of what may happen, but in four-inch type it says "WHITEWASH LAWS TO BE KILLED," "SUPREME COURT WILL VOID TWO ACTS," and not only that, it says that the Supreme Court will hold one act constitutional.

The opinion of the Senator from Bucks has always been that all the acts were unconstitutional and that they would be so declared, but this newspaper has more information than the Senator from Bucks. This newspaper is not even a lawyer but the paper disagrees with the Senator from Bucks and tells us what the decision of the Supreme Court will be and it guesses right, and tells us, in addition to that, when the decision will be published.

I would not say that if I did not know the Supreme Court better and if I did not have the respect that I have for the Supreme Court but I say that there are many who do not care much about law and order who use this paper as an argument in the course of their claim that law and order is always bought and sold, and I say it is to those people that I am directing my remarks and my attention. It is they who form the mob that creates a chaos and disrespect for law, and when a newspaper encourages that kind of condition it should be stopped and punished.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 54 (House Bill No. 58), entitled:

An Act to ratify, confirm and make valid the commission to make certain studies in respect to bituminous mines, appointed pursuant to the joint resolution, approved the fifth day of June, one thousand nine hundred and thirty-seven (P. L. 1689), entitled: " A joint resolution creating a commission to make certain studies and duties; and making an appropriation," together with its actions, proceedings, expenses and expenditures.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess for 15 minutes.

Mr. DANDO. Mr. President, I second the motion.

The motion was agreed to.

ANNOUNCEMENTS BY THE SECRETARY

During the recess the Committee on Appropriations will meet in Room 265.

Immediately following that meeting, the Committee on Labor and Industry will meet in the same room.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

HOUSE MESSAGES

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House had concurred in Resolution from the Senate as follows:

In the Senate, October 3, 1938.

Resolved (if the House of Representatives concur) That when the Senate adjourns this week it reconvene on Monday evening, October 10, at 9 o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, October 10, at 9 o'clock.

HOUSE CONCURS IN SENATE BILL No. 29

He also returned to the Senate, Senate Bill No. 29, entitled:

An Act to amend the act, approved the eleventh day of July one thousand nine hundred twenty-three (P. L 998), entitled "An act for the prevention and treatment of mental diseases, mental, defect, epilepsy, and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients; providing for the payment by individuals, counties, or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties" as amended by further defining and limiting the institutions in which persons mentally ill may receive care and treatment; relieving counties and poor districts of the payment of the cost of the admission, care, and discharge of mental patients, with certain exceptions; imposing such costs on the Commonwealth; and repealing inconsistent laws.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 27

He also returned to the Senate, Senate Bill No. 27, entitled:

An Act to amend section two of the act, approved the eleventh day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, four hundred eighty-seven), entitled "An act authorizing the Department of Welfare to determine the legal residence of indigent, insane, feeble-minded and epileptic persons, returned to this Commonwealth by the authorities of another state, or transferred from one poor district to another by the department, and requiring the proper district to pay the costs of the care and treatment of such persons in accordance with the laws relating to indigent insane persons," by relieving poor districts of certain costs and placing such costs on the Commonwealth.

with the information that the House has passed the same without amendments.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 27, entitled:

An Act to amend section two of the act, approved the eleventh day of April one thousand nine hundred twenty-nine (Pamphlet Laws four hundred eighty-seven) entitled "An act authorizing the Department of Welfare to determine the legal residence of indigent insane feeble-minded and epileptic persons returned to this Commonwealth by the authorities of another State or transferred from one poor district to another by the department and requiring the proper district to pay the costs of the care and treatment of such persons in accordance with the laws relating to indigent insane persons" by relieving poor districts of certain costs and placing such costs on the Commonwealth.

Senate Bill No. 29, entitled:

An Act to amend the act, approved the eleventh day of July, one thousand nine hundred twenty-three (Pamphlet Laws, nine hundred ninety-eight), entitled "An act for the prevention and treatment of mental diseases, mental defect, epilepsy, and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients; providing for the payment by individuals, counties, or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties," as amended, by further defining and limiting the institutions in which persons metally ill may receive care and treatment; relieving counties and poor districts of the payment of the cost of admission, care, and discharge of mental patients, with certain exceptions; imposing such costs on the Commonwealth; and repealing inconsistent laws.

House Bill No. 10, entitled:

An Act authorizing the Secretary of Highways to change the width, grades and lines of Vine Street in Philadelphia, from the Delaware River Bridge approach to Parkway; the expense thereof and damages occasioned thereby to be paid by the Commonwealth. Authorizing the City of Philadelphia, persons associations, and corporations to enter into agreements with the Commonwealth to bear a portion of such expenses and damages and making an appropriation.

House Bill No. 40, entitled:

An Act to ratify confirm and make valid the actions proceedings expenses and expenditures of the commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth appointed pursuant to the joint resolution approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws five hundred forty) entitled "A joint resolution authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas requiring the commission to make a report of its findings to the Governor together with its recommendations as to such regulatory legislation as may be needful to correct any abuses and evils connected with such industry which are prejudicial to the interests of the citizens of this Commonwealth authorizing the commission to employ counsel and employes and making an appropriation" and its amendment.

House Bill No. 62, entitled:

An Act to ratify, confirm and make valid the joint legislative committee to investigate governmental costs of Philadelphia, Concurrent Resolution No. 2, approved the thirteenth day of January, one thousand nine hundred and thirty-seven, (P. L. 2869), which committee was provided with an appropriation under Appropriation Act No. 9-A, entitled "An act making an appropriation for the expenses of the joint legislative commission created by Senate Concurrent Resolution Serial Number 102, approved January thirteenth, one thousand nine hundred thirty-seven," together with its actions, proceedings, expenses and expenditures.

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

REPORTS FROM COMMITTEES

Mr. SONES. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SONES, from the Committee on Labor and Industry reported as committed, Senate Bill No. 56, entitled:

An Act creating a joint legislative commission to study

and report on the structure of insurance rates for workmen's compensation; and making an appropriation.

Mr. McGINNIS. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT Is there objection? The Chair hears none.

Mr. McGINNIS, from the Committee on Appropriations reported as committed, Senate Bill No. 59, (House Bill No. 66), entitled:

A Supplement to the act approved the second day of July one thousand nine hundred thirty-seven (Appropriation Acts page seventy-four) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" providing for the deficiencies in certain appropriations to the Department of Justice for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. RICE. Mr. President, I move that the Senate do now proceed to the consideration of Nominations for appointment as Notaries Public and Commissioner of Deeds, sent to the Senate Oct. 3, 1938 by His Excellency, the Governor of the Commonwealth which were laid on the table.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

The Nominations were read as follows:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, October 3, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss V. C. Justen, 3501 Gulf Bldg., Pittsburgh.
E. . Kitzmiller, 1511 Oliver Bldg., Pittsburgh.
F. R. McCaffrey, 4106 Butler Street, Pittsburgh.

ARMSTRONG COUNTY

Herbert R. Postlewait, Rural Valley.

CAMBRIA COUNTY

Miss Eva A. McCaffrey, Johnstown.

CHESTER COUNTY

Logan A. Mayfield, Easttown Twp., Berwyn.

DAUPHIN COUNTY

P. H. Englehart, Susquehanna Twp., Pouch A, Harrisburg.
Miss Mary C. Miller, Harrisburg.

FAYETTE COUNTY

Geo. E. O. McLeod, Masontown.

INDIANA COUNTY

Miss Helen A. M. Baun, Indiana.

JEFFERSON COUNTY

Miss Maude M. Lucas, Brookville.

LYCOMING COUNTY

Miss Caroline M. Karicher, Williamsport.

MONTGOMERY COUNTY

Mrs. Alverda K. Wensel, Pottstown.

PHILADELPHIA COUNTY

Chas. J. Hassett, 440 Fairmount Avenue, Phila.
Miss Katharine C. Kryder, 1404 Girard Trust Bldg., Phila.
Miss Louise M. Scharff, 1106 City Centre Bldg., Phila.
Allen E. Smolen, S. E. Cor. 20th and Jefferson Streets, Phila.

WAYNE COUNTY

Frederick A. Holbert, Honesdale.

WESTMORELAND COUNTY

Charles E. Watt, Greensburg.

GEORGE H. EARLE.

COMMISSIONER OF DEEDS

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, October 3, 1938.

To the Honorable; the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

Charles Edward Fell, 203 Schwehm Building, Altantic City, New Jersey, for appointment as Commissioner of Deeds for the Commonwealth of Pennsylvania with residence in the State of New Jersey, for the term of five years to compute from October 10, 1938.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES and Mr. FREY.

That Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES and Mr. FREY.

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Barthold,	Gelder,	Kilgallen,	Rodgers,
Buckman,	Gilson,	Kunkel,	Ruth,
Cavalcante,	Haluska,	Lanius,	Scarlett,
Chapman,	Henney,	Law,	Shapiro,
Dando,	Heyburn,	Mallery,	Sipe,
Deitrick,	Howell,	McGinnis,	Sones,
DiSilvestro,	Jacobs,	Owlett,	Stiefel,
Ealy,	Jaspan,	Pytko,	Thompson,
Frey,	Kahle,	Rice,	Wolfenden,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

MOTION TO READ BILLS THE FIRST TIME

Mr. RICE. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 56, entitled:

An Act creating a joint legislative commission to study and report on the structure of insurance rates for workmen's compensation; and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 59 (House Bill No. 66), entitled:

A Supplement to the act approved the second day of July, one thousand nine hundred thirty-seven (Appropriation Acts page seventy-four) entitled "An act to provide for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven" providing for deficiencies in certain appropriations to the Department of Justice for the fiscal biennium ending May thirty-first, one thousand nine hundred thirty-nine.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

The PRESIDENT. Under Rule 15, in the absence of the President pro tempore, the Chair designates the Senator from Adams County, Mr. Rice, to preside at the Session of the Senate tomorrow.

ANNOUNCEMENT BY THE SECRETARY

There will be a Public Hearing on House Bills Nos. 43, 44, 45 and 46, the Anthracite Coal Bills, tomorrow, Tuesday, October 4, 1938, at one o'clock, P. M., in the Senate Caucus Room.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn until Tuesday, October 4, 1938 at 11:00 o'clock, A. M.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:23 o'clock, P. M., until Tuesday, October 4, 1938 at 11:00 o'clock, A. M.

HOUSE OF REPRESENTATIVES

MONDAY, OCTOBER 3, 1938.

The House met at 9:00 p. m.

The SPEAKER, (Roy E. Furman), in the Chair.

PRAYER

The Chaplain, Rev. EPHRAIM Z. GALLAHER, offered the following prayer:

Our heavenly Father, as we begin our work this evening, may we desire most to have Thy commendation; may we always study to show ourselves approved of Thee, workmen that need not to be ashamed. As a man thinketh in his heart, so is he. So judge us by the conscientious desires of our heart. Though there may be differences of opinions and beliefs, yet we are co-workers with Thee, and as servants of our great Commonwealth, we each endeavor to serve to the best interests for the present and the future. Therefore Lord we yield to Thy guidance. In His name we petition Thee. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Tuesday, September 27, 1938.

The Clerk proceeded to read the Journal of Tuesday, September 27, 1938, when, on motion of Mr. SPENGLER the further reading was dispensed with and the Journal approved.

LEAVES OF ABSENCE

Mr. Samuel A. Weiss asked and obtained leave of absence for Mr. ZAPPALA for this week's session.

Mr. Lewis asked and obtained leave of absence for Mr. REUBEN E. COHEN for this week's session.

Mr. Gillette asked and obtained leave of absence for Mr. MERRELL for this week's session on account of illness.

The Speaker asked and obtained leave of absence for Mr. MURRIN for tonight's session.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency, the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 17.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, September 29, 1938.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 17, Printer's No. 47, entitled, "An Act to amend article two of the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred thirty-six) entitled 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation and providing procedure for the determination of liability and compensation thereunder' as reenacted and amended by adding a new section two hundred and one and one-tenth thereto imposing the presumption of negligence upon employers providing for admission of certain evidence and providing for double damage under certain circumstances."

GEORGE H. EARLE.

The Secretary to the Governor being introduced, pre-

sented a communication in writing from His Excellency, the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 23.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, September 28, 1938.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 23, Printer's No. 34, entitled, "An Act to amend paragraphs (d) and (e) of Section 202 paragraph (a) of Section 409 Section 412 paragraph (a) of Section 601 Sections 702, 704, 808, 1201 and 1311 of the Public Utility Law (Act of May 28, 1937, P. L. 1053), entitled "An act relating to the regulation of public utilties; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractural relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, and cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the Court of Common Pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistest with this act," by further defining and limiting exemptions, the transfer and acquisition of property, the crossing of facilities, the issuance of securities, relations between affiliated interests, the imposition of costs of administering the act, and otherwise clarifying and supplementing the provisions of the said sections of the act.

GEORGE H. EARLE.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. SAMUEL A. WEISS asked and obtained permission for the Committee on Municipal Corporations to meet during the session of the House.

BILL INTRODUCED AND REFERRED

By Mr. SPROUL. HOUSE BILL No. 85.

An Act to regulate the sale, offering or exposing for sale of fireworks; defining fireworks; authorizing cities, boroughs, towns, and townships to permit and regulate the use of fireworks within their boundaries; and providing penalties.

Referred to the Committee on Public Health and Sanitation.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, October 3, 1938.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, October 10, 1938, at 9:00 o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, October 10, 1938, at 9:00 o'clock.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

STATEMENT BY MR. TROUT.

Mr. TROUT asked and obtained unanimous consent to address the House.

Mr. Speaker, and Members of the House, I wish to call attention to House Bill No. 51, Printers No. 57, which was committed to the Constitutional Amendments Committee and reported by that Committee to the floor of this House and passed second reading, after which a motion was made that the bill be recommitted to the Committee on Appropriations.

Mr. Speaker, I would like to interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman from York, Mr. Cohen, permit himself to be interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. TROUT. Mr. Speaker, I would like to ask the gentleman from York whether the purpose of this bill is not to amend the Constitution of Pennsylvania?

Mr. HERBERT B. COHEN. Mr. Speaker, I understood that that was the purpose of the bill.

Mr. TROUT. Mr. Speaker, if that is the case, why was not the bill referred to the Committee on Constitutional Amendments rather than to the Appropriations Committee of which the gentleman from York happens to be the Chairman?

Mr. HERBERT B. COHEN. Mr. Speaker, the gentleman from Lancaster, I understand is interrogating me as to why the bill was committed to the Appropriations Committee?

Mr. TROUT. That is right.

Mr. HERBERT B. COHEN. Mr. Speaker, I understood it was originally referred by the Speaker of the House, in compliance with his constitutional duties to the Com-

mittee on Constitutional Amendments. I felt that the bill required study on the part of the Appropriations Committee due to the fact that the bill would greatly change the method of financing the Commonwealth of Pennsylvania.

Mr. TROUT. Mr. Speaker, I thank the gentleman. I believe every member of this House is familiar with my attitude regarding highway matters and particularly as regards the diversion of the Motor License Fund.

Motor revenues have very definite limits. The road user pays a state gasoline tax of four cents per gallon, of which one cent goes to the General Fund, one-half cent to counties for road purposes, and only two and one-half cents into the Motor License Fund. In addition, the car operator pays into the Motor Fund a license fee on his car or truck, and a fee for his driver's license.

The Motor License Fund is not an inexhaustible and endless source of revenue. The truth of the matter is that the Motor Fund, as now administered, is rapidly approaching the point where no state revenues will be available for new road construction.

The cost of administration, equipment, and general maintenance on state highways and on the roads and streets which the state maintains for local subdivisions, for the Aeronautical Division with its taxi and vacationing service, for the financing of Grand Jury investigations and the investigation of criminals, and for gambling in Philadelphia and elsewhere, has grown by leaps and bounds, while there has been no such increase in the revenue derived from motorists who use these highways.

Eight years ago the State Highway Department was responsible for 13,400 odd miles of highways, with an annual income from state sources of approximately $60,000,000. Today, the state high system alone amounts to over 40,000 miles of roads and streets, with 56,000 additional miles of local roads which are being maintained at state expense. Our present state income is estimated at approximately $70,000,000. According to information submitted to a recent Congress by Senator Hayden, Pennsylvania's state highway maintenance bill amounts to more than twice that of any other state.

During the period mentioned, automobile and truck registrations have grown from 1,741,942 in 1931, to 1,984,821 in 1937. The comparatively small increase in highway revenue is due almost entirely to the taxes on the additional motor vehicles. But consider the fact that some quarter million more vehicles now crowd our main roads and streets, demanding safe and adequate transportation facilities. Consider also the fact that the average car of today probably travels 2,000 miles more per year than it did in 1931.

The danger in the situation is camouflaged by the fact that road and street improvements still go on though at a greatly reduced rate. The gravity of the situation lies in the fact that the state itself has funds to pay for only a small part of these improvements, and that if emergency federal funds are removed, there must be a drastic revision of highway affairs.

During the past six years federal aid to the total amount of $78,861,000 has been made available to Pennsylvania. This money must be spent for the construction or reconstruction of roads, streets and bridges. No part of it can be used on maintenance.

By fiscal years the federal appropriations are approximately as follows:

1933	$18,891,000
1934	9,590,000
1935	26,178,000
1936	5,348,000
1937	9,427,000
1938	9,427,000

There is no cause to congratulate ourselves over the amount of money allocated to Pennsylvania for road building. Pennsylvania pays far more than her due share of the national taxes from which these emergency road funds are taken. Neither is there cause to congratulate ourselves upon the attitude of the national administration, nor to count upon the continuation of these appropriations. President Roosevelt, in a message on highways to Congress, November 27, 1937, said: "I recommend that the Congress adopt the following policies: First: Provide for the cancellation of the 1939 authorizations prior to January 1, 1938, by which date the Secretary of Agriculture is required to apportion to the various states $214,000,000 of such authorizations.

"Second: Limit to not more than $125,000,000 per annum all public road authorizations for the fiscal year 1940 and for each of the next few succeeding years."

Pennsylvania's road program, even with these federal grants, does not keep pace with the demands of traffic. I venture to say that there are few men here who do not know of dangerous roads that should be rebuilt, of narrow streets which clog with the through traffic they must carry or of constituents who want road improvements. Yet most, if not all, of us fail to realize that these improvements are held up, and that men are kept from work, partially at least, by the condition of the Motor Fund.

Last year at this time the Highway Department had contracted for some $19,000,000 worth of improvements. During the similar period this year only some $9,000,000 has been put under contract.

The administration, the allotment, and the expenditure of motor revenues is important to every citizen of Pennsylvania, whether car owner or not. The item of food alone justifies this statement. Meat, vegetables and milk can only come to him fresh and reasonably priced when producers can move them freely and economically over the highways.

New demands are continually being made upon the Motor Fund. Township, borough and city officials demand a greater share. Motorists complain that danger spots exist throughout the state. Farmers insist that rural roads be improved. There may be justice in all of these claims. Yet the motor revenues of this Commonwealth under present policies are nearing depletion.

Mr. Speaker and Members of the House: Let me call your attention to the report recently made by the United States Bureau of Public Roads to the effect that twelve and three-quarter cents out of every dollar paid by highway users in Pennsylvania is diverted for non-highway purposes. The Bureau's figures show $13,854,000 went toward general state expenses, and $502,000 for other specific purposes, including $451,000 for airport landing fields and $51,000 for cooperative work with other departments.

Let me call your attention to a resolution which I introduced in the Session of 1937, asking for a report of the State-Wide Highway Planning Survey. The cost of this survey has long since passed the million dollar mark. At

the time of the introduction of the resolution I asked for its immediate consideration. The gentleman from York, Mr. Cohen, replied that this survey was practically completed, that it was in the hands of the Governor, and would be presented to the Members of the House within a few days. The fallacy of this statement seems to be proven by the fact that this report is not yet available. This report is most essential to the future highway program of the state of Pennsylvania. Not until such a survey is available can a definite program be outlined over a long period of years.

As in the past, the work of our highways will be improvements here and improvements there, with no positive plan or definite objective.

In my opinion, there is a solution for this problem. The first step in the solution of that problem is to safeguard the funds so that the highway department will have definite information from year to year how much money will be available and, thereby, can follow out a definite program without fear of each succeeding Legislature appropriating money out of the Motor Fund for some of the purposes which are foreign to highways that I mentioned above.

Let me return again to the bill which reposes so peacefully in Mr. Cohen's committee. In fairness to the motorists of Pennsylvania, who provide each dime of this fund, shouldn't the voting public be permitted to say what safeguard should be set up to protect this fund?

Members of the House, this bill does nothing more or less than permit the people of Pennsylvania to finally determine at least one of those safeguards! This is not a matter, gentlemen, that you and I will decide finally. In reality, you are giving the people their chance to say "yes" or "no". This is only the first step.

The entire highway situation deserves the serious study of every legislator or public official. It is time, and high time, that the solution to this problem be proposed; that motor revenues be used for the true benefit of the motorist, and that full justice be rendered to the citizens of this Commonwealth!

The SPEAKER. The remarks of the gentleman will be approved in full upon the Legislative Journal.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. NAGEL asked and obtained permission for the Committee on Municipal Corporations to meet during the session of the House.

INTERROGATION

Mr. HERBERT B. COHEN. Mr. Speaker, I would like to interrogate the gentleman from Lancaster, Mr. Trout.

The SPEAKER. Will the gentleman from Lancaster, Mr. Trout, permit himself to be interrogated?

Mr. TROUT. I will, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman from Lancaster if it is not a fact that were this House to pass the bill which occasioned this discussion, that we could not comply with the constitutional requirement pertaining to the advertising of the constitutional amendments.

Mr. TROUT. That is correct, Mr. Speaker, as I understand it.

Mr. HERBERT B. COHEN. Mr. Speaker, I further desire to ask the gentleman from Lancaster, Mr. Trout, whether or not, due to the inability on the part of the House, or on the part of the Administration, the Secretary of the Commonwealth, to comply with the advertising requirement as set forth for the advertising of constitutional amendments, that the passage of that legislation by the House would be a futile gesture.

Mr. TROUT. Mr. Speaker, in reply to the question of the gentleman from York, this question of diversion and the amendment of the constitution, to prevent further diversion, has been considered by this House from time to time, and I believe it is an opportunity for the members of this House to express their opinion as to whether or not the diversion or the use of money from the Motor Fund for other than highway purposes, should be continued. I recognize the fact that the bill would not become effective until 1941. I also know that the members of this House should be given the right or opportunity to express their feelings fully, as far as the use of motor license funds is concerned.

Mr. HERBERT B. COHEN. Mr. Speaker, I would like to ask the gentleman from Lancaster how much money was due and owing to the Motor Fund by the General Fund at the inception of the present administration on January 15, 1935.

Mr. TROUT. Mr. Speaker, in reply to the question of the gentleman from York, I would take the figures that he gave a few days ago, and which I think are correct,—$25,000,000.

Mr. HERBERT B. COHEN. Mr. Speaker, I would like to further ask the gentleman from Lancaster, Mr. Trout, how much is due and owing by the General Fund to the Highway Fund at the present time?

Mr. TROUT. Mr. Speaker, in reply to that question of the gentleman from York, so far as I know, not any.

Mr. Speaker and members of the House, it is not a question of whether there is any money owing the Motor Fund now from the General Fund, but it is a question of safeguarding that fund. I want to say to the gentleman from York and to the members of this House that it was under a Republican Administration when this transfer was started, the borrowing was started, and I want to say to the members of this House that the people who voted for the diversion of those funds are the same people who oppose it now. The motorists of Pennsylvania appeared in this House during the Pinchot Administration and fought the diversion just as we are doing it now. Do not let us forget this. In the meantime the Democratic Administration, under the leadership of Mr. Cohen, increased the gasoline tax by one cent a gallon, which is now going into the General Fund so that there was quite an accumulation of money there because the extra one cent gasoline tax will enable the General Fund to repay that into the Motor Fund. We are perfectly willing to give the Democratic Administration all the credit possible for having returned what should have been done. Our position is that we want to stop this diversion and we want to do it now so that there will be no further diversion of this fund from the motorists of Pennsylvania. Whether it is a Democratic or Republican administration makes no difference to the motorists of Pennsylvania.

Mr. HERBERT B. COHEN. Mr. Speaker, in answer to the question of the gentleman from Lancaster, may I say this, that due to the fact that in November of this year we are going to continue a Democratic Administration in the Commonwealth of Pennsylvania, I think that the

fears of the gentleman from Lancaster are entirely unfounded. The best safeguard that the people of the Commonwealth of Pennsylvania could have to prevent any diversion would not be the legislation espoused by the gentleman from Lancaster but the continuation of the Democratic Administration.

Mr. TROUT. Mr. Speaker, I would like to further interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman from York permit himself to be further interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. TROUT. Mr. Speaker, a few days ago the gentleman from Blair, Mr. Perry, introduced a resolution asking for some information on, I think, the tunnel highway. Now, Mr. Speaker and members of the House, would the gentleman from York kindly tell us how much money has been diverted from the Motor Fund for the purchase of aeroplanes and for the repair of aeroplanes by the members of the Executive family?

Mr. HERBERT B. COHEN. Mr. Speaker, I do not have any figures indicating such a diversion available nor do I know that any such figures are available. I do know, however, that the Democratic administration in the past session fulfilled the promises that had been made by previous Republican administrations, in that they have reduced the cost of driver's license from two dollars to one dollar, which is a saving of millions of dollars each year to the motorists of Pennsylvania.

Mr. TROUT. Mr. Speaker, I want to say as far as a reduction in the cost of drivers licenses is concerned, that promise was made by a Republican Governor during his campaign and was not a part of the platform of the Republican party. If he failed in his promise that is a thing for which the Republican party is not responsible. I want to say to the gentleman from York that we are grateful for that one dollar reduction. That is fine.

Will the gentleman from York kindly tell us another thing, how much money out of the Motor Fund was being used for the investigation of crime in Philadelphia as a part of the Bok Grand Jury Investigation, investigating Republican officeholders? Understand, Mr. Speaker and members of the House, that a Grand Jury in Philadelphia, investigating Republican officeholders is all right. It is all right to take money out of the Motor Fund for that, but I want to say to you when it comes to a Grand Jury in Harrisburg—

Mr. HERBERT B. COHEN. Mr. Speaker, may I have the opportunity of answering the gentleman's question?

QUESTION OF INFORMATION

Mr. TURNER. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman from Delaware will state his question of information.

Mr. TURNER. Mr. Speaker, the gentleman from Lancaster, Mr. Trout, says that the Grand Jury in Philadelphia was investigating Republican officeholders. I understand it was investigating Mayor Wilson who is not a Republican officeholder.

QUESTION OF INFORMATION

Mr. HERBERT B. COHEN. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman from York will state his question of information.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to know which question or questions I must answer—one or both.

The SPEAKER. Will the gentleman from Lancaster state his question?

Mr. TROUT. Mr. Speaker, I don't know. The situation is this, in Philadelphia we had this Bok Grand Jury investigation. Then there was the Shapiro investigation. Then we had the Ruth investigation. I don't know, speaking frankly to the gentleman from York, I don't know just which one we are talking about. Do you?

Mr. HERBERT B. COHEN. Mr. Speaker, I frankly say I don't know which one you are talking about, but I still can answer the question.

Mr. TROUT. Mr. Speaker, is the gentleman from York waiting on me or am I waiting on him?

Mr. HERBERT B. COHEN. Mr. Speaker, I might state that since the gentleman does not understand the question he is asking nor do I understand the question, I will proceed to answer it.

Mr. TROUT. Mr. Speaker, I did want to ask the gentleman from York just the amount of money that was used from the Motor License Fund for the investigation of crime in Philadelphia and for the investigation of crime throughout Pennsylvania, as a part of the organization of the State Motor Police. I understand there was one million dollars alloted for the State Motor Police for the investigation of crime. Are we within that one million dollars or have we gone beyond that in this investigation?

Mr. HERBERT B. COHEN. Mr. Speaker, as I understand, not desiring to be facetious, but since a very definite question has been submitted to me, I understand that it has, been discussed in full and at length on the floor of this House at the time of the consolidation of the Motor Police and the State Police, that the method utilized by the Budget Department was to allocate the expenditure of the Motor Police in two distinct allocations: one being the moneys expended by the Motor Police in their highway work, which has been acknowledged as a justifiable expenditure of the highway funds. The second is the allocation of moneys expended by the Motor Police in criminal investigation, which moneys are provided for out of the General Fund. The gentleman from Lancaster undoubtedly remembers the discussion we had on that subject in the 1937 session, and I think discussion held on the subject in this session. The moneys that are spent by the Motor Police, giving a definite answer to the question submitted by the gentleman from Lancaster, in criminal investigations in no way and in no manner impinge upon the moneys of the Highway Fund. The Highway Fund moneys are spent by the Motor Police entirely on highway patrol work.

Mr. TROUT. I want to ask the gentleman from York, Mr. Speaker, if he recalls the fact that in 1937 I introduced a resolution asking the Highway Survey Commission to bring in a report of their work and of the work they had done. You will recall at that time we figured about one million dollars being expended for that work preliminary to this amendment we are speaking on. It is very necessary that that work be done. At that time

I think the gentleman from York stated that the report was on the Governor's desk and would be in our hands within the next few days. May I now ask the gentleman from York whether or not that report is finished by now and whether or not we can get a copy of it.

Mr. HERBERT B. COHEN. Mr. Speaker, I understand that the traffic survey has been made, and that a great portion, a major portion, has been made available to the public, and that the traffic conditions in every locality of the state have been adequately studied. I am not an expert on highway matters. I feel sure if the gentleman from Lancaster will go to the Department of Highways and see our efficient Secretary and Chief Engineer, that the facts that have already been corralled will be placed at his disposal.

Mr. HOLLAND. Mr. Speaker, I would like to interrogate the gentleman from Lancaster, Mr. Trout.

The SPEAKER. Will the gentleman from Lancaster. Mr. Trout, permit himself to be interrogated?

Mr. TROUT. I will, Mr. Speaker.

Mr. HOLLAND. Mr. Speaker, will the gentleman from Lancaster, who is so anxious not to divert Highway funds, tell this House if he believes that the taxes collected from the motor vehicles of Pennsylvania should pay for the expense of handling the motor vehicles of Pennsylvania.

Mr. TROUT. Mr. Speaker, I did not quite catch that question.

Mr. HOLLAND. Mr. Speaker, does the gentleman from Lancaster believe that the amount of moneys collected from gasoline taxes, drivers license taxes and owners license taxes should be used only in improving the highways, or should these funds be used to pay the expenses of handling motor vehicles in Pennsylvania?

Mr. TROUT. Does the gentleman from Allegheny state the expense of handling the motor vehicles in Pennsylvania?

Mr. HOLLAND. That is right, Mr. Speaker.

Mr. TROUT. I do, Mr. Speaker. The Motor Funds should pay for the State Motor payroll. I think that is what you have in mind.

Mr. HOLLAND. Mr. Speaker, does the gentleman from Lancaster feel that the home owners in the city should pay out of the real estate tax for the handling of the traffic in the cities?

Mr. TROUT. Mr. Speaker, the gentleman from Allegheny is now raising a very serious problem, and I do not feel that in fairness to the members of this House, that I am in a position to give a definite answer to that question, nor to express my own feelings or convictions about it now. That is a question that has been debated for a long time. There are arguments on both sides. Just how far we ought to go in returning the taxes which are collected from the municipalities, returning such taxes to the municipalities, I do not know at the present time. This is a serious matter and I do not wish to give my opinion on it now.

Mr. HOLLAND. Mr. Speaker, is the gentleman from Lancaster in favor of cutting the real estate tax to the home owner?

Mr. TROUT. Mr. Speaker, I would say yes. That is the platform upon which you fellows went into office.

Mr. HOLLAND. Mr. Speaker, may I ask the gentleman from Lancaster if it is not a fact that he is in favor of cutting all taxes before election?

Mr. TROUT. No, Mr. Speaker, you would try to do that in the tax abatement bill, cutting down the penalty. I wouldn't vote for that.

Mr. HOLLAND. Mr. Speaker, we are talking now about motor vehicles and not the tax abatement bill.

STATEMENT BY MR. HOLLAND

Mr. Holland asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, I would like to point out to some members of the House who are so anxious to pass a bill to keep in the highway fund all the money collected from motor vehicles, that there are other expenses which the already overburdened real estate owner in Pennsylvania is paying, that should come out of this fund. I would like to say to this House that in the city of Pittsburgh the home owners are paying out of the real estate taxes $727,806 for the handling of motor vehicles, which expense is incurred in traffic court, by the Motor Police that are used to direct traffic. Even the Fire Department has an expense each year of close to $60,000 answering calls to burning autos. Allegheny County gives the state in taxes, both in the gasoline tax, the drivers and owners fees, $12,246,000 a year. The people in the city of Pittsburgh believe that they should receive at least back from this state tax the cost of the handling of the traffic, and I hope that when these members are talking upon the diversion of money from the Highway Fund, that they will remember that those real estate owners who are now losing their homes, and this tax abatement bill must be passed for them, for the purpose of saving their homes, that they are paying the cost of handling the traffic that some of the other counties in the state of Pennsylvania are receiving the benefits therefrom.

In the Rules Committee, there is a resolution asking that this House make a survey showing the actual cost to the people of different municipalities for the handling of motor vehicles. I believe that this resolution should be reported out so that the home owners in the state of Pennsylvania shall know just how much the automobile is costing the owner of real estate.

The SPEAKER. The remarks of the gentleman will be spread upon the Legislative Journal.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 10.

An Act authorizing the Secretary of Highways to change the location of State Highway routes in cities of the first class constituting part of the approaches to interstate bridges including the terminal points thereof Authorizing the abandonment of such relocated sections of State highways Authorizing the Secretary of Highways to enter into agreements with Cities of the First Class Interstate Joint Commissions persons associations and corporations for the sharing of the cost exclusive of property damages of widening streets and relocating highways forming part of the State highway system and constituting approaches to interstate bridges Authorizing Cities of the First Class Interstate Joint Commissions persons associations and corporations to enter into agreements with each other for the sharing of the cost of property damages direct and not

merely consequential thereto in connection with the widening of said streets and relocating said highways and with the Secretary of Highways and each other for the sharing of the cost of widening said streets and relocating said highways exclusive of property damages and making an appropriation

HOUSE BILL No. 40.

An Act to ratify confirm and make valid the actions proceedings expenses and expenditures of the commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth appointed pursuant to the joint resolution approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws five hundred forty) entitled "A joint resolution authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas requiring the commission to make a report of its findings to the Governor together with its recommendations as to such regulatory legislation as may be needful to correct any abuses and evils connected with such industry which are prejudicial to the interests of the citizens of this Commonwealth authorizing the commission to employ counsel and employes and making an appropriation" and its amendment

HOUSE BILL No. 62.

An Act to ratify confirm and make valid the joint legislative committee to investigate governmental costs of Philadelphia Concurrent Resolution Number Two approved the thirteenth day of January one thousand nine hundred and thirty-seven (Pamphlet Laws two thousand eight hundred sixty-nine) which committee was provided with an appropriation under Appropriation Act Number Nine A entitled "An act making an appropriation for the expenses of the Joint legislative commission created by Senate Concurrent Resolution Serial Number One Hundred Two approved January thirteenth one thousand nine hundred thirty-seven" together with its actions proceedings expenses and expenditures

With the information that the Senate has passed the same without amendment.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 26, as follows:

An Act authorizing the abatement of certain tax penalties and interest on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes prohibiting the sale of real property for the nonpayment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All penalties and interest imposed on delinquent county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes for the tax year one thousand nine hundred and thirty-four and all previous years and all penalties imposed on such taxes for the tax years one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven assessed and levied against any parcel or parcels of real estate and on delinquent poll taxes levied for any of such years may be abated by the authority levying the tax if said delinquent taxes are paid as hereinafter provided This section shall not be construed to authorize the abatement of the interest accrued on the taxes for the years of one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven but no further interest shall be imposed on such taxes after the payment of the first installment as hereinafter provided so long as the taxpayer complies with the provisions of this act

Any ordinance or resolution abating penalties and interest as herein provided shall contain a provision that such taxes must be paid as provided by this act

In order to receive the benefits of the installment system of payment provided by this act twenty per centum of the delinquent taxes due for the tax year one thousand nine hundred and thirty-seven and for all previous years and of the accrued interest due on the one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven taxes shall be paid on or before the first day of November one thousand nine hundred and thirty-eight twenty per centum on or before the first day of November one thousand nine hundred and thirty-nine twenty per centum on or before the first day of November one thousand nine hundred and forty twenty per centum on or before the first day of November one thousand nine hundred and forty-one and the final twenty per centum on or before the first day of November one thousand nine hundred and forty-two And provided That the respective current taxes (the institution district taxes in lieu of the poor taxes) on such parcel or parcels of real estate and on delinquent poll taxes levied for the years subsequent to the year one thousand nine hundred and thirty-eight during such installment periods assessed and levied by such taxing authority shall be paid before they become delinquent If any person receiving the benefits of this act shall pay the respective taxes levied for the year one thousand nine hundred and thirty-eight on or before November first thereof any penalty imposed on such tax under existing law shall be abated For the purposes of this act a tax shall be deemed to become delinquent on the date when a penalty attaches to the tax If and whenever any of the said current taxes or any of the said installments are not paid when due and payable as herein provided then and in that event there shall become due and payable for such year a sum equal to one-fifth of the total amount of the abated penalties and interest in addition to the other payments required to be paid under this act during that year which said additional sum shall be payable and must be paid at the time the next succeeding installment payment becomes due under this act If such additional sum is not so paid then the total amount of the abated penalties and interest less the aggregate of any such additional sums therefore paid shall be revived and added to the unpaid taxes with the same force and effect as if such abated penalties and interest or portion thereof had never been abated and the taxpayer shall not thereafter be entitled to any further benefits or privileges under this act

Section 2 Any taxpayer or owner having the right of redemption may anticipate the payment of such delinquent taxes for the tax year one thousand nine hundred and thirty-seven and previous years at any time on or before December thirty-first one thousand nine hundred and thirty-eight by paying the entire amount of such delinquent taxes and interest due on the one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven taxes and receive the benefit of this act and in such cases payment of the taxes assessed and levied for the year one thousand nine hundred and thirty-eight shall not be required at the time of such payment

Section 3 This act shall be construed to apply to all such taxes whether or not liens for such taxes had been returned for nonpayment or have been filed in the office of the prothonotary of the county or proceedings for the collection of such taxes have been instituted in any court in said county or where real property has been sold to a county city borough town township school district or poor district at a tax sale or on a tax lien and the period of redemption has not expired but this act shall not be construed to apply to cases where real property has been sold other than to a county city borough town township school district or poor district at a tax sale or on a tax lien and where the period of redemption has not expired The taxpayer shall be liable for the payment of all costs incurred except the solicitor's fees where liens for such taxes have been returned for nonpayment or have

been filed in the office of the prothonotary or proceedings for the collection thereof have been instituted in any court.

Section 4 The benefits of this act shall extend to and accrue to any successful bidder or purchaser at sheriff's or other judicial sale grantee transferee mortgagee or owner having the right of redemption under a tax sale or other party in interest in the parcel or parcels of real estate against which the above mentioned taxes have been assessed and levied whether separated or not

Section 5 Any taxpayer or owner having the right of redemption shall have the right to pay the delinquent taxes assessed and levied against any parcel or parcels of real estate without being required to pay the delinquent taxes assessed and levied against any other parcel or parcels of real estate in the same ward district or other municipal subdivision

The county commissioners of each county may at their discretion and at the cost of the county cause to be published two times in not more than two newspapers of general circulation throughout the county a notice to the taxpayers giving a synopsis of the terms of this act setting forth the benefits provided by the act and the necessary conditions required by the taxpayers in order to receive the same Upon application either in person or in writing by any taxpayer or owner the tax levying authorities the tax collector the receiver or receivers of taxes or the person or persons charged with the collection of such delinquent taxes or the person or persons in whose custody the records of such delinquent taxes are kept shall furnish to such delinquent taxpayer or owner a statement of the delinquent taxes owed by him to such municipal subdivision showing the face amount the penalty if any the interest if any and any costs or other charges in detail against such real property as shown by the records in his custody.

Every collector of taxes whose duty it is to send to the respective taxpayers any notice or statement of their annual taxes shall include in each such notice or statement an additional notice of the date when the next installment payment is due under the provisions of this act.

Section 6 In order to enable the taxpayer or owner having the right of redemption under a tax sale to receive the full benefits of this act no real property shall be sold for non-payment of taxes before December thirty-first one thousand nine hundred and thirty-eight and any tax sale shall be adjourned and readjourned or right of redemption extended as often as may be necessary for this purpose If any tax sale is adjourned or readjourned or right of redemption extended after advertisement or sale no additional advertisement or notice shall be necessary for the adjourned or readjourned sale or right of redemption No such adjournment or readjournment or redemption failure to advertise or hold any such tax sale shall invalidate the lien of any tax due and unpaid or sale had subject to redemption but the lien of all such taxes shall be fully preserved during the entire installment period herein provided for if the taxpayer avails himself of the privileges or benefits of this act Provided however That in every case where a taxpayer avails himself of the privileges or benefits of this act the period during which payment of the said delinquent taxes is postponed or continued under this act shall not be included in computing and determining whether or not any right of the tax assessing and levying authority has been barred or lost by reason of the provisions of any statute or statutes now existing or hereafter enacted limiting the right of the said tax levying and assessing authorities to file preserve or maintain the lien of the said taxes

Section 7 The provisions of this act are severable and if any of the provisions hereof are held to be unconstitutional the decision shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included herein.

Section 8 The act approved the first day of May one thousand nine hundred and thirty-five (Pamphlet Laws one hundred twenty-nine) as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred forty-four) the act approved the fourth day of June one thousand nine hundred and thirty-six (Pamphlet Laws ten) and the act approved the fourteenth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws three hundred and two) shall continue in full force and effect as to any and all taxpayers who have taken advantage of and are not in default in the provisions thereof All other acts and parts of acts general local and special inconsistent herewith shall be and the same are hereby suspended during the time this act shall be in effect.

Section 9 Nothing in this act shall be so construed as to prevent any taxpayer who has heretofore taken advantage and accepted the benefits of any of the acts referred to in section eight and who at the time this act becomes effective has lost all future rights benefits privileges and opportunities under such act from taking advantage and receiving the benefits of this act in the same manner as if such person had never attempted to comply with the provisions of such previous abatement act.

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. SAMUEL A. WEISS. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 52, entitled:

An Act to amend section one hundred and seventeen as amended and section two hundred and six of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing an additional method for creating independent school districts and the appointment of school directors therein.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mrs. HORTING. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

On the question,

Will the House agree to the motion?

Mr. JIROLANIO. Mr. Speaker, I desire to interrogate the lady from Lancaster, Mrs. Horting.

The SPEAKER. Will the lady from Lancaster permit herself to be interrogated?

Mrs. HORTING. I will, Mr. Speaker.

Mr. JIROLANIO. Mr. Speaker, I wish to inquire of the lady from Lancaster whether it is not a fact that this bill has been on the calendar for the past three weeks?

Mrs. HORTING. Mr. Speaker, I think that is right.

Mr. JIROLANIO. Mr. Speaker, I rise to object to the motion made by the lady from Lancaster, on the ground that this bill has been on this calendar for the past three weeks, and therefore it should be acted upon tonight.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

BILLS PASSED OVER

There being no objection House Bill No. 21, Printer's No. 55, was passed over at the request of Mr. HERBERT B. COHEN.

There being no objection House Bill No. 63, Printer's No. 58, was passed over at the request of Mr. HERING.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 75, (Senate Bill No. 27), entitled:

An Act to amend section two of the act approved the eleventh day of April one thousand nine hundred twenty-nine (Pamphlet Laws four hundred eighty-seven) entitled "An act authorizing the Department of Welfare to determine the legal residence of indigent insane feebleminded and epileptic persons returned to this Commonwealth by the authorities of another State or transferred from one poor district to another by the department and requiring the proper district to pay the costs of the care and treatment of such persons in accordance with the laws relating to indigent insane persons" by relieving poor districts of certain costs and placing such costs on the Commonwealth.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—164.

Achterman,	Gillette,	Matthews, H. T.	Schrope,
Alexander,	Gorski,	Matthews, J. F.	Schumacher,
Allen,	Habbyshaw,	McArdle,	Serrill,
Allmond,	Haberlen,	McCullough,	Shaw,
Atkins,	Hagerty,	McDermott,	Shoemaker,
Aukerman	Hall,	McElroy,	Shugarts,
Baine,	Hamilton, F. P.,	McFall,	Siegel,
Baker,	Harkins,	McKinney,	Simon,
Balthaser,	Harmuth,	Melchiorre,	Sloan,
Bierly,	Hays,	Mellott,	Smith, John A.,
Bohn,	Hering,	Mihm,	Sollenberger,
Bois,	Hess,	Moomaw,	Spengler,
Boltz,	Hetrick,	Mooney,	Sproul,
Boose,	Hindman,	Moran,	Stackpole,
Boyer	Hirsch,	Moul,	Stank,
Bradley	Holland,	Muir,	Stewart,
Broad,	Holmes,	Nagel,	Strode,
Brown,	Holstrom,	O'Brien,	Thompson,
Burrows,	Hontz,	O'Connor,	Tronzo,
Cadwalader,	Horting,	O'Keefe,	Trout,
Caputo,	Huntley,	O'Neill,	Tumelty,
Chervenak,	Imbrie,	Ostroff,	Turner,
Coakley,	Jirolanio,	Patterson, J. W.,	Valibus,
Cohen, H. B.,	Kane,	Peale,	Wall,
Coleman,	Keenan,	Pearson,	Weiss, D. H.,
Coolahan,	Kelso,	Perry,	Weiss, S. A.,
Davies,	Kilroy,	Piole,	Welliver,
Dickinson,	Kline,	Powers,	Welsh,
Dougherty,	Kroll,	Preston,	Westrick,
Downey,	LaRue,	Readinger,	Whalen,
Dubbs,	Leisey,	Reising,	Whitenight,
Dyson,	Levy,	Robinson,	Wilson,
Eckels,	Lewis,	Rothenberger,	Winner,
Elpern,	Long,	Royer,	Wood,
Fiss,	Longaker,	Ruffennach,	Woodside,
Flanagan,	Lopresti,	Rush,	Wright,
Flannery,	Lovett,	Sarraf,	Yeakel,
Flinchbaugh,	Lyons,	Scanlon,	Yourishin,
Ganser,	Mallen,	Schor,	Furman,
Gerard,	Marino,	Schrock,	

NAYS—1.

Terry,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 76, (Senate Bill No. 29), entitled:

An Act to amend the act approved the eleventh day of July one thousand nine hundred twenty-three (Pamphlet Laws nine hundred ninety-eight) entitled "An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties" as amended by further defining and limiting the institutions in which persons mentally ill may receive care and treatment relieving counties and poor districts of the payment of the cost of the admission care and discharge of mental patients with certain exceptions imposing such costs on the Commonwealth and repealing inconsistent laws.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—163.

Achterman,	Gillette,	McCullough,	Shoemaker,
Alexander,	Gorski,	McDermott,	Shugarts,
Allen,	Habbyshaw,	McElroy,	Siegel,
Allmond,	Haberlen,	McFall,	Simon,
Arnold,	Hagerty,	McKinney,	Sloan,
Atkins,	Hall,	Melchiorre,	Smith, John A.,
Aukerman,	Hamilton, F. P.,	Mellott,	Sollenberger,
Baine,	Harkins,	Mihm,	Spengler,
Baker,	Harmuth,	Moomaw,	Sproul,
Balthaser,	Hays,	Mooney,	Stackpole,
Bierly,	Hering,	Moran,	Stank,
Bohn,	Hess,	Moul,	Stewart,
Boles,	Hetrick,	Muir,	Strode,
Boltz,	Hindman,	Nagel,	Terry,
Boose,	Hirsch,	O'Brien,	Thompson,
Boyer,	Holland,	O'Connor,	Tronzo,
Bradley,	Holmes,	O'Keefe,	Trout,
Broad,	Holstrom,	O'Neill,	Tumelty,
Brown,	Hontz,	Ostroff,	Turner,
Burrows,	Horting,	Patterson, J. W.,	Valibus,
Cadwalader,	Huntley,	Peale,	Van Allsburg,
Caputo,	Imbrie,	Pearson,	VanSickle,
Chervenak,	Jirolanio,	Perry,	Wagner,
Coakley,	Kane,	Piole,	Wall,
Cohen, H. B.,	Keenan,	Powers,	Watkins,
Coleman,	Kelso,	Preston,	Webster,
Coolahan,	Kilroy,	Readinger,	Weiss, D. H.,
Davies,	Kline,	Reising,	Weiss, S. A.,
Decker,	Kroll,	Robinson,	Welliver,
Dickinson,	LaRue,	Rothenberger,	Welsh,
Dougherty,	Leisey,	Royer,	Westrick,
Downey,	Levy,	Ruffennach,	Whalen,
Dubbs,	Lewis,	Rush,	Whitenight,
Dyson,	Long,	Sarraf,	Wilson,
Eckels,	Longaker,	Scanlon,	Winner,
Elpern,	Lopresti,	Schor,	Wood,
Fiss,	Lovett,	Schrock,	Woodside,
Flanagan,	Lyons,	Schrope,	Wright,
Flannery,	Mallen,	Schumacher,	Yeakel,
Flinchbaugh,	Marino,	Serrill,	Yourishin,
Ganser,	Matthews, H. T.,	Shaw,	Furman,
Gerard,	Matthews, J. F.,		

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

BILL PASSED OVER

There being no objection House Bill No. 24, Printer's No. 63, was passed over at the request of Mr. KELSO.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION.

Mr. KELSO asked and obtained permission for the Committee on Education to meet during the session of the House.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, September 28, 1938.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 8, Printer's No. 44, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

RECONSIDERATION OF VOTE

Mr. JIROLANIO. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. ACHTERMAN. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Northampton, Mr. Jirolanio, vote on the final passage of this bill?

Mr. JIROLANIO. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Monroe, Mr. Achterman, vote on the final passage of this bill?

Mr. ACHTERMAN. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. JIROLANIO. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. JIROLANIO. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

Mr. TURNER. Mr. Speaker, I desire to interrogate the gentleman from Northampton, as to the content of the amendment.

Mr. JIROLANIO. Mr. Speaker, I ask, in answer to the question of the gentleman from Delaware, that the clerk read the entire amendments which are very short.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend page 1, line 5 of the title by striking out after the word "Authority" and before the word "for" the following: "[S [ ]"

Amend page 1, line 6 of the title by placing a boldfaced bracket before the word "by".

Amend section 2, page 3, line 22 by inserting after the word "leases" and before the word "The" the following: "In allocating the appropriation made by this act the Governor shall provide for the payment of the rentals reserved in leases entered into between the General State Authority and the Pennsylvania State College"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 10.

An Act authorizing the Secretary of Highways to change the location of State Highway routes in cities of the first class constituting part of the approaches to interstate bridges including the terminal points thereof Authorizing the abandonment of such relocated sections of State highways Authorizing the Secretary of Highways to enter into agreements with Cities of the First Class Interstate Joint Commissions persons associations and corporations for the sharing of the cost exclusive of property damages of widening streets and relocating highways forming part of the State highway system and constituting approaches to interstate bridges Authorizing Cities of the First Class Interstate Joint Commissions persons associations and corporations to enter into agreements with each other for the sharing of the cost of property damages direct and not merely consequetial thereto in connection with the widening of said streets and relocating said highways and with the Secretary of Highways and each other for the sharing of the cost of widening said streets and relocating said highways exclusive of property damages and making an appropriation.

HOUSE BILL No. 40.

An Act to ratify confirm and make valid the actions proceedings expenses and expenditures of the commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth appointed pursuant to the joint resolution approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws five hundred forty) entitled "A joint resolution authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in ths Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas requiring the commission to make a report of its findings to the Governor together with its recommendations as to such regulatory legislation as may be needful to correct any abuses and evils connected with such industry which are prejudicial to the interests of the citizens of this Commonwealth au-

thorizing th- commission to employ counsel and employes and making an appropriation" and its amendment.

HOUSE BILL No. 62.

An Act to ratify confirm and make valid the joint legislative committee to investigate governmental costs of Philadelphia Concurrent Resolution Number Two approved the thirteenth day of January one thousand nine hundred and thirty-seven (Pamphlet Laws two thousand eight hundred sixty-nine) which committee was provided with an appropriation under Appropriation Act Number Nine A entitled "An act making an appropriation for the expenses of the joint legislative commission created by Senate Concurrent Resolution Serial Number One hundred two approved January thirteenth one thousand nine hundred thirty-seven" together with its actions proceedings expenses and expenditures

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

REPORT FROM COMMITTEE

Mr. RUSH, from the Committee on Municipal Corporations reported as amended, House Bill No. 78, (Senate Bill No. 15), entitled:

An Act abating certain tax penalties and interest and costs on county, city (except city of the first class), borough, town, township, school district, (except school district of the first class), and poor district taxes; prohibiting the sale of real property for the nonpayment of any such taxes for a certain period; and preserving certain tax liens, and providing for the extension thereof.

COMMITTEE MEETINGS

The Committee on Appropriations will meet immediately after this session to the right of the rostrum.

The Committee on Welfare will meet immediately after this session in the conference room.

The Sub-Committee on Welfare will meet tomorrow at 16:00 a. m. in the Chief Clerk's office.

ADJOURNMENT

Mr. La RUE. Mr. Speaker, I move that this House do now adjourn until tomorrow at 11:00 a. m.

The motion was agreed to, and (at 11:05 p. m.) the House adjourned until Tuesday, October 4, 1938, at 11:00 a. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1938

Vol. 22 HARRISBURG, PA., TUESDAY, OCTOBER 4, 1938. No. 23.

SENATE

TUESDAY, OCTOBER 4, 1938.

The Senate met at 11:00 o'clock A. M.

The PRESIDENT (John S. Rice, President Pro Tempore, acting) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, LL. D., offered the following prayer:

Infinite One, Thou art in the midst—for Thou art everywhere. We cannot flee from Thy presence. If we ascend into heaven, or make our bed in the grave—Thou art there. If we take the wings of the morning, and dwell in the distant seas, even there shall Thy hand lead us, Thy right hand hold us. To Thee, the night shineth as the day; darkness and light are alike to Thee.

Gracious, all-wise God, make us conscious of our limitations. Make us to know our end, and the measure of our days, that we may know how frail we are. If we hunger, give unto us the Bread of Life, lest we surfeit of the meat which perisheth. If we thirst, may we seek the fountains of living waters, lest we press to our lips the cup which pleases and kills.

May we take counsel from the yesterdays of life; may we find in Thee a school for its tomorrows. Under Thee, may we give our best to our day and generation. Amen.

JOURNAL APPROVED

The PRESIDENT—A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. LAW, the further reading was dispensed with, and the Journal was approved.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

HOUSE MESSAGE

AMENDMENT TO HOUSE BILL NO. 8 RECALLED FROM THE GOVERNOR

The Clerk of the House of Representatives being introduced, presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 8, entitled:

An Act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals and other charges that may become due on leases and other contracts executed by such department with the General State Authority for the use and occupancy by the Commonwealth of various projects, structures, buildings, and facilities of the Authority or for the services rendered by the Authority or its projects.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

REQUESTING ACTION BY THE SUPREME COURT OF PENNSYLVANIA ON ADVANCE NEWSPAPER REPORT OF ITS DECISIONS

Mr. SHAPIRO offered the following resolution which was twice read as follows:

In the Senate, October 4, 1938.

Whereas, Courts of Justice are the last bulwarks of democracy against waves of passion, prejudice and disorder, and

Whereas, Respect for the courts is the very foundation of law and order, and

Whereas, The integrity of our courts is essential to the maintenance of public respect, and

Whereas, Public statements, wrongly or otherwise suggesting to the public unwarranted contract with our courts, are an affront to the dignity of the court and strike at and endanger the safety of our democracy, and

Whereas, The publication on October 3, 1938, in a Philadelphia newspaper of the decisions of the Supreme Court of the Commonwealth of Pennsylvania before those decisions were officially announced and made a matter of public record threatens public respect for and affects the dignity of the highest court of this Commonwealth, and

Whereas, Unless prompt and proper action is taken the integrity of the highest court in this Commonwealth and the orderly administration of justice may be endangered; now, therefore, be it

Resolved, That it is the sense of the Senate of Pennsylvania that the dignity, integrity and respect which the highest court in this Commonwealth has heretofore enjoyed must and shall be maintained—to that end this Senate respectfully calls upon the Supreme Court of the Commonwealth of Pennsylvania to command the public appearance before the bar of that court of each and every person responsible for or in any way associated with the publication of its said unrecorded opinions and that it mete out to those responsible the proper punishment necessary to maintain the dignity of and respect for said court—in the interest of law and order; and be it further

Resolved, That a copy of this resolution be forwarded to the Honorable, the Chief Justice of the Supreme Court of the Commonwealth of Pennsylvania.

Mr. CAVALCANTE. Mr. President, I would like to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, I wonder if the Senator from Philadelphia remembers that in the session of 1937 there was an act passed giving newspaper reporters immunity and protection, protecting them from disclosing the source from which they obtained information.

Mr. SHAPIRO. Mr. President, no act of this Commonwealth does or should protect anybody from the effect of and punishment for contempt of court. I know of no act that gives to any newspaper the right to withhold any information which will clear itself or permit it to clear itself of contempt. Any newspaper may appear before the bar of any court, or any persons may, and refuse to answer questions and take the consequences, which is still further contempt of court.

Mr. CAVALCANTE. Mr. President, the answer of the Senator from Philadelphia I think is beside the point. The Senate Journal if examined will show that the Senator from Philadelphia, Mr. Shapiro, voted for such a bill and the bill is now on the statute books of this Commonwealth, and grants immunity to newspaper reporters, in that capacity, against disclosure of their source of information, and I have asked these questions and I have made these statements for the purpose of bringing to the attention of my colleagues of the Senate that such an act of assembly is on the statute books and that members that now sit in the Senate and will be called upon to vote for this resolution, also voted for that act of assembly.

Mr. SHAPIRO. Mr. President, in further answer I should like to call the attention of the Senator from Fayette to the recent decision of the Supreme Court on Monday of this week which says that no act of the Legislature can interfere with the rights and prerogatives of the court. He himself has made the statements on the floor of this Senate in discussing that very action, that contempt of the court is a matter over which only the court has control and there is no act which we passed making it possible for someone to refuse to disclose the source of information that has anything to do with contempt of the court in protecting its dignity and its authority.

I, therefore, Mr. President, ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate proceed to the consideration of the foregoing resolution.

The PRESIDENT. Is there objection?

Mr. BUCKMAN. Mr. President, I object.

MOTION TO SUSPEND RULE 39

Mr. SHAPIRO. Mr. President, I move that rule No. 39 which requires resolutions be referred to an appropriate committee be suspended and the Senate proceed to the consideration of the foregoing resolution.

Mr. THOMPSON. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

POINT OF INFORMATION

Mr. CAVALCANTE. Mr. President, I rise to a point of information.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his point of information.

Mr. CAVALCANTE. Mr. President, does the vote to suspend the rule carry with it the main question?

The PRESIDENT. It does not. The vote to suspend the rule merely permits, if carried, the resolution to be voted on at this time. The motion is to suspend the rule.

Mr. GELDER. Mr. President, before we vote on this resolution I would like to point out that this morning's "Philadelphia Record" carried an article on the front page which says that the State Supreme Court today started an investigation of itself to determine how news of the decision on the inquiry into the Earle Administration leaked out ten hours before the court released it. It seems to me that this body is simply trying to pull a red herring over the trail, to take attention away from what the Supreme Court really did. Now many times we have found here in this Senate some things have been done in committee and have been revealed to the press, notwithstanding the fact that there was a gentleman's agreement in the committee that no information was to leak out. The Supreme Court never came to our rescue and suggested that we have an investigation. It was left to us to determine whether or not we would investigate our own members. It seems to me that it is for the court itself and not for the Senate of Pennsylvania to pursue whatever course they want to determine, to find out whether one of the members revealed this to a newspaper man or whether some employe did.

I see no occasion for this resolution to be rushed through the Senate at this time. As I said before, Mr. President, I feel it is simply trying to divert the attention of the public from this whole proposition. For instance, the "Philadelphia Record" of this date starts out not with what the Supreme Court did but that the Supreme Court's decision leaked out. We all know that the big news of yesterday was not whether or not the Supreme Court is investigating a leak but the decision of the Supreme Court on the issues involved. There are in this paper, two—

Mr. SHAPIRO. Mr. President, I do not like to interrupt in the midst of an address but I rise to say that this is a matter to be discussed when we vote on the bill. This is a motion to suspend the rule, and the bill is not debatable on the motion under which the rule is to be suspended.

The PRESIDENT, The remarks are well taken.

And the question recurring,

Will the Senate agree to the motion?

MOTION TO LAY ON THE TABLE

Mr. CAVALCANTE. Mr. President, I move that the motion to suspend Rule 39 be laid on the table.

Mr. BUCKMAN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. CAVALCANTE. Mr. President, in this resolution the Senator from Philadelphia has alleged many things.

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro will state his point of order.

Mr. SHAPIRO. Mr. President, I do not think the Senator's endeavor to change this motion from one to suspend the rule to a motion to lay on the table entitles him to debate his motion. A motion to lay on the table, I sug-

gest to the Chair, is not debatable any more than the motion to suspend the rule.

Mr. CAVALCANTE. Mr. President, although I know positively that the Senator from Philadelphia is wrong as usual, in order to expedite action on this matter without requiring the President to make a decision on the point, I will withdraw my right at this time to debate or speak on the motion to lay on the table.

And the question recurring,

Will the Senate agree to the motion?

It was not agreed to.

And the question recurring,

Will the Senate agree to the motion to suspend Rule 39?

The yeas and nays were required by Mr. BUCKMAN and were as follows, viz:

YEAS—28

Barthold,	Heyburn,	McCreesh,	Shapiro,
Dando,	Jacobs,	McGinnis,	Sipe,
DiSilvestro,	Jaspan,	Mundy,	Sones,
Eroe,	Kahle,	Pytko,	Stiefel,
Frey,	Kilgallen,	Rankin,	Thompson,
Gilson,	Kunkel,	Rodgers,	Rice,
Haluska,	Law,	Ruth,	Acting Pres.
Kenney,			Pro Tem

NAYS—6

Buckman,	Chapman,	Gelder,	Wolfenden,
Cavalcante,	Deitrick,		

Two-thirds of all the Senators present having voted "aye" the question was determined in the affirmative.

On the question,

Will the Senate agree to the resolution?

Mr. GELDER. Mr. President, I want to further call attention to the fact that our Democratic friends, if there has been any contempt of court in this matter, appear to have put their chin out both in a speech by John B. Kelly, the Democratic boss of Philadelphia, and the Philadelphia Record" itself, when it insinuates that a certain other newspaper in Philadelphia apparently was an eighth member of the Court.

Mr. SHAPIRO. Mr. President, I said yesterday in connection with this resolution that I have always opposed any conduct within the sound of my voice which in effect might be considered disrespectful to any court. I want to call attention of the gentlemen who oppose this resolution to the importance of the resolution, and I think the importance of the position which I take is expressed in that resolution. This is the fourth time, I think, that something has been said and remarks have been made which made decent citizens arch their eyebrows and wonder how far these things will go.

It is not any wonder, when one newspaper or more newspapers publish statements which indicate or justify the inference that they have an unwarranted association with courts, that somebody else should make a remark which will bring again disrespect upon the court even though the court in its belief that its dignity requires that it should pay no attention to those remarks refrains from doing anything.

I know what has happened to which the gentleman refers. The newspaper in question made a previous statement which indicated to many people that it wanted to carry the intent and information that it has such an association with the courts, which I do not believe it does have. And it is because I do not believe that this newspaper can have with the highest courts in this Commonwealth the contact which this article appeared to indicate it does, that I am protesting on the floor against its conduct. I know that my protest will carry with it an implication that because I happen to be in this session a member of the Democratic party, this is a political proposition but think the subject is of sufficient importance to warrant me in taking that burden and I am not interested in the fact, knowing full well that many of my Republican friends and others will say that this is political. I know what I am doing. My conscience is clear and I am fighting for a principle which I think is of importance to every citizen.

It is the very remarks which my friend on the other side makes when he calls attention to the fact that somebody else has done something, which may be construed as contempt. That is right and I agree with him and it is because the people who start this thing lend fuel to a flame that may never be stopped that I raise at this point the question why this Senate should not record itself and say to the Supreme Court that we know of their dignity and the dignities of their office, which they occupy in the high regard that the Supreme Court should occupy in the respect of the citizens.

We say to them "We know you do not feel that you should step down and get into the mire and the mud which is being thrown, but we say to you as an equally responsible body which is of equal importance in the Commonwealth, we say to you as lawmakers that unless the lawmakers and the law-enforcers can maintain the respect of the community there is no sense in trying to maintain a democratic form of government and we say to you that now the time has come for you to take action, to put a stop to this one newspaper as a lesson to other newspapers who otherwise may step out of what are the bounds of respect and decency, and end this thing so that the public generally will still be able to have and maintain a high regard for the highest court in the Commonwealth of Pennsylvania."

Too much of this loose talk will result in an attempt to throttle free speech and that is the danger of these proceedings. We want free speech, we want dissemination of ideas. I am one of those who believe that no matter how crazy a man may be in his ideas the sooner you let him air them and let the people see how ridiculous they are. the better you will be. When you stifle them you make the stolen fruit sweet and I say if you want a Democratic form of government, if you want to stop the very things which the gentleman pointed out this morning as occurring, so that nobody else will raise his eyebrows in addition to that and say, "I wonder if somebody on the Court told somebody else,' 'of course I am opposed to those statements too and unless something is done about it, it will get even worse than that.

I ask the gentleman if they want to stop that to join with me in saying to the Supreme Court, which is all this resolution does, that "We have the greatest respect for you, and we are confident of the fact that you hesitate to deal with this thing, because when you deal with mud you get your fingers dirty. But our answer to you is that we feel it now becomes your duty because of what might happen. because of the respect that might be lost. to yourself deal with this. and in all cases of disrespect towards your authority, in the proper way. We respect your decisions."

All of us. I am sure, have been disappointed in decisions

in certain cases because they didn't go in accordance with our desires and feelings in the matter, but I have the greatest respect for the Court, in spite of the fact that I may disagree with their conclusions, and say that I shall live up to and conduct myself according to laws laid down by the Supreme Court, in every case whether I have liked it personally or not, because that is what democracy means to me. We have set up an authority and we have got to respect the authority if we want to maintain the democratic system.

POINT OF ORDER

Mr. BUCKMAN. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Bucks, Mr. Buckman will state his point of order.

Mr. BUCKMAN. Mr. President, my point of order is that this resolution in its entirety is out of order at this extraordinary session for the reason first, that it does not ask for information upon which to base legislation and so come within the Governor's Call, and second, because it is not in the Governor's Call, and therefore, cannot be considered by the Senate at this extraordinary session.

The PRESIDENT. This is not legislation. It is a resolution expressing an opinion. The Chair rules that the resolution is within the call.

Mr. CAVALCANTE. Mr. President, I think that no amount of crocodile tears shed by the Senator from Philadelphia over the dignity and integrity of the Supreme Court will justify the passage of this resolution. I say that the remarks of the Senator from Philadelphia are like crocodile tears because he first extols to the high heavens his respect for the integrity and dignity of the Supreme Court, and then by the adoption of this resolution and the asking of his colleagues to support it, he imputes to that very dignity and integrity the inability to defend that integrity and dignity without a suggestion from the Senator from Philadelphia or some action on the part of the Senate.

I sincerely believe that to be the sum and substance of this resolution and because I do have a sincere concern for the ability of the Supreme Court to defend its own integrity and dignity without any suggestion or recommendation from myself in this Senate, I think in honor we ought to vote down the resolution.

Mr. SHAPIRO. Mr. President, I am quite sure that I can never see eye to eye with the Senator from Fayette on this kind of a resolution. Those of us who had the pleasure of being here in the 1935 Session, will remember that I found it necessary as a Republican to stand upon the floor of this Senate and protest against the charges and statements and words and phrases used by the Senator from Fayette against the Courts of the Commonwealth of Pennsylvania. I did it then and I say I shall continue to do it as long as I have the privilege and honor of being a representative in any capacity of the people of Pennsylvania, nd as long as I have the right to enjoy the many privileges that I do of a democratic form of Government. I will raise my voice against anybody at any place, who publicly condemns or brings disrespect upon any court, and for that reason I point out to the Senator from Fayette that I expect that he will not vote for this resolution because he and I have never seen eye to eye on that point.

I recall to the members of this Senate the question that I referred to at the 1935 Session, when the Senator from Fayette undertook to condemn the Courts of the Commonwealth of Pennsylvania without a hearing and to bring disrespect upon those courts even though he had the privilege of being a member of this Senate.

Mr. CAVALCANTE. Mr. President, the Senator from Philadelphia is very adept at distorting the matters that transpired in past sessions of this Senate. If the Senator will read the Journal, he will note that any remarks made by me about the Supreme Court were in reference to some decisions that they had already made, and which did not in my judgment conform with the constitutional limitations. Mr. President, will the Senator from Philadelphia, Mr. Shapiro, permit himself to be asked just another question?

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, certainly.

Mr. CAVALCANTE. Mr. President, assuming that some member of the Supreme Court divulged this information to a newspaper reporter or the "Philadelphia Inquirer," and that newspaper printed the information, conveyed to it by a member of the Supreme Court, under what principle law is that contempt on the part of the "Philadelphia Inquirer" or the man who received the information from the member of the Supreme Court?

Mr. SHAPIRO. Mr. President, my answer to the Senator is that I suggest to him that he should never hold a conversation with any judge who is handling a case in which he is a party or a counsel, before the court hands down a decision. If he ever attempts at any time to walk into a court and discuss with that court what the decision is going to be in the case in which he is or is not interested he will find that a proper court will hold him in contempt. Therefore I say that any newspaper that discussed this case with any judge of the Supreme Court of Pennsylvania, in the very discussion of it is guilty of contempt.

I feel quite certain that this is not the case but I am quite certain that the Senator from Fayette is not alone in his belief that it is, and it is because I am afraid that this belief will become prevalent that I have asked the Senate to adopt this resolution and say to that court, "We know that ordinarily this should not be done but you have our stamp of approval on it because we believe there are many people who believe as does the Senator from Fayette, and therefore we say to you, please bring these men before you and prove to the public that what the Senator from Fayette believes is not so."

And the question recurring,

Will the Senate agree to the resolution?

The yeas and nays were required by Mr. BUCKMAN and were as follows, viz:

YEAS—28

Barthold,	Heyburn,	Law,	Ruth,
Dando,	Jacobs,	McCreesh,	Shapiro,
DiSilvestro,	Jaspan,	McGinnis,	Sipe,
Eroe,	Kahle,	Mundy,	Stiefel,
Frey,	Kilgallen,	Pytko,	Thompson,
Gilson,	Kunkel,	Rankin,	Rice,
Haluska,	Lanius,	Rodgers,	Acting Pres. Pro Tem
Henney,			

NAYS—8

Buckman,	Chapman,	Gelder,	Sones,
Cavalcante,	Deitrick,	Howell,	Wolfenden,

So the question was determined in the affirmative.

RECONSIDERATION OF SENATE BILL NO. 58 (HOUSE BILL NO. 65)

Mr. THOMPSON. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 58 (House Bill No. 65), entitled:

An Act creating a commission to study and report on use of devices and methods of transmission of information for advices in furtherance of gambling and making an appropriation.

was defeated on final passage October 3, 1938.

The PRESIDENT. How did the Senator vote?

Mr. THOMPSON. Mr. President, I voted "Nay."

Mr. SHAPIRO. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. SHAPIRO. Mr. President, I voted "Nay."

On the question,

Will the Senate agree to the motion?

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his point of order.

Mr. CAVALCANTE. Mr. President, the Journal of this Senate of yesterday showing that at the time that this bill was up for consideration there was a quorum of the Senate present, only those who were present in that quorum are eligible to vote on the reconsideration of this bill.

The PRESIDENT. The point of order is not well taken.

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his point of order.

Mr. CAVALCANTE. Mr. President, the Journal of this Senate of yesterday showing that after the defeat of the bill the bill was sent to the House with notification that the bill had not passed constitutionally, the bill is therefore not in the possession of the Senate and a motion to reconsider is not in order and I specifically request the Chair to examine the Journal of the Senate so he will note that the bill was referred to the House with the information that the Senate had not passed it.

POINT OF PARLIAMENTARY INFORMATION

Mr. SHAPIRO. Mr. President, I rise to a point of parliamentary information.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his point of parliamentary information.

Mr. SHAPIRO. Mr. President, before the Chair decides on the point of order of the Senator from Fayette, I should like to call his attention to the decisions of the Senate so that the Chair may be properly guided in the future in making decisions on the Senator's points of order. In the Manual, page 812, section 101 it reads, "An objection having been made to the motion for the reconsideration of the vote by which a resolution was defeated, the President decided that a motion to reconsider is always in order."

POINT OF LEGISLATIVE INQUIRY

Mr. BUCKMAN. Mr. President, I rise to point of legislative inquiry.

The PRESIDENT. The Senator from Bucks, Mr. Buckman, will state his point of legislative inquiry.

Mr. BUCKMAN. Mr. President, I would like to know from the Chair whether or not this bill is in the possession of the Senate and on the desk of the Clerk.

The PRESIDENT. This bill is in the possession of the Senate and is in the possession of the Clerk and has never left the possession of the Senate, so the Senator from Fayette's point of order is not well taken. The rules of the Senate allow five days for transmission of bills.

And the question recurring,

Will the Senate agree to the motion?

MOTION TO GO INTO COMMITTEE OF THE WHOLE FOR SPECIAL AMENDMENT

Mr. BUCKMAN. Mr. President, I move that the Senate do now resolve itself into Committee of the Whole for the purpose of special amendment.

Mr. GELDER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. THOMPSON. Mr. President, I would like to interrogate the Senator from Bucks, Mr. Buckman.

The PRESIDENT. Will the Senator from Bucks, Mr. Buckman, permit himself to be interrogated?

Mr. BUCKMAN. Mr. President, I will.

Mr. THOMPSON. Mr. President, do the amendments of the Senator from Bucks contain anything but strikeout amendments?

Mr. BUCKMAN. Mr. President, if the Senator will wait until they are read he will find out what they are. The amendment is to insert the sum of five thousand dollars for the appropriation of twenty-five thousand dollars,

POINT OF ORDER

Mr. THOMPSON. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Centre, Mr. Thompson, will state his point of order.

Mr. THOMPSON. Mr. President, on third reading, amendments cannot be considered other than strikeout amendments.

Mr. BUCKMAN. Mr. President, I moved that the Senate go into Committee of the Whole for the purpose of special amendments, which are in order at any time.

Mr. LAW. Mr. President, I would like to interrogate the Senator from Bucks, Mr. Buckman.

The PRESIDENT. Will the Senator from Bucks, Mr. Buckman, permit himself to be interrogated?

Mr. BUCKMAN. Mr. President, I am very glad to be interrogated by the constitutional lawyer of the Senate.

Mr. LAW. Mr. President, are the nature of the amendments not such that they could be all made strikeout amendments. What I refer to is that the amendments could just throw out the "twenty" and leave the "five."

Mr. BUCKMAN. Mr. President, that is possible but I do not see that this is any horse race.

Mr. LAW. Mr. President, well, there seems to be a question of getting ahead of the horse races.

Mr. THOMPSON. Mr. President, I would ask the Senate to vote down the motion of the Senator from Bucks, calling the attention of the Senate to the fact that the passage of this motion to resolve the Senate into Committee of the Whole for the purpose of considering these amendments, if passed, automatically amends the bill. I do not feel that

the Senator's amendments can do justice to this committee.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. SHAPIRO. Mr. President, in order that the question may be understood, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of parliamentary inquiry.

Mr. SHAPIRO. Mr. President, in the Manual section 49 on page 808, reads, "A point of order having been submitted the President ruled that the adoption of a motion to go into Committee of the Whole for the purpose of special amendments carried with it the amendments."

The PRESIDENT. It does carry with it the amendments.

Mr. SHAPIRO. Mr. President, then I understand that the effect of this motion if it is voted on in the affirmative, will be that the amendments will be adopted.

The PRESIDENT. That is correct.

Mr. CAVALCANTE. Mr. President, I would like to interrogate the Senator from Centre, Mr. Thompson.

The PRESIDENT. Will the Senator from Centre, Mr. Thompson, permit himself to be interrogated?

Mr. THOMPSON. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, just last night when we debated the demerits of this bill the Senator from Centre informed this Senate that it was his intention as chairman of this committee to make a report to this extraordinary session. That being true, Mr. President, will the Senator from Centre state what objection there would be to amending this resolution to provide for $5,000. I would have no objection to voting for a resolution of that kind, making an appropriation of $5,000, with the understanding that if during this session they need any more money we can readily give it to them, because as stated by the Senator from Centre, he expects to make a report during this extraordinary session.

The PRESIDENT. The amendments will be read for the information of the Senate.

The amendments were read as follows:

Amend Section 4, page 3, line 21 by striking out after the word "of" and before the word "thousand" the word "twenty-five" and inserting in lieu thereof the following: "five"; amend section 4, page 3, line 22 by striking out before the word "or" the amount "($25,000)" and inserting in lieu thereof the following: "($5,000)."

And the question recurring,

Will the Senate agree to the motion?

Mr. THOMPSON. Mr. President, I would feel more inclined to acquiesce with any request of the Senator from Fayette if I thought he was sincere about his request. The Senator's attitude toward this bill has always been one of opposition, which was very well demonstrated by his position on the bill last night. Now as far as the actual money necessary for this committee, I cannot say that we will need all of the money that is provided for by the bill but I can confidently say that we will need considerably more money than would be provided by these amendments. For that reason I would ask the Senate to vote down the amendments.

Mr. CAVALCANTE. Mr. President, the Senator from Centre has made a remark that reflects upon my integrity here in the Senate and I think that I am not abusing the patience of my colleagues when I rise in defense. During my entire career here in this Senate as a State Senator it is the first time to my knowledge that any of my colleagues have taken the floor and questioned my sincerity in any matter under discussion.

I stated a very short while ago that if the Senator from Centre meant what he said yesterday, that he expects to make a report to this extraordinary session, I will have no objection to granting him a liberal appropriation for his commission to function. But my opposition to this bill last night was and will be so today that it contains a provision that if this committee does not complete its functions or its duties during this extraordinary session it will continue its work and then make a report to the Governor and to the next General Session. It was because of that in the bill that I was unalterably opposed to it last night and will continue to be opposed to it, and I say this not to impeach the sincerity or integrity of the Senator from Centre, Mr. Thompson. When I say that he is sincere in what he has already said and spread on the records of this Senate, that he intends to make a report to this extraordinary session,—say that he ought to be satisfied with $5,000, with my recorded statement that if he comes back again during this extraordinary session and in sincerity shows that $5,000 is not sufficient, I would gladly vote again for another appropriation.

But $25,000 is not a small sum and should not be granted when we know not what this committee is going to do or when it is going to report or to whom, while we are absent.

Mr. BUCKMAN. Mr. President, as the sponsor of these amendments I desire to call to the attention of the Republicans as well as the Democrats of this Senate, that here is a chance to do some real saving for the public treasury. By these amendments this appropriation will be reduced by the sum of $20,000 which, as the Senator from Fayette said, is no small amount. If it is the policy of the majority in control of this Senate to spend money like drunken sailors, go ahead and pass this resolution. In view of the fact especially that the sponsor of the resolution himself, the Senator from Centre, has said that he hopes to complete the investigation and report in about four weeks, I ask you, Mr. President, how this commission or any other commission can spend $25,000 in four weeks if they spend it properly. If you want to, go ahead and use the public funds like this while people are crying for relief, the needy and the poor, and the general appropriations are low, and hospitals are crying for more aid, go ahead and do it. It will be your responsibility, not ours.

Mr. THOMPSON. Mr. President, I marvel at the attitude taken by the Senator from Bucks. My memory is not so short that I cannot remember back in the 1935 session that the Senator from Bucks was on the floor of this Senate trying every way that he could to get passed here a bill for about $200,000 to take care of a deficiency appropriation for a commission investigating utilities that had gone ahead and spent this money without any authority from the Senate of Pennsylvania. When he talks about hospitals, I just want to remind him that at the time that he was on the floor asking for this, the preceding Republican administration had left this state in default for a year on payments to every hospital in the State of Pennsylvania. At the same time he was up here asking for this appropriation, the Republican administration of the State of Pennsylvania had left the State in default for a year. When he talks about a situation of this sort I resent it in view of his past actions.

POINT OF ORDER

Mr. GELDER. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Susquehanna, Mr. Gelder, will state his point of order.

Mr. GELDER. Mr. President, my point of order is the bill is not being debated by the Senate.

The PRESIDENT. The Chair has allowed a wide latitude in this debate.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. Buckman and were as follows, viz:

YEAS—13

Buckman,	Gelder,	Jacobs,	Owlett,
Cavalcante,	Heyburn,	Jaspan,	Sones,
Chapman,	Howell,	Mallery,	Wolfenden,
Deitrick,			

NAYS—25

Barthold,	Henney,	McGinnis,	Shapiro,
Dando,	Kahle,	Mundy,	Sipe,
DiSilvestro,	Kilgallen,	Pytko,	Stiefel,
Eroe	Kunkel,	Rankin,	Thompson,
Frey,	Lanius,	Rodgers,	Rice,
Gilson,	Law,	Ruth,	Acting Pres.
Haluska,	McCreesh,		Pro Tem

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the motion to reconsider the vote by which the bill was defeated?

The yeas and nays were required by Mr. Gelder and were as follows, viz:

YEAS—28

Barthold,	Heyburn,	McCreesh,	Shapiro,
Dando,	Jacobs,	McGinnis,	Sipe,
DiSilvestro,	Kahle,	Mundy,	Sones,
Eroe,	Kilgallen,	Pytko,	Stiefel,
Frey,	Kunkel,	Rankin,	Thompson,
Gilson,	Lanius,	Rodgers,	Rice,
Haluska,	Law,	Ruth,	Acting Pres.
Henney,			Pro Tem

NAYS—8

Buckman,	Chapman,	Gelder,	Jaspan,
Cavalcante,	Deitrick,	Howell,	Wolfenden,

So the question was determined in the affirmative.

And the question recurring,

Shall the bill pass finally?

POINT OF ORDER

Mr. BUCKMAN. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Bucks, Mr. Buckman, will state his point of order.

Mr. BUCKMAN. Mr. President, the bill is not on the calendar.

The PRESIDENT. The bill was on yesterday's calendar for consideration and is now before the Senate for action.

POINT OF PARLIAMENTARY INQUIRY

Mr. SHAPIRO. Mr. President, I rise to a point of parliamentary inquiry.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his point of parliamentary inquiry.

Mr. SHAPIRO. Mr. President, is not this the bill which the Senator from Bucks just offered amendments to, which he says is not before us?

The PRESIDENT. That is correct.

Mr. JASPAN. Mr. President, as I stated yesterday, I cannot conscientiously vote for the bill for the reason that the committee has appointed counsel who now represents or has been representing defendants indicted in a State-conducted gambling probe in the City of Philadelphia. This attorney has no doubt been paid fees by his clients. Are we now to pay the same attorney State funds to represent this particular committee?

I cannot understand how Lemuel B. Schofield ever accepted the appointment. Mr. Schofield has been representing gamblers and will continue to represent them and when this work is done we certainly don't expect him to give the committee information he has obtained from his clients, and if he should do this, I certainly think it is unethical. If we are to investigate I think we are not starting on the right foot. If anything, we are subjecting ourselves to unnecessary criticism by appointing a man who today is representing gamblers who are indicted by a Grand Jury in the City of Philadelphia, and the money to conduct that particular probe has been paid and appropriated by the State.

I say again I am going to vote against the bill unless I have some assurance from the chairman of this committee that Mr. Schofield will be removed.

Mr. PYTKO. Mr. President, I cannot permit to go unchallenged the statement of my colleague from Philadelphia, Mr. Jaspan, impugning the character and integrity of Major Schofield as a petitioner before the bar of the courts of Pennsylvania. Those who are acquainted with Mr. Schofield's career at the bar know that his reputation is one of the best. For the past twenty years he has been a member of the faculty of the Temple University Law School, and I believe that Senator Jaspan was one of his pupils. I know well enough that Major Schofield is well acquainted with the canons of the Bar Association guiding the conduct of practitioners at the bar, perchance better acquainted than many another lawyer. I know well enough that those of us who know Major Schofield know full well that if he felt that he could not conscientiously represent this committee he would have declined the appointment.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28

Barthold,	Heyburn,	McCreesh,	Shapiro,
Dando,	Jacobs,	McGinnis,	Sipe,
DiSilvestro,	Kahle,	Mundy,	Sones,
Eroe,	Kilgallen,	Pytko,	Stiefel,
Frey,	Kunkel,	Rankin,	Thompson,
Gilson,	Lanius,	Rodgers,	Rice,
Haluska,	Law,	Ruth,	Acting Pres
Henney,			Pro Tem

NAYS—10

Buckman,	Deitrick,	Jaspan,	Owlett,
Cavalcante,	Gelder,	Mallery,	Wolfenden,
Chapman,	Howell,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. RUTH. Mr. President, I ask unanimous consent that Senate Bill No. 40, on third reading, entitled:

An Act to amend sections one hundred eight five hundred six five hundred seven eight hundred thirteen eight hundred fourteen and one thousand one hundred thirty-three of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by providing for the merger of certain school districts with other districts redefining indebtedness of school districts empowering the county boards of school directors to employ an attorney and fix his compensation increasing the salaries of members of the county board of school directors and providing for limitations on the appointment of district superintendents

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 54 (House Bill No. 58), entitled:

An Act to ratify confirm and make valid the commission to make certain studies in respect to bituminous mines appointed pursuant to the joint resolution approved the fifth day of June one thousand nine hundred and thirty-seven (Pamphlet Laws One Thousand Six Hundred Eighty-nine) entitled "A joint resolution creating a commission to make certain studies in respect to bituminous mines defining its powers and duties and making an appropriation" together with its actions proceedings expenses and expenditures

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Barthold,	Gilson,	Lanius,	Ruth,
Buckman,	Haluska,	Law,	Shapiro,
Cavalcante,	Henney,	Mallery,	Sipe,
Chapman,	Heyburn,	McCreesh,	Sones,
Dando,	Howell,	McGinnis,	Stiefel,
Deitrick,	Jacobs,	Mundy,	Thompson,
DiSilvestro,	Jaspan,	Owlett,	Wolfenden,
Eroe	Kahle,	Pytko,	Rice,
Frey,	Kilgallen,	Rankin,	Acting Pres.
Gelder,	Kunkel,	Rodgers,	Pro Tem

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 56, as follows:

An Act creating a joint legislative commission to study and report on the structure of insurance rates for workmen's compensation and making an appropriation

Whereas The insurance rates covering workmen's compensation have been increased so substantially that many employers have regarded the cost so high that they have ceased carrying such insurance and

Whereas The question has arisen as to whether or not these rates have been arbitrarily arrived at and

Whereas A study of the rate structure of this form of insurance may disclose means by which the insurance rates may be substantially reduced therefore

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 A commission is hereby created which shall consist of six members three of whom shall be appointed by the President Pro Tempore of the Senate and three shall be appointed by the Speaker of the House of Representatives The commission shall be known as The Workmen's Compensation Insurance Rate Commission The commission shall organize at the call of the President Pro Tempore of the Senate by electing a chairman vice chairman and a secretary The secretary need not be a member of the commission The members of the commission shall serve without compensation but shall be reimbursed for all necessary expenses incurred in the discharge of their duties

Section 2 It shall be the duty of the commission to study and investigate the structure of insurance rates covering workmen's compensation and shall make a thorough and exhaustive survey so that the facts may be obtained upon which accurate judgment may be drawn and that insurance rates of the future shall be in accordance with and founded upon an accurate and substantial basis

Section 3 The commission is hereby empowered to hold such public hearings as it deems necessary The commission shall have power to issue subpoenas under the hand and seal of its chairman or vice-chairman commanding any person to appear before it and to answer such questions touching matters being inquired into by the commission and to produce such books papers documents and reports as may be deemed necessary Such subpoenas may be served by any employe of the commission

Any member of the commission shall have power to administer oaths to witnesses appearing before the commission

Any person who shall neglect or refuse to appear or testify before said commission when subpoenaed or to produce any books papers records and documents so subpoenaed shall be subject to the penalties provided by the laws of the Commonwealth in such cases

Section 4 The commission shall make its report to the next regular session of the General Assembly and is herewith given power to carry on its investigation and studies during the interval between the final adjournment of the special session of one thousand nine hundred and thirty-eight and the convening of the regular session of one thousand nine hundred and thirty-nine

Section 5 The commission shall have the power to employ and fix the compensation of such expert stenographers and assistants as may be deemed necessary to carry on the work of the commission but due diligence shall be exercised by the commission to enlist such voluntary assistance as may be available from citizens research organizations and other agencies in Pennsylvania or elsewhere generally recognized as qualified to aid the commission with information as to the determination of insurance rates covering workmen's compensation In addition thereto the commission shall also accept the voluntary assistance of all departments of the Commonwealth and all such departments shall give all available information and assistance as may be requested from time to time by the commission

Section 6 The sum of five thousand dollars ($5,000) or so much thereof as may be necessary is hereby specifically appropriated to the commission for the payment of the expenses of the members of the commission for the compensation and expenses of the secretary and other appointees of the commission for printing for postage supplies telephone telegraph rent and miscellaneous expenses and generally for the purpose of carrying into effect the provisions of this act

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 59, (House Bill No. 66), entitled:

A Supplement to the act approved the second day of July one thousand nine hundred thirty-seven (Appropriation Acts page seventy-four) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" providing for deficiencies in certain appropriations to the Department of Justice for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL INTRODUCED

Mr. THOMPSON. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMPSON read in his place and presented to the Chair Senate Bill No. 60, entitled:

An Act to amend section two of the act, approved the twelfth day of August, one thousand nine hundred and thirty-eight (Act No. 5), entitled "An act authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate, efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth; conferring upon the commission full power to issue subpoenas, and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued; requiring the commission to make a report of its findings and recommendations to the General Assembly or to the Governor; and authorizing the commission to employ counsel and employes, and making an appropriation," by changing the manner of appointment of the members of said commission.

Which was committed to the Committee on Judiciary General.

ADJOURNMENT

Mr. LAW. Mr. President, I move that the Senate do now adjourn until Monday, October 10, 1938 at 9:00 o'clock P. M.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 2:25 o'clock P. M. until Monday, October 10, 1938, at 9:00 o'clock P. M.

HOUSE OF REPRESENTATIVES

TUESDAY, OCTOBER 4, 1938.

The House met at 11:00 a. m.

The SPEAKER, (Roy E. Furman), in the Chair.

PRAYER

The Chaplain, Rev. EPHRAIM Z. GALLAHER, offered the following prayer:

Unto Thee, Oh Lord, we do pray: May the words of our mouth and the meditations of our heart be wholly acceptable unto Thee, Oh Lord, our Strength and Redeemer, Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. McFALL, the further reading was dispensed with and the Journal approved.

BILL INTRODUCED AND REFERRED

By Mr. COLEMAN. HOUSE BILL No. 87.

An Act to amend the act, approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2603), entitled "An act relating to vocational education; creating vocational school districts for the purpose of conducting systems of vocational schools, departments or classes; providing for their government; prescribing their powers and duties; conferring powers and imposing duties on school districts and on the State Board for Vocational Educaton; and providing for referendum in certain cases," by creating county vocational school districts; and eliminating classes of vocational school districts, based on population; eliminating requirements of resolution by State Board for Vocational Education, action thereon by directors of vocational school districts and referendum by electorate; and providing for eighty per centum reimbursement by Commonwealth of certain expenses of such county vocational school districts.

Referred to Committee on Education.

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 30. (HOUSE BILL No. 86).

An Act authorizing the compromise of delinquent taxes on lands real property and the penalties interest and costs due thereon before a tax sale of such lands real property and providing the procedure in such case.

Referred to the Committee on Municipal Corporations.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows, having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 27.

An Act to amend Section two of the act approved the eleventh day of April, one thousand nine hundred twenty-nine (P. L. 487) entitled "An act authorizing the Department of Welfare to determine the legal residence of indigent, insane, feeble-minded and epileptic persons, returned to this Commonwealth by the authorities of another state, or transferred from one poor district to another by the department and requiring the proper district to pay the costs of the care and treatment of such persons in accordance with the laws relating to indigent insane persons" by relieving poor districts of certain costs and placing such costs on the Commonwealth.

SENATE BILL No. 29.

An Act to amend the act approved the eleventh day of July one thousand nine hundred twenty-three (Pamphlet Laws nine hundred ninety-eight) entitled "An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties" as amended by further defining and limiting the institutions in which persons mentally ill may receive care and treatment relieving counties and poor districts of the payment of the cost of the admission care and discharge of mental patients with certain exceptions imposing such costs on the Commonwealth and repealing inconsistent laws.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

LEAVES OF ABSENCE

Mr. Holstrom asked and obtained leave of absence for Mr. GANSER, for today's session.

Mr. FLINCHBAUGH asked and obtained leave of absence for himself for today's session, after 12:00 o'clock noon.

Mr. KANE asked and obtained leave of absence for himself for the remainder of the week after today's session.

REPORTS FROM COMMITTEES

Mrs. HORTING, from the Committee on Welfare, reported as committed, House Bill No. 82, entitled:

An Act to amend sections two hundred two, four hundred one and two thousand three hundred eighteen of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined", as amended; by creating as departmental administrative boards in the Department of Welfare, and conferring powers and duties upon, boards of trustees for the respective institutions acquired by the Commonwealth from counties, cities and institution districts, for use as State mental hospitals.

Mr. ACHTERMAN. from the Committee on Appropriations, reported as committed, House Bill No. 72, entitled:

A Supplement to the Act, approved the second day of July, one thousand nine hundred thirty-seven (Appropriation Acts, page seventy-four), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven," making a deficiency appropriation to the Department of Property and Supplies for the payment of certain expenses, for the fiscal biennium ending May thirty-first, one thousand nine hundred thirty-nine.

Mr. WELSH, from the Committee on Appropriations, reported as committed, House Bill No. 77, (Senate Bill No. 43), entitled:

An Act making a deficiency appropriation to the Lieutenant Governor.

Mr. MELCHIORRE, from the Committee on Appropriations, reported as committed, House Bill No. 80, (Senate Bill No. 50), entitled:

An Act making a deficiency appropriation for the expenses of the Joint Legislative Commission investigating certain courts of this Commonwealth and created by Joint Resolution Number eleven approved the ninth day of March one thousand nine hundred and thirty-seven.

STATEMENT BY MR. FLINCHBAUGH

Mr. FLINCHBAUGH asked and obtained unanimous consent to address the House:

Mr. Speaker and Members of the House, this is the week of the big York County Fair. York County is the second largest agricultural county in the State, it has the biggest fair in the State of Pennsylvania and probably the biggest agricultural fair in the United States, notwithstnding our friend from Allentown.

The York county delegation and the York county people welcome the members of the House to this big fair. Come down and see the big horses, the big cows, the big pumpkins, the nice looking girls, good races, good attractions. York is twenty-five miles south of Harrisburg on Route 111. We bid you welcome to York county, Republican party as well as the Democratic party. You can take your choice. The Governor-to-be, Mr. Jones, will be there on Friday afternoon.

The SPEAKER. The remarks of the gentleman will be spread upon the Legislative Journal.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 78, (Senate Bill No. 15), entitled:

An Act abating certain tax penalties and interest on county, city (except city of the first class), borough, town, township, school district (except school district of the first class), and poor district taxes; prohibiting the sale of real property for the non-payment of any such taxes for a certain period; and preserving certain tax liens, and providing for the extension thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 8, as follows:

An Act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed with the General State Authority for the use and occupancy of various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects

Whereas By Act Number Eighty-nine A adopted by the General Assembly of the Commonwealth of Pennsylvania at the session of one thousand nine hundred and thirty-seven and approved by the Governor July second one thousand nine hundred and thirty-seven the sum of two million seven hundred fifty thousand dollars ($2,750,000) was appropriated to the Department of Property and Supplies of the Commonwealth for the payment during the period ending May thirty-first one thousand nine hundred and thirty-nine by the Commonwealth of annual rates rentals and other charges for the use and occupancy of or the right to use or occupy the projects structures buildings and facilities leased by the General State Authority and

Whereas Leases and contracts to lease have actually been entered into which will require payment of approximately one million five hundred thousand dollars ($1,500,000) out of the said appropriation to The General State Authority as rent for projects which have been and are being constructed and improved by the Authority for the Commonwealth of Pennsylvania and

Whereas The Executive Department of the Government of the Commonwealth is about to apply to The General State Authority for the construction of projects additional to those which were undertaken by the Authority on behalf of the Commonwealth and the Pennsylvania State College during the years one thousand nine hundred and thirty-seven and one thousand nine hundred an thirty-eight in the financing of which additional projects the Authority will be aided by United States Government Grants amounting to forty-five (45) per centum of the cost of construction and

Whereas Such additional projects though commenced prior to January first one thousand nine hundred and thirty-nine will not be completed and leased to the Commonwealth until after May thirty-first one thousand nine hundred and thirty-nine Therefore

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of two million dollars ($2,000,000) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for the payment during the period ending May thirty-first one thousand nine hundred and forty one by the Commonwealth of annual rates rentals and other charges for the use and occupancy of or the right to use or occupy the projects structures buildings and facilities leased by The General State Authority or for services rendered by the Authority or its projects construction of which projects structures buildings and facilities may have been commenced after the date of this act and prior to January first one thousand nine hundred and thirty-nine payment of such annual rates rentals and other charges shall be made in equal monthly or quarterly installments or otherwise as required by the respective leases

Section 2 The appropriation made by this act shall be budgeted and expended in accordance with the requirements and provisions of the leases referred to in section one and shall be allocated by the Governor to provide payment of the rentals reserved in such leases In allocating the appropriation made by this act the Governor shall provide for the payment of the rentals reserved in leases entered into between the General State Authority and the Pennsylvania State College The Auditor General and the State Treasurer shall honor the requisitions of the Secretary of Property and Supplies in accordance with such allocations.

Section 3 The appropriation made by this act or as much thereof as may be necessary shall be earmarked and retained as a fund in the General Fund to meet the payments which may become due during the period from June first one thousand nine hundred and thirty-nine to May thirty-first one thousand nine hundred and forty-one under the terms of such contracts as by virtue of the provisions of the General State Authority Act of one thousand nine hundred and thirty-five as amended may be entered into by the Commonwealth acting by and through the Department of Property and Supplies as lessee and The General State Authority as lessor to lease such additional projects to be undertaken by the Authority

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—169.

Achterman,	Gerard,	Matthews, J. F.	Shaw,
Alexander,	Gillette,	McCullough,	Shea,
Allen,	Gorski,	McDermott,	Shoemaker,
Allmond,	Habbyshaw,	McElroy,	Shugarts,
Arnold,	Haberlen,	McFall,	Siegel,
Atkins,	Hagerty,	McKinney,	Simon,
Aukerman,	Hall,	Melchiorre,	Sloan,
Baine,	Hamilton, F. P.,	Mellott,	Smith, John A.,
Baker,	Harkins,	Mihm,	Sollenberger,
Balthaser,	Harmuth,	Moomaw,	Spengler,
Bierly,	Hays,	Mooney,	Sproul,
Bohn,	Hering,	Moran,	Stackpole,
Bois,	Hess,	Moul,	Stank,
Boltz,	Hetrick,	Muir,	Stewart,
Boose,	Hindman,	Nagel,	Strode,
Boyer	Hirsch,	O'Brien,	Terry,
Bradley	Holland,	O'Connor,	Thompson
Broad,	Holmes,	O'Keefe,	Tronzo,
Brown,	Holstrom,	O'Neill,	Trout,
Burrows,	Hontz,	Ostroff,	Tumelty,
Cadwalader,	Horting,	Patterson, C. S.,	Turner,
Caputo,	Huntley,	Patterson, J. W.,	Valibus,
Chervenak,	Imbrie,	Peale,	VanAllsburg,
Coakley,	Jirolanio,	Pearson,	VanSickle,
Cohen, H. B.,	Kane,	Perry,	Wagner,
Coleman,	Keenan,	Piole,	Wall,
Coolahan,	Kelso,	Powers,	Watkins,
Davies,	Kilroy,	Preston,	Webster,
Decker,	Kline,	Readinger,	Weiss, D. H.,
Dickinson,	Kroll,	Reising,	Weiss, S. A.,
Dougherty,	LaRue,	Robinson,	Welliver,
Downey,	Leisey,	Rothenberger,	Welsh,
Dubbs,	Levy,	Royer,	Westrick,
Dyson,	Lewis,	Ruffennach,	Whalen,
Eckels,	Long,	Rush,	Whitenight,
Elpern,	Longaker,	Sarraf,	Wilson,
Falkenstein,	Lopresti,	Scanlon,	Winner,
Fiss,	Lovett,	Schor,	Wood,
Flanagan,	Lyons,	Schrock,	Woodside,
Flannery,	Mallen,	Schrope,	Wright,
Flinchbaugh,	Marino,	Schumacher,	Yeagley,
Ganser,	Matthews, H. T.	Serrill,	Yourishin,
			Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 21, Printer's

No. 55, was passed over at the request of Mr. HERBERT B. COHEN.

There being no objection House Bill No. 63, Printer's No. 58, was passed over at the request of Mr. HERING.

There being no objection House Bill No. 24, Printer's No. 63, was passed over at the request of Mr. KELSO.

ADJOURNMENT

Mr. MELLOTT. Mr. Speaker, I move that this House do now adjourn until Monday, October 10, 1938, at 9:00 p. m.

The motion was agreed to, and (at 12:04 p. m.) the House adjourned until Monday, October 10, 1938, at 9:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1938

Vol. 22. HARRISBURG, PA., MONDAY, OCTOBER 10, 1938. No. 24.

SENATE

MONDAY, OCTOBER 10, 1938.

The Senate met at 9:00 o'clock P. M.

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, LL. D., offered the following prayer:

Creator of all things, Father of our common humanity, our help in ages past, our hope in years unborn, in Thy providence we come again to this hour and place. May a double portion of Thy Spirit of wisdom rest upon us. May the highest traditions of our Commonwealth and nation inspire us, and may we be faithful in all things. Of one blood Thou hast made all nations and there is no inherent inferiority in the race of man, man made in Thy image.

We praise Thee, O God for our heritage; for that peculiar genius, revealed in our history and institutions. Forbid that we shall ever cease to be the land of freedom and opportunity; an asylum for every soul seeking rescue and redemption from poverty or oppression. May we labor here and ever to this end according to Thy holy will, coveting only the blessing which comes to that nation whose God is the Lord. Amen.

JOURNAL APPROVED

The PRESIDENT—A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. RUPP, the further reading was dispensed with, and the Journal was approved.

LEAVES OF ABSENCE

Mr. Rodgers asked and obtained leave of absence for the Senator from Allegheny, Mr. RANKIN.

Mr. Rice asked and obtained leave of absence for the Senator from Monroe, Mr. HUFFMAN, on account of illness.

Mr. Owlett asked and obtained leave of absence for the Senator from Bucks, Mr. BUCKMAN.

PETITIONS AND REMONSTRANCES

URGING PASSAGE OF SENATE BILL NO. 49

The Chair cleared his table and laid before the Senate petition of the Board of Managers of the Pennsylvania Institution for the Instruction of the Blind, expressing their unqualified approval of the Fireworks Bill, Senate No. 49.

COMMUNICATION EXPRESSING THANKS FOR RESPECTS PAID THE LATE SENATOR JOHN G. HOMSHER

The Chair cleared his table and laid before the Senate the following communication:

Strasburg, Pa., October 4, 1938.

To the Honorable the Members of the Senate, Commonwealth of Pennsylvania and Its Officers and Employes, Harrisburg, Pennsylvania.

On behalf of my mother, Mrs. Viola H. Homsher and members of the family, I wish to express to you our heartfelt gratitude for your telegram of condolence, for your beautiful floral tribute, and for your attendance at the funeral of our husband and father, the late John G. Homsher.

And also for your great tribute of respect in adjourning the Senate upon learning of his death.

Sincerely yours,

JOHN E. HOMSHER.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, October 10, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

MEMBER BOARD OF TRUSTEES EDINBORO STATE TEACHERS COLLEGE

Reverend Edward Pinkney Wroth, Warren, Warren County, for appointment as a member of the Board of Trustees of Edinboro State Teachers College, for the term of four years and until his successor is qualified, vice C. E. Bordwell, deceased.

MEMBER BOARD OF TRUSTEES PENNSYLVANIA INDUSTRIAL SCHOOL

Swengel H. Smith, Bellefonte, Centre County, for appointment as a member of the Board of Trustees of Pennsylvania Industrial School, for the term of four years and until his successor is qualified, vice E. M. Huyett, resigned.

JUSTICES OF THE PEACE

Geo. J. Tibbens, Houtzdale, Clearfield County, for appointment as Justice of the Peace in the Township of Woodward, Clearfield County, until the first Monday in January, 1940, vice Richard Adams, deceased.

Walter E. Miller, Box 64, Beech Creek, Clinton County, for appointment as Justice of the Peace in the Borough of Beech Creek, Clinton County, until the first Monday in January, 1940, vice S. C. McKean, resigned.

Fred V. Ciampi, 620 Exeter Avenue, West Pittston, Luzerne County, for appointment as Justice of the Peace in the Borough of West Pittston, Luzerne County until the first Monday in January, 1940, vice Rex E. Campbell, deceased.

Albert W. Conly, 413 Forest Avenue, Norristown, Montgomery County, for appointment as Justice of the Peace in the Township of West Norriton, Montgomery County, until the first Monday in January, 1940, vice Alexander G. Harris, deceased.

GEORGE H. EARLE.

MEMBERS BOARD OF TRUSTEES WEST CHESTER STATE TEACHERS COLLEGE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, October 10, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following members of the Board of Trustees of West Chester State Teachers College:

Dr. Robert F. Anderson, 10 Rosedale Avenue, West Chester, Chester County, for the term of four years and until his successor is qualified, vice Mrs. Sarah Hamilton Mellor, deceased.

Mrs. Mary T. Farrell, West Chester, Chester County, for the term of four years until her successor is qualified, vice Dr. John A. Farrell, deceased.

GEORGE H. EARLE.

COMMUNICATION FROM THE GOVERNOR

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVAL OF RESOLUTION CREATING A JOINT LEGISLATIVE COMMITTEE TO ASCERTAIN AND CONCILIATE THE VIEWS OF EMPLOYERS AND EMPLOYES ON UNEMPLOYMENT COMPENSATION LEGISLATION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, October 6, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the Senate and House of Representatives authorizing the appointment of a committee for the purpose of bringing together representatives of labor and industry and other interested parties, in order to harmonize their views and make recommendations to the next session of the General Assembly concerning the changes effected by Act No. 20, approved September 29, 1938.

GEORGE H. EARLE.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 65, entitled:

An Act creating a joint legislative commission to study and report on use of devices and methods of transmission of information for advices in furtherance of gambling and making an appropriation.

House Bill No. 58, entitled:

An Act to ratify, confirm and make valid the commission to make certain studies in respect to bituminous mines, appointed pursuant to the joint resolution, approved the fifth day of June one thousand nine hundred and thirty-seven (P. L. 1689) entitled "A joint resolution creating a commission to make certain studies in respect to bituminous mines defining its powers and duties and making an appropriation" together with its actions proceedings expenses and expenditures.

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

The PRESIDENT. The Secretary has an announcement to make at this time.

SENATE COMMITTEE TO ARRANGE MEMORIAL SERVICES IN RESPECT TO THE LATE SENATOR JOHN G. HOMSHER

The SECRETARY: On behalf of the President pro tempore of the Senate. I desire to announce the following Committee to arrange memorial services in respect to the late Senator John G. Homsher.

Senator Clarence J. Buckman, Bucks County
Senator Henry J. Pierson, Lancaster County
Senator George Woodward, Philadelphia County
Senator Charles W. Sones, Lycoming County
Senator C. Hale Sipe, Armstrong County

REPORTS FROM COMMITTEE

Mr. KUNKEL, from the Committee on Judiciary General reported as committed, Senate Bill No. 60, entitled:

An Act to amend Section two of the act approved the twelfth day of August one thousand nine hundred and thirty-eight (Act No. 5) entitled "An act authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued requiring the commission to make a report of its findings and recommendations to the General Assembly or to the Governor and authorizing the commission to employ counsel and employes and making an appropriation" by changing the manner of appointment of the members of said commission.

Mr. GILSON, from the Committee on Judiciary General to which was referred resolution offered by Mr. Kunkel on August 9, 1938, reported the same without amendment as follows:

In the Senate, August 9, 1938.

Whereas, The Ruth Commission, reporting on the administration of criminal justice, reveals disregard or ignorance of the law, chicanery, trickery and defiance of the constitutional rights of individuals on the part of some Philadelphia courts covered by its investigation; and

Whereas, This Commission also reports "that the only sure protection . . . is the character and integrity of our justice officers;" and

Whereas, This report thus reflects upon Philadelphia courts and judges in general, since it fails to reveal names, cite instances or state facts in support of its findings; therefore be it

Resolved, That the Ruth Commission be requested to report forthwith in detail the facts, naming courts, cases and judges involved in arbitrary, illegal and underhand acts in violation of the law and the constitutional rights of citizens.

The PRESIDENT. Under the Rules the Resolution will lie on the table.

BILL INTRODUCED

Messrs. DENT and STIEFEL read in place and presented to the Chair Senate Bill No. 61, entitled:

An Act to ratify confirm and make valid the joint legislative commission created by Senate Concurrent Resolution Serial Number 106 approved March sixteenth one thousand nine hundred and thirty-seven and authorized thereby to make an investigation of the tax burdens placed upon industries in Pennsylvania and other industrial and mining states together with its actions proceedings expenses and expenditures and the appropriation made to said commission.

Which was committed to the Committee on Labor and Industry.

Mr. STIEFEL. Mr. President, the purpose of this bill is to validate the Dent Industrial Tax Study Commission which was created to ascertain as to whether or not delegations of tax burdens and industrial migrations are in the realm of political mythology or economic reality.

I am leaving it to Senator Dent, who is the chairman of this committee, to say a few introductory remarks.

The PRESIDENT. The Senate will now proceed to the consideration of the calendar.

BILL POSTPONED

Mr. RICE. Mr. President, I move that further consideration of Senate Bill No. 36 (House Bill No. 8) on concurrence in House amendments recalled from the Governor, entitled:

An Act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed with the General State Authority for the use and occupancy of various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects.

be postponed for the present.

Mr. RODGERS. Mr. President. I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 40, entitled:

An Act to amend Sections one hundred eight five hundred six five hundred seven eight hundred thirteen eight hundred fourteen and one thousand one hundred thirty-three of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by providing for the merger of certain school districts with other districts redefining indebtedness to school districts empowering the county boards of school directors to employ an attorney and fix his compensation increasing the salaries of members of the county board of school directors and providing for limitations on the appointment of district superintendents

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question.

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Barthold,	Frey,	Kilgallen,	Ruth,
Cavalcante,	Gelder,	Kunkel,	Shapiro,
Chapman,	Gilson,	McCreesh,	Sipe,
Dando,	Haluska,	McGinnis,	Sones,
Deitrick,	Henney,	Pytko,	Stiefel,
Dent,	Jacobs,	Rice,	Thompson,
DiSilvestro,	Jaspan,	Rodgers,	Wolfenden,
Ealy,	Kahle,	Rupp,	Woodward,
Eroe,			

NAYS—3

Heyburn,	Mallery,	Owlett,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. SHAPIRO, Mr. President, I ask unanimous consent that Senate Bill No. 56, on third reading, entitled:

An Act creating a joint legislative commission to study and report on the structure of insurance rates for workmen's compensation and making an appropriation.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO, Mr. President, I ask unanimous consent that Senate Bill No. 59 (House Bill No. 66) on third reading, entitled:

A Supplement to the act, approved the second day of July, one thousand nine hundred thirty-seven (Appropriation Acts, page seventy-four), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven," providing for deficiencies in certain appropriations to the Department of Justice for the fiscal biennium ending May thirty-first, one thousand nine hundred thirty-nine.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

QUESTION OF PERSONAL PRIVILEGE

Mr. RUTH. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Berks, Mr. Ruth, will state his question of personal privilege.

Mr. RUTH. Mr. President, I desire to make a statement. The second edition of the Ruth Legislative Com-

mittee Report has been printed and is available in the Senate Library. There are twenty-five hundred copies if any Senator desires to avail himself.

The PRESIDENT. The Senators will please take notice.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. RICE. Mr. President, I move that the Senate do now proceed to the consideration of Nominations for appointment as Notaries Public, sent to the Senate, October 4 and 10, 1938, by His Excellency, the Governor of the Commonwealth.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, October 4, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Alice Anne Morgan, Blawnox.
Mrs. Kathryn M. Walker, Edgewood.

ARMSTRONG COUNTY

Miss Catherine Schreckengost, Kittanning.

FAYETTE COUNTY

W. Orin Johnson, Masontown.

LYCOMING COUNTY

George R. Renner, Williamsport.

McKEAN COUNTY

Robert B. Apple, Smethport.

PHILADELPHIA COUNTY

Mrs. Elizabeth Bassman, 2036 So. Fourth St., Philadelphia.
Mrs. Margaret Gamble, 4329 Manayunk Ave., Roxborough.
W. Geoffrey Haynes, 216 W. Allegheny Ave., Philadelphia.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, October 10, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Ruth C. Brown, 2600 Library Road, Pittsburgh.
Robert C. Calhoun, McKeesport.
Louis Edgar Carlson, 1588 Electric Ave., East Pittsburgh.
W. E. McCracken, South Fayette Twp., R. D. 1, Bridgeville.
G. F. Winters, Jr., Etna.

BERKS COUNTY

Miss Hilda M. Stumpp, Reading.

BLAIR COUNTY

Miss Genevieve N. Taylor, Tyrone.

CENTRE COUNTY

Herman J. Hazel, Bellefonte.

ERIE COUNTY

Mrs. Florence A. Smith, Erie.

GREENE COUNTY

E. H. Williamson, Waynesburg.

LUZERNE COUNTY

Miss Martha E. Woelfel, Freeland.
William H. Schutter, Hazleton.
Abraham Bishop, Hazel Twp., R D 1, Hazleton.

PHILADELPHIA COUNTY

Miss Katherine Falkenstein, 4913 A St., Philadelphia.
Robert S. Johnston, 43rd St. below Woodland Avenue, Philadelphia.
J. Paul Lyet, 233 North 13th Street, Philadelphia.
William R. Wagstaff, 53 North 10th St., Philadelphia.
Miss Florence M. Whalen, 770 Schuylkill Ave., Philadelphia.

SCHUYLKILL COUNTY

Mrs. Bessie E. Stoyer, Tremont.

PHILADELPHIA COUNTY

Miss Anna M. Murray, 413 Franklin Trust Bldg., Phila.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES and Mr. McCREESH.

That Rule 38, which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into executive session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES and Mr. McCREESH.

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Barthold,	Frey,	Kilgallen,	Rupp,
Cavalcante,	Gelder,	Kunkel,	Ruth,
Chapman,	Gilson,	Mallery,	Shapiro,
Dando	Haluska,	McCreesh,	Sipe,
Deitrick,	Henney,	McGinnis,	Sones,
Dent,	Heyburn,	Owlett,	Stiefel,
DiSilvestro,	Jacobs,	Pytko,	Thompson,
Ealy,	Jaspan,	Rice,	Wolfenden,
Eroe.	Kahle,	Rodgers,	Woodward,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

MOTION TO READ BILLS THE FIRST TIME

Mr. RICE. Mr. President, I move that the Senate do

now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order.

The Senate proceeded to the first reading and consideration of Senate Bill No. 60, entitled:

An Act to amend Section two of the act approved the twelfth day of August one thousand nine hundred and thirty-eight (Act No. 5) entitled "An act authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued requiring the commission to make a report of its findings and recommendations to the General Assembly or to the Governor and authorizing the commission to employ counsel and employes and making an appropriation" by changing the manner of appointment of the members of said commission.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn until Tuesday, October 11, 1938 at 11:00 o'clock, A. M.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 10:29 o'clock until Tuesday, October 11, 1938 at 11:00 o'clock, A. M.

HOUSE OF REPRESENTATIVES

MONDAY, OCTOBER 10, 1938

The House met at 9:00 p. m.

The SPEAKER, (Roy E. Furman), in the Chair.

PRAYER

The Chaplain, Rev. EPHRAIM Z. GALLAHER, offered the following prayer:

Bless the Lord, Oh my soul; all that is within me, bless His holy name?

Bless the Lord, Oh my soul and forget not his benefits. We forgiveth all thine iniquities, who healeth all thy diseases, who redeemeth thy life from destruction, and crowneth thee with loving kindness.

Bless the Lord, Oh my soul. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Tuesday, October 4, 1938.

The Clerk proceeded to read the Journal of Tuesday, October 4, 1938, when, on motion of Mr. BOLTZ the further reading was dispensed with and the Journal approved.

COMMUNICATION

The SPEAKER laid before the House the following communication which was read by the Clerk.

Strasburg, Pa., October 4, 1938.

Honorable Roy E. Furman, Speaker
The House of Representatives
Commonwealth of Pennsylvania
Harrisburg, Pennsylvania.

Dear Mr. Furman:

On behalf of my mother and members of the family, I wish to express to you and the members of the House of Representatives, our heartfelt thanks for your telegram of sympathy at the death of our husband and father, the late John G. Homsher, and for the beautiful flowers sent.

We also wish to thank the members for the Resolution of Respect adopted by your honorable body on September 19, 1938, which was introduced by Honorable Norman Wood, Honorable Harry E. Trout and Honorable Baker Royer, and those who attended the funeral.

Sincerely yours,

(Signed) John E. Homsher.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 47

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, October 5, 1938.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 47, Printer's No. 30, entitled "An Act making a deficiency appropriation to the Anthracite Coal Industry Commission created by the act approved the eighth day of February one thousand nine hundred and thirty-seven (P. L. 21) entitled 'An act creating the Anthracite Coal Industry Commission defining its powers and duties and making an appropriation."

GEORGE H. EARLE.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 62

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, October 6, 1938.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 62, Printer's No. 49, entitled, "An Act to ratify confirm and make valid the joint legislative committee to investigate governmental costs of Philadelphia Concurrent Resolution Number Two approved the thirteenth day of January one thousand nine hundred and thirty-seven (P. L. 2869) which committee was provided with an appropriation under Appropriation Act Number Nine A entitled 'An act making an appropriation for the expenses of the joint legislative commission created by Senate Concurrent Resolution Serial Number One hundred two approved January thirteenth one thousand nine hundred thirty-seven' together with its actions proceedings expenses and expenditures."

GEORGE H. EARLE.

COMMUNICATION

The SPEAKER laid before the House the following communication which was read by the Clerk.

SCHOOL CODE

A telegram from The Philadelphia Evening School Students Association protesting amendment of school code.
Referred to the Committee on Education.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 58.

An Act to ratify confirm and make valid the commission to make certain studies in respect to bituminous mines appointed pursuant to the joint resolution approved the fifth day of June one thousand nine hundred and thirty-seven (P. L. 1689) entitled "A joint resolution creating a commission to make certain studies in respect to bituminous mines defining its powers and duties and making an appropriation" together with its actions proceedings expenses and expenditures

HOUSE BILL No. 65.

An Act creating a commission to study and report on use of devices and methods of transmission of information for advices in furtherance of gambling and making an appropriation

With the information that the Senate has passed the same without amendment.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 65.

An Act creating a commission to study and report on use of devices and methods of transmission of information for advices in furtherance of gambling and making an appropriation

HOUSE BILL No. 58.

An Act to ratify confirm and make valid the commission to make certain studies in respect to bituminous mines appointed pursuant to the joint resolution approved the fifth day of June one thousand nine hundred and thirty-seven (P. L. 1689) entitled "A joint resolution creating a commission to make certain studies in respect to bituminous mines defining its powers and duties and making an appropriation" together with its actions proceedings expenses and expenditures

Whereupon,
The SPEAKER, in the presence of the House, signed the same.

LEAVES OF ABSENCE

Mr. Readinger asked and obtained leave of absence for Mr. LaRUE for tonight's session.

Mr. ALEXANDER asked and obtained leave of absence for himself for tomorrow's session.

Mr. SIMON asked and obtained leave of absence for himself for tomorrow's session.

Mr. Gillette asked and obtained leave of absence for Mr. MERRELL for the week's session on account of illness.

Mr. VAN ALLSBURG asked and obtained leave of absence for himself for tomorrow's session.

The Speaker asked and obtained leave of absence for Mr. SCHUMACHER for tonight's session.

BILLS ON FIRST READING

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 82, entitled:

An Act to amend sections two hundred two, four hundred one and two thousand three hundred eighteen of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, nad officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commission; defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other asistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by creating as departmental administrative boards in the Department of Welfare and conferring powers and duties upon boards of trustees for the respective institutions acquired by the Commonwealth from counties cities and institution districts for use as State mental hospitals.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 72, entitled:

A Supplement to the act approved the second day of July one thousand nine hundred thirty-seven (Appropriation Acts page seventy-four) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" making a deficiency appropriation to the Department of Property and Supplies for the payment of certain expenses for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 77, (Senate Bill No. 43), entitled:

An Act making a deficiency appropriation to the Lieutenant Governor

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 80, (Senate Bill No. 50), entitled:

An Act making a deficiency appropriation for the expenses of the Joint Legislative Commission investigating certain courts of this Commonwealth, and created by Joint Resolution No. 11, approved the ninth day of March, one thousand nine hundred and thirty-seven (P. L. 35).

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 78, (Senate Bill No. 15), entitled:

An Act abating certain tax penalties interest and costs on county, city (except city of the first class) borough town township school district (except school district of the first class), and poor district taxes; prohibiting the sale of real property for the non-payment of any such taxes for a certain period; and preserving certain tax liens, and providing for the extension thereof.

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All unpaid penalties and interest imposed on paid or unpaid delinquent county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes for the tax year one thousand nine hundred and thirty-four and all previous years and all penalties imposed on such taxes for the tax years one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven assessed and levied against any parcel o parcels of real estate and on paid or unpaid delinquent poll taxes levied for any of such years are hereby abated without the necessity of further action by the authority levying the tax if the unpaid delinquent taxes are paid as hereinafter provided This section shall not be construed to abate the interest accrued on the taxes for the years of one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven but no further interest shall be imposed on such taxes after the payment of the first installment as hereafter provided so long as the taxpayer complies with the provisions of this act.

In order to receive the benefits of the installment system of payment provided by this act twenty per centum of the delinquent taxes due for the tax year one thousand nine hundred and thirty-seven and for all previous years and of the accrued interest due on the one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven taxes shall be paid on or before the thirty-first day of December one thousand nine hundred and thirty-eight twenty per centum on or before the thirty-first day of December one thousand nine hundred and thirty-nine twenty per centum on or before the thirty-first day of December one thousand nine hundred and forty twenty per centum on or before the thirty-first day of December one thousand nine hundred and forty-one and the final twenty per centum on or before the thirty-first day of December one thousand nine hundred and forty-two And provided That the respective current taxes (the institution district taxes in lieu of the poor taxes) on such parcel or parcels of real estate and on delinquent poll taxes levied for the years subsequent to the year one thousand nine hundred and thirty-eight during such installment periods assessed and levied by such taxing authority shall be paid before they become delinquent For the purposes of this act a tax shall be deemed to become delinquent on the date when a penalty attaches to the tax If and whenever any of the said current taxes or any of the said installments are not paid when due and payable as herein provided then and in that event there shall become due and payable for such year a sum equal to one-fifth of the total amount of the abated penalties and interest in addition to the other payments required to be paid under this act during that year which said additional sum shall be payable and must be paid at the time the next succeeding installment payment becomes due under this act If such additional sum is not so paid then the total amount of the abated penalties and interest less the aggregate of any such additional sum theretofore paid shall be revived and added to the unpaid taxes with the same force and effect as if such abated penalties and interest or portion thereof had never been abated and the taxpayer shall not thereafter be entitled to any further benefits or privileges under this act.

On the question,

Will the House agree to the section?

Mr. SPROUL. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 2, lines 8 and 9, by striking out the words: "are hereby abated without the necessity of further action" and inserting in lieu thereof "may be abated."

Amend Sec. 1, page 2, line 12, by striking out the word: "abate" and inserting in lieu thereof "authorizing the abatement of."

On the question,

Will the House agree to the amendments?

Mr. SPROUL. Mr. Speaker and members of the House, the purpose of these amendments is to render this an optional bill instead of a compulsory bill, as you probably know, by listening to the amendments. In our county there are a great many districts that are opposed to any abatement whatever, but in order to give the benefit to those within the state who desire some form of abatement I have offered these amendments so that the bill may become optional with the municipalities instead of being compulsory.

I ask the members of the House to vote for these amendments.

Mr. SAMUEL A. WEISS. Mr. Speaker and members of the House, we now have on the calendar House Bill No. 26, which is an optional abatement bill, and Senator Mundy"s Bill, Senate Bill No. 15, is a mandatory bill. The committee believes and I believe many of the taxpayers throughout the state similarly believe that an optional bill is an unfair advantage to the taxpayers throughout the Commonwealth of Pennsylvania, because it permits certain tax authorities, certain tax levying authorities, to play politics with the bill, so far as the taxpayers of their own county are concerned. It would be unfair to some of the taxpayers because some of the tax levying authorities would invoke the purposes of this act, while others won't. We thought that the people who have been unable to pay their taxes in the past, who are now able to pay them under the abatement plan, have an equal and a fair advantage.

I might say to the members of the House, that I have received a letter submitted by James P. Kerr, of the city of Pittsburgh, who is the Republican City Controller, in which he urges this Assembly to pass a mandatory

tax abatement law. He said unless they do the city of Pittsburgh will be obliged to borrow one million dollars to meet the payroll within the next month or two, both for November and December.

I also have some statistics showing that the tax abatement bill encouraged current tax collections, for the reason that every taxpayer will be able to take advantage of the tax abatement bill, and I ask the members of the House to vote down the amendments of the gentleman from Delaware, Mr. Sproul.

Mr. SPROUL. Mr. Speaker and members of the House, I would like to agree with some if the remarks made by the gentleman from Allegheny, Mr. Weiss, but wouldn't the city of Pittsburgh be entitled under an optional bill to regulate their own affairs? I find that some districts collect from 90 to 98 per cent of their taxes, and these particular districts do not want a tax abatement.

As long as he has quoted from a Republican gentleman in Pittsburgh, may I say that the borough of Swarthmore, which has a Democratic head, has written me a letter asking that there be no tax abatement bill passed during the present session of the Legislature.

I will add further that the borough of Media, along which I reside, feels the same. I do not want to make a political issue of it, it is entirely non-partisan. I might also add that my own township is not desirous of a tax abatement bill. It looks to me as if the people of Luzerne county are trying to compel the rest of the state to take a tax abatement measure. I agree that this measure should be non-political. There are some districts that have found that tax abatement has increased the amount of their tax collections, and it has been found that the number of poor people who have benefited by this tax abatement amount to but a very small percentage. The chief benefactors are trust companies and people who can well afford to pay, but many pay only a partial installment under the terms of this bill, and I ask the members of the House, who are seriously concerned with this bill, to vote in favor of the amendments.

Mr. JOHN A. SMITH. Mr. Speaker, and members of the House, this is a dangerous amendment. I would like to agree with my friend from Delaware, Mr. Sproul, but the records from his own county disprove the reasons that he advances for the amendments. We have had a great array of talent parading before the Pennsylvania Legislature in this session to prevent passage of a bill by this administration, abating the payment of penalties and interest. We had the optional feature during the previous administration and that had no appreciable effect upon the collection of taxes, but at the opening of this session a definite policy was laid down for the collection of taxes, delinquent taxes, by abating penalties and interest. Immediately upon the passage of that mandatory legislation there was a decrease of the delinquency and an increase in the collection of taxes. In Delaware county, where the gentleman who has offered the amendments lives, we find that in 1933 there was a total of $597,953 of delinquent taxes, but in 1937, which is the last year for which we have any figures, it has dropped from $597,000 down to $294,000. I find in my own county that there is a decrease in the delinquency from 1933 to the present time from $167,000 to $87,000. All over the state of Pennsylvania the policy of this Administration to abate penalties and interest has shown up well to the tax levying authorities. It shows for the whole of the State of Pennsylvania that while in 1933 there was a total tax delinquency on county taxes alone of $12,726,000, in 1935, which is the last year for which we could get any figures, it had dropped to a little more than $8,000,000. When the returns show a drop in delinquency from almost $13,000,000 to about eight and a half million dollars because of the policy of this Administration to make tax abatement mandatory, certainly it speaks well for the mandatory provisions of the act. In the county of Allegheny there are the most convincing figures in favor of the mandatory tax abatement law. In 1933 Allegheny county collected a total of 72 per cent of its taxes; in 1934 Allegheny county collected 73 per cent, but having the mandatory provisions of the first act of this Administration, the tax collections in Allegheny county in 1935 increased to 79 per cent. In 1937 it increased to 86 per cent of the total, so that the mandatory abatement of penalties and interest has increased collections in Pittsburgh or in Allegheny county from 72 per cent of the total to 86 per cent. It would be a mistake if this House and this Administration would allow themselves to be influenced by the propaganda, the Borough Associations and other reactionary interests; it would be a mistake for this House to allow itself to be persuaded by such propaganda into reversing the Administration's policy on this very important matter. I think that the bill has borne fruit and we should now go forward and continue to do a better job for the taxpayers of Pennsylvania.

Mr. WOODSIDE. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Weiss.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. SAMUEL A. WEISS. I will, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I would like to ask the gentleman from Allegheny, Mr. Weiss, whether or not his bill which is now on the calendar is an optional bill.

Mr. SAMUEL A. WEISS. Mr. Speaker, the gentleman from Dauphin, Mr. Woodside, is correct in his statement.

Mr. WOODSIDE. That this bill is optional, Mr. Speaker?

Mr. SAMUEL A. WEISS. That is correct, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I understand the gentleman to have just argued that the optional provision in the tax abatement bill is not proper. Is that correct?

Mr. SAMUEL A. WEISS. Mr. Speaker, I did not make such an argument and I do not contend it is proper. My bill is on the postponed calendar. It is an optional bill. Senator Mundy's bill is a mandatory bill.

Mr. WOODSIDE. Mr. Speaker, I understood that the gentleman was opposed to these amendments offered by the gentleman from Delaware, Mr. Sproul, because he was opposed to the optional provision.

Mr. SAMUEL A. WEISS. Mr. Speaker, I have received considerable information on this subject during the past ten days from people in my district who favor a mandatory tax abatement bill, both Republicans and Democrats, instead of an optional tax abatement bill.

Mr. WOODSIDE. Mr. Speaker, in spite of the fact that the bill of the gentleman from Allegheny, Mr. Weiss, is optional?

Mr. SAMUEL A. WEISS. That is correct, Mr. Speaker. The committee made it optional. I might state that my bill originally was a mandatory bill. It was amended by the House Municipal Corporations Committee and made into an optional bill.

Mr. WOODSIDE. Mr. Speaker, is the gentleman from Allegheny a member of that committee?

Mr. SAMUEL A. WEISS. I believe I am, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, is the gentleman from Allegheny the chairman of that committee?

Mr. SAMUEL A. WEISS. Thas is correct, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, the bill was reported out of the gentleman's committee, was it not?

Mr. SAMUEL A. WEISS. That is correct, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I would like to ask the gentleman from Allegheny, whether, if any client of his were to appear before him at the present time or any time in the past few months, for information in regard to the payment of his taxes, whether he would advise him to pay them, with the penalties, or whether he would advise him to wait the action of the Legislature to determine whether he would pay them without the penalties.

Mr. SAMUEL A. WEISS. Mr. Speaker, I would like to say that I always advise my clients to pay their taxes, when they have the money. My clients do not have the money to pay their taxes.

Mr. WOODSIDE. Mr. Speaker and members of the House, the thing that I am fearful of in these tax abatement bills is this, if we continue, session after session, year after year, to pass tax abatement bills, the large corporations, the trust companies, the people who have a large interest in real estate, will come to know that this Legislature will continue to pass these tax abatement bills generally, and, therefore, will refuse to pay the taxes but wait for the Legislature to act in order that they can take advantage of these tax abatement bills. The small home owner, the farmer and people of that type are not generally informed concerning these tax abatement bills and are not as anxious to take advantage of them because the amount of money involved is not great, and if they continue to receive the abatement to which they are entitled by taking advantage of the provisions of the bill, the people who will be carrying the greatest load of local government will be the small home owner and the farmer and people of that type, while most of the large corporations who have a large interest in real estate, will take advantage of the provisions of these tax abatement bills. I cannot see that there is any objection to permitting the people in the various districts to weigh this problem for themselves and decide whether or not they want it. These people should have an opportunity to decide for themselves whether or not they want a tax abatement measure. I think there are districts in which they would not want that provision and I do not think that in those districts the people should be compelled under the law to have tax abatement. That is the reason I think these amendments should go through, and I urge that the amendments offered by the gentleman from Delaware, Mr. Sproul, be adopted by this House.

Mr. SAMUEL A. WEISS. Mr. Speaker and members of the House, I just want to refute a statement or two made by the gentleman from Dauphin, Mr. Woodside. In 1937, 32,642 taxpayers in Allegheny county took advantage of this abatement tax, over 29,000 of whom were small property owners, with properties of an average assessment below $5,000.

In Westmoreland county approximately 6,000 taxpayers, over one-half of whom were small property owners, took advantage of the tax abatement bill, to the amount of $4,500,000. James Keltz, County Commissioner of Westmoreland County, also Republican, urges the passage of a tax abatement measure. He said that it is encouraging delinquent tax collections, and at the very same time is encouraging current tax collections. In Allegheny county the tax collections, the current tax collections, under the tax abatement act, have increased from 74 per cent in 1934 to 86 per cent last year. With those statistics available, many of which were enumerated by the gentleman from Cumberland, Mr. Smith, I urge this House to vote down these amendments.

Mr. JOHN A. SMITH. Mr. Speaker and members of the House, I think that we should deny that the large corporations are benefited at this time by a further abatement of penalties. No doubt that was true in 1935. Those were the people who camped on our doorsteps at that time in order to have the law passed, those were the people who had scalped the poor home owner and had gathered up these properties and had taken them over wholesale. They received the benefit at that time, and having received that benefit they come back at this special session of the Legislature, and ask this Administration to reverse itself on this very important policy. Of course, it is the farmer and the small owner, the small home owner, that I would like to see benefited and when these propagandists came before us and told us that the abatement of penalties and interest was going to increase tax delinquency, I wanted to know just what the actual facts were. In reply to the gentleman from Dauphin, I would like to say that in Dauphin County in 1933 the total delinquent taxes were $225,000; in 1935 it had decreased to $166,000; in 1936 it had decreased to $133,000. Undoubtedly the policy of this Administration has been sound and this Administration should continue to pass such laws abating penalties and interest, which will serve the taxpayers of Pennsylvania.

Mr. ALEXANDER. Mr. Speaker, I would like to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin, Mr. Woodside, permit himself to be interrogated?

Mr. WOODSIDE. I will, Mr. Speaker.

Mr. ALEXANDER. Mr. Speaker, do I understand on the basis of the remarks made by the gentleman from Dauphin, that delinquent taxes would increase rather than decrease, if the corporations and everyone else would take advantage of the tax abatement bills from year to year.

Mr. WOODSIDE. Mr. Speaker, there are a lot of factors which enter into the question of abatement of taxes. There is the factor of general business conditions. There is the factor of the number of transfers of real estate. There is the factor of governmental loans, all of which have considerable bearing on the amount of taxes which are paid. Tax abatement is only one element that enters into that question. I am not saying that tax abatement at all times is bad, but I am saying, to repeat this year after year and continue session after session, brings about a situation where those people who are on the "in," those people who know the law and know the policy of the Legislature, and who certainly are the larger real estate owners and are those who have the most money involved, are the ones who are taking advantage of these laws. They are the ones, who, while they are able to pay, deliberately do not pay, as a result of it.

Mr. ALEXANDER. Mr. Speaker and members of the House, I thank the gentleman from Dauphin, Mr. Wood-

side. I might say that the argument of the gentleman from Dauphin makes the question a lawyer's argument. which the average and ordinary citizen cannot understand because it involves quite a lot of legalities and statements made that help in a lot of cases before courts. I am speaking just for the purpose of putting forth an argument on whether the Legislature here should consider the acceptance of these amendments or not. I believe if tax abatement, under his own statements, would be detrimental, it would have a tendency to increase delinquent taxes rather than decrease them. When this bill came before the House at this session I was faced by calls from those who previously objected to the tax abatement measures, and I was curious to know why the sudden change of heart on the tax abatement law, and I found after investigating the figures, in Mifflin County alone, we have decreased rather than increased our delinquent taxes to the amount of $23,000 and some odd dollars. We feel that that is a lot of money in Mifflin County. I now realize why those opposed to it in previous sessions, where tax abatement measures were passed, are now favoring the making of this measure optional rather than mandatory.

On the question recurring,

Will the House agree to the amendment?

The yeas and nays were required by Mr. SPROUL and Mr. McDEVITT and were as follows:

YEAS—43.

Boose,	Mallen,	Schrock,	Terry,
Cadwalader,	Matthews, J. F.,	Serrill,	VanAllsburg,
Davies,	McDevitt,	Shoemaker,	Wall,
Eckels,	McKinney,	Sloan,	Watkins,
Gilette,	Moul,	Snyder,	Webster,
Habbyshaw,	Muir,	Sollenberger,	Wilson,
Hall,	Patterson, C. S.,	Sproul,	Winner,
Imbrie,	Peale,	Stackpole,	Wood,
Kline,	Pearson,	Stewart,	Woodside,
Leisey,	Rothenberger,	Stockham,	Yeakel,
Longaker,	Royer,	Strode,	

NAYS—122.

Achterman,	Dyson,	Lopresti,	Rush,
Alexander,	Elpern,	Lovett,	Sarraf,
Allen,	Falkenstein,	Lyons,	Scanlon,
Allmond,	Finnerty,	Marino,	Schor,
Arnold,	Flanagan,	McDermott,	Shea,
Atkins,	Flannery,	McElroy,	Shepard,
Aukerman,	Flinchbaugh,	McFall,	Shugarts,
Baine,	Ganser,	McGee,	Siegel,
Baker,	Gerard,	Melchiorre,	Simon,
Bierly,	Gorski,	Mellott,	Smith, John A.,
Blank,	Haberlen,	Mihm,	Spengler,
Bohn,	Hagerty,	Moomaw,	Thompson,
Boles,	Hamilton, F. P.,	Mooney,	Tronzo,
Boltz,	Harkins,	Moran,	Tumelty,
Boyer,	Harmuth,	Murrin,	Valibus,
Brancato,	Hays,	Nagel,	VanSickle,
Broad,	Hering,	O'Brien,	Vogt,
Caputo,	Hess,	O'Connor,	Wagner,
Chervenak,	Hetrick,	O'Keefe,	Walsh,
Coakley,	Hindman,	Ominsky,	Weiss, D. H.,
Cohen, H. B.,	Hirsch,	O'Neill,	Weiss, S. A.,
Cohen, R. E.,	Holland,	Patterson, J. W.,	Welliver,
Coleman,	Holmes,	Pershing,	Welsh,
Corrigan,	Holstrom,	Powers,	Westrick,
Costanzo,	Hontz,	Preston,	Whitenight,
Decker,	Horting,	Readinger,	Wright,
DeNote,	Huntley,	Reese,	Yanoshat,
Donohoe,	Keenan,	Reising,	Yourishin,
Dougherty,	Kelso,	Robinson,	Zappala,
Downey,	Kilroy,	Ruffennach,	Furman,
Dubbs,	Levy,		

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The second to the ninth sections inclusive and title were separately read and agreed to as follows:

Section 2 Any taxpayer or owner having the right of redemption may anticipate the payment of the unpaid delinquent taxes for the tax year one thousand nine hundred and thirty-seven and previous years at any time on or before December thirty-first one thousand nine hundred and thirty-eight by paying the entire amount of such unpaid delinquent taxes and interest due on the one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven taxes and receive the benefit of this act and in such cases payment of the taxes assessed and levied for the year one thousand nine hundred and thirty-eight shall not be required at the time of such payment

Section 3 This act shall be construed to apply to all such taxes penalties and interest whether or not liens therefor had been returned for non-payment or have been filed in the office of the prothonotary of the county or proceedings for the collection thereof have been instituted in any court in said county or where real property has been sold to a county city borough town township school district or poor district at a tax sale or on a tax lien and the period of redemption has not expired but this act shall not be construed to apply to cases where real property has been sold other than to a county city borough town township school district or poor district at a tax sale or on a tax lien and where the period of redemption has not expired. The taxpayer shall be liable for the payment of all costs incurred except the solicitor's fees where liens for such taxes have been returned for non-payment or have been filed in the office of the prothonotary or proceedings for the collection thereof have been instituted in any court

Section 4 The benefits of this act shall extend to and accrue to any successful bidder or purchaser at sheriff's or other judicial sale grantee transferee mortgagee or owner having the right of redemption under a tax sale or other party in interest in the parced or parcels of real estate against which the above mentioned taxes have been assessed and levied whether separated or not

Section 5 Any taxpayer or owner having the right of redemption shall have the right to pay the unpaid delinquent taxes assessed and levied against any parcel or parcels of real estate without being required to pay the unpaid delinquent taxes assessed and levied against any other parcel or parcels of real estate in the same ward district or other municipal subdivision

The county commissioners of each county may at their discretion and at the cost of the county cause to be published two times in not more than two newspapers of general circulation throughout the county a notice to the taxpayers giving a synopsis of the terms of this act setting forth the benefits provided by the act and the necessary conditions required by the taxpayers in order to receive the same Upon application either in person or in writing by any taxpayer or owner the tax levying authorities the tax collector the receiver or receivers of taxes or the person or persons charged with the collection of such unpaid delinquent taxes or the person or persons in whose custody the records of such unpaid delinquent taxes are kept shall furnish to such delinquent taxpayer or owner a statement of the unpaid delinquent taxes owed by him to such municipal subdivision showing the face amount the penalty if any the interest if any and any costs or other charges in detail against such real property as shown by the records in his custody

Every collector of taxes whose duty it is to send to the respective taxpayers any notice or statement of their annual taxes shall include in each such notice or statement an additional notice of the date when the next installment payment is due under the provisions of this act

Section 6 In order to enable the taxpayer or owner having the right of redemption under a tax sale to receive the full benefits of this act no real property shall be sold for non-payment of taxes before December thirty-first one thousand nine hundred and thirty-eight and any

tax sale shall be adjourned or readjourned or right of redemption extended as often as may be necessary for this purpose If any tax sale is adjourned or readjourned or right of redemption extended after advertisement or sale no additional advertisement or notice shall be necessary for the adjourned or readjourned sale or right of redemption No such adjournment or readjournment or redemption failure to advertise or hold any such tax sale shall invalidate the lien of any tax due and unpaid or sale had subject to redemption but the lien of all such taxes shall be fully preserved during the entire installment period herein provided for if the taxpayer avails himself of the privileges or benefits of this act Provided however That in every case where a taxpayer avails himself of the privileges or benefits of this act the period during which payment of said unpaid delinquent taxes is postponed or continued under this act shall not be included in computing and determining whether or not any right of the tax assessing and levying authority has been barred or lost by reason of the provisions of any statute now existing or hereafter enacted limiting the right of the said tax levying and assessing authorities to file preserve or maintain the lien of the said taxes

Section 7 The provisions of this act are severable and if any of the provisions hereof are held to be unconstitutional the decision shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included herein

Section 8 The act approved the first day of May one thousand nine hundred and thirty-five (Pamphlet Laws one hundred twenty-nine) as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred forty-four) the act approved the fourth day of June one thousand nine hundred and thirty-six (Pamphlet Laws ten) and the act approved the fourteenth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws three hundred two) shall continue in full force and effect as to any and all taxpayers who have taken advantage of and are not in default in the provisions thereof All other acts and parts of acts general local or special inconsistent herewith be and the same are hereby suspended during the time this act shall be in effect

Section 9 Nothing in this act shall be so construed as to prevent any taxpayer who has heretofore taken advantage and accepted the benefits of any of the acts referred to in section eight and who has lost all rights benefits privileges and opportunities under such act from taking advantages and receiving the benefits of this act in the same manner as if such person had never attempted to comply with the provisions of such previous abatement act

An Act abating certain tax penalties innterest and costs on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes prohibiting the sale of real property for the non-payment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL ON THIRD READING

Mr. HERBERT B. COHEN. Mr. Speaker, I ask that House Bill No. 21, Printer's No. 55, on page 2 of today's calendar, be passed over in its order.

The SPEAKER. The gentleman from York, Mr. Cohen, asks that this bill be passed over in its order. Will the House give its unanimous consent? Is there objection?

Mr. LEWIS. Mr. Speaker, I object inasmuch as the bill has been lying and waiting on the calendar for some two weeks.

The SPEAKER. The Chair hears objection and consent is not granted.

Mr. HERBERT B. COHEN. Mr. Speaker, I have several amendments in the course of preparation that I think are essential to the bill and I am asking that the gentleman from Philadelphia withdraw his objection.

Mr. LEWIS. Mr. Speaker, I feel that the gentleman from York, Mr. Cohen, told the same story last week. I feel if there are necessary amendments, they could be made in the Senate, and I continue my objection.

The SPEAKER. The Chair hears objection, and consent is not granted.

BILL POSTPONED

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

On the question,

Will the House agree to the motion?

Mr. LEWIS. Mr. Speaker, at the beginning of this session this bill, more familarly known as the Fireworks Regulation Bill, was introduced in this House. It was introduced because of criticism that had been raised over last Fourth of July's experiences. Many people throughout the Commonwealth were injured as a result of the careless and unregulated use of fireworks. It has been on the calendar, according to the date, for more than three weeks; just lying there. If we continue pursuing this dilatory manner of handling this bill, it will result in this special session, which included in its call a provision for regulation of fireworks and their use in the Commonwealth, ending without their unregulation when this session is complete. Without knowing all the facts, and I don't know what amendments the gentleman from York has in mind, but I believe we should vote on it here and send this bill to the Senate where amendments may be made to it, in order that another Fourth of July may not pass when hundreds of children in the Commonwealth may be injured by the careless and unregulated use of fireworks. I ask that you defeat the motion of the gentleman from York.

Mr. HERBERT B. COHEN. Mr. Speaker, I call the attention of the House to the fact that the emergencies and exigencies that would require House enactment of this type of bill are not present. The effectiveness of this act when passed will only be felt after the Fourth of July of 1939. We are assembled here, and this bill undoubtedly comes within the call, but that does not necessarily mean that it has to be enacted with undue haste and if this House has an opportunity to give it the type of deliberation that it requires the House should not lose this opportunity so to do. I therefore ask the membership to sustain the motion that I made.

Mr. LEWIS. Mr. Speaker, I do not desire to argue the merits or demerits of the bill except to say that there is a necessity for haste in the passage of this bill. The fact is that we must pass this bill inasmuch as in its passage we must provide for the stock of those who are engaged in the manufacture and sale of these fireworks so that they do not begin to spend their money for stock for next season and then cry to the legislature that they have the stock on hand and that we please do not put the bill in effect.

Mr. McDEVITT. Mr. Speaker and members of the House, I don't entirely agree with the gentleman from Philadelphia, Mr. Lewis, or the gentleman from York,

Mr. Cohen. I believe that a bill prohibiting fireworks should be passed at this special session. The gentleman from Philadelphia is entirely correct when he says that we are not doing a big service to the retailers of the state, if we hold up the passage of this legislation until the regular session. We have been told that purchases of fireworks are made in the Fall, and particularly around December and that stocks probably lie around for some six months before the Fourth of July arrives. I do believe, however, it would be a good idea for the bill to go over in order, or rather for the bill to go upon the postponed calendar.

For two very good reasons. First, this bill is not a prohibitive act nor is it a regulatory act. It does not prohibit fire crackers for instance, one of the most dangerous articles used on the Fourth of July, and probably the article resulting in more injuries than any other item that is purchased for the Fourth. Fireworks are simply limited in size. It does not abolish skyrockets, for instance.

Now, with all due respect to the sponsors of the bill, the gentleman from Philadelphia, Mr. Ostroff, has presented a complete set of amendments which would abolish a lot of the objectionable features of this bill. I think if the suggestion of the gentleman from York is offered in good faith, which I am sure it is, that all amendments should be presented without a lot of the rigmarole required to be gone through in taking the bill back to second reading, and that the bill should be put into a form similar to what it was in the beginning, prohibitary and not a regulatory act. For that reason I am going to vote that it be placed upon the postponed calendar, and certainly will not agree that no action be taken on it at this special session.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. LEWIS and Mr. FLANNERY and were as follows:

YEAS—92.

Atkins,	Hetrick,	McDevitt,	Shoemaker,
Baine,	Hindman,	McElroy,	Simon,
Baker,	Hirsch,	McGee,	Smith, John A.,
Bohn,	Holland,	Mellott,	Snyder,
Bois,	Holmes,	Mihm,	Spengler,
Brancato,	Holstrom,	Moomaw,	Stewart,
Broad,	Hontz,	Mooney,	Stockham,
Brown,	Horting,	Moul,	Thompson,
Cadwalader,	Huntley,	Murrin,	Tumelty,
Coolahan,	Imbrie,	Nagel,	Valibus,
Corrigan,	Kane,	O'Connor,	VanAllsburg,
Donohoe,	Keenan,	O'Keefe,	Vogt,
Eckels,	Kelso,	Ominsky,	Wall,
Elpern,	Kilroy,	O'Neill,	Watkins,
Flinchbaugh,	Kroll,	Pershing,	Webster,
Ganser,	Leisey,	Powers,	Welliver,
Gerard,	Levy,	Rothenberger,	Welsh,
Habbyshaw,	Long,	Scanlon,	Westrick,
Haberlen,	Longaker,	Schor,	Whitenight,
Hall,	Lopresti,	Schrock,	Woodside,
Harkins,	Lovett,	Serrill,	Yeakel,
Hays,	Mallen,	Shaw,	Zappala,
Hering,	McDermott,	Shepard,	Furman,

NAYS—73.

Achterman,	DeNote,	Matthews, J. F.	Sarraf,
Alexander,	Dougherty,	McFall,	Shea,
Allmond,	Downey,	McKinney,	Sloan,
Arnold,	Dubbs,	Melchiorre,	Sollenberger,
Aukerman,	Dyson,	Moran,	Sproul,
Bierly,	Falkenstein,	Muir,	Stackpole,
Blank,	Flanagan,	O'Brien,	Strode,
Boltz,	Flannery,	Ostroff,	Terry,
Boose,	Gorski,	Patterson, C. S.,	Tronzo,
Boyer	Hagerty,	Patterson, J. W.,	Trout,
Caesar,	Hamilton, F. P.,	Pearson,	VanSickle,
Caputo,	Harmuth,	Preston,	Wagner,
Chervenak,	Hess,	Readinger,	Walsh,
Coakley,	Jirolanio,	Reese,	Weiss, D. H.,
Cohen, R. E.,	Kline,	Reising,	Weiss, S. A.,
Costanzo,	Lewis,	Robinson,	Wilson,
Davies,	Lyons,	Royer,	Wood,
Decker,	Marino,	Ruffennach,	Wright,
			Yanoshat,

So the question was determined in the affirmative and the motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 63, entitled:

An Act to further amend section four of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 465), entitled "An act to provide for the safety of persons employed, housed, or assembled in certain buildings and structures not in cities of the first class, second class, and second class A, by requiring certain contruction and ways of egress, equipment, and maintenance, providing for the licensing of projectionists; requiring the submission of plans for examination and approval; providing for the promulgation of rules and regulations for the enforcement of this act; providing for the enforcement of this act by the Department of Labor and Industry and, in certain cases, by the chiefs of fire departments in cities of the third class; providing penalties for violations of the provisions of this act; and repealing certain acts," by changing the number of ways of egress required in the case of certain buildings.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—107.

Achterman,	Dougherty,	Long,	Shea,
Alexander,	Downey,	Marino,	Shoemaker,
Allen,	Dubbs,	McDermott,	Siegel,
Allmond,	Dyson,	McElroy,	Simon,
Arnold,	Falkenstein,	McGee,	Smith, John A,
Aukerman,	Finnerty,	Melchiorre,	Spengler,
Baine,	Flanagan,	Mihm,	Tronzo,
Baker,	Gerard,	Mooney,	Tumelty,
Bierly,	Gorski,	Moran,	Valibus,
Blank,	Habbyshaw,	Moul,	VanAllsburg,
Bohn,	Haberlen,	Murrin,	VanSickle,
Bois,	Hagerty,	Nagel,	Wagner,
Boltz,	Hamilton, F. P.,	O'Keefe,	Walsh,
Brancato,	Harkins,	Ominsky,	Weiss, D. H.,
Broad,	Harmuth,	Ostroff,	Weiss, S. A.,
Brown,	Hering,	Pearson,	Welliver,
Caesar,	Hindman,	Pershing,	Welsh,
Caputo,	Hirsch,	Powers,	Whalen,
Coakley,	Holland,	Preston,	Whitenight,
Cohen, H. B.,	Holmes,	Readinger,	Wilson,
Cohen, R. E.,	Holstrom,	Reese,	Winner,
Coleman,	Hontz,	Robinson,	Woodside,
Coolahan,	Horting,	Rothenberger,	Wright,
Corrigan,	Keenan,	Ruffennach,	Yanoshat,
Costanzo,	Kelso,	Sarraf,	Yourishin,
DeNote,	Kilroy,	Scanlon,	Zappala,
Donohoe,	Levy,	Schor,	

NAYS—42.

Atkins,	Imbrie,	McKinney,	Stockham,
Boose,	Kline,	Muir,	Strode,
Boyer	Kroll,	Peale,	Terry,
Cadwalader,	Leisey,	Reising,	Trout,
Chervenak,	Longaker,	Royer,	Wall,
Davies,	Lopresti,	Schrock,	Wampole,
Eckels,	Lovett,	Snyder,	Watkins,

Hall,	Lyons,	Sollenberger,	Webster,
Hays,	Mallen,	Stackpole,	Wood,
Hess,	Matthews, J. F.	Stewart,	Yeakel,
Huntley,	McDevitt,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 24, as follows:

An Act to further amend Section one thousand four hundred and sixteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled: "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by extending the age limit within which certain children engaged in farm work or domestic service may be exempted from complying with the provisions of said act relating to compulsory school attendance

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Section one thousand four hundred and sixteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amened by section five of the act approved the first day of July one thousand nine hundred and thirty-seven (Pamphlet Laws 2560) is hereby further amended to read as follows

Section 1416 The provisions of this act requiring regular attendance shall not apply to any child between the ages of sixteen and eighteen years who is regularly engaged in any useful and lawful employment or service during the time the public schools are in session and who holds an employment certificate issued according to law or who has been examined by an approved mental clinic or by a person certified as a public school psychologist or psychological examiner and has been found to be unable to profit from further school attendance and who has been reported to the board of school directors and excused in accordance with regulations prescribed by the State Council of Education nor shall the said provisions apply to any child between the ages of fifteen and eighteen years engaged in farm work or domestic service in a private home on a permit issued in accordance with regulations which the Superintendent of Public Instruction is hereby authorized to prescribe Provided That such a permit may be issued to any child who is under the age of fifteen (15) years who is at least fourteen (14) years of age and has satisfactorily completed the equivalent of the eighth grade of the public or the private schools if the reason for issuing such a permit to a child under fifteen (15) years of age has first been recommended by the county or district superintendent of schools having supervision of the schools of the district where such child resides or principal of the private school where such child is enrolled and such reason has been approved by the Superintendent of Public Instruction

Section 2 This act shall become effective immediately upon final enactment.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. MARINO. Mr. Speaker, I desire to interrogate the sponsor of the bill.

The SPEAKER. Will the gentleman from Lawrence, Mr. Kelso, permit himself to be interrogated?

Mr. KELSO. I will, Mr. Speaker.

Mr. MARINO. Mr. Speaker, in which direction does this bill extend the age limit within which children may become engaged in farm work?

Mr KELSO. Mr. Speaker, in reply to the question of the gentleman from Washington, I would say that up until the Act of 1937 was passed, the age limit was fourteen years under certain conditions and during the 1937 Session, we raised it to fifteen. The only thing that this bill does is that under certain conditions, with the consent of the district superintendent, these children, having passed the eighth grade, may again leave school at the age of fourteen. I just want to add this much, Mr. Speaker, in reply to that, they can be out at fifteen without any education, but if they get out at fourteen, under this bill, they must pass the eighth grade.

Mr. MARINO. Mr. Speaker and members of the House, I think the principle involved in this bill is very dangerous. It seems as though we are going in the wrong direction. Rather than making for compulsory education for children of sixteen, seventeen and eighteen years of age, we are going back again from the age of fifteen to fourteen years, and I submit to you that if this bill passes whereby all children are going to be exempt from attending school at fourteen years of age, it will act as a deterrent on those who do attend school. I think it is dangerous and I believe that the bill should be defeated at this time. There are ample ways in which an individual that should not be in school, even if that individual is under sixteen years of age, can be exempted from going to school, and that is under proper action by the school authorities in the district. Allowing the principals in all of the districts to exempt school children at the age of fourteen is taking a very dangerous step and I believe the bill should be defeated.

Mr. HOLLAND. Mr. Speaker and members of the House, this bill states that a boy or girl under fifteen years of age, who doesn't reach any grade, any specific grade, may quit school and work on the farm or do domestic work. It also goes further by stating that a boy or girl who has reached the age of fourteen and has finished the eighth grade can go into farming and domestic work. We have for years tried to raise the standard of education. We, in the 1937 Session, raised that standard of education to give the boy or girl on the farm the same opportunity that a boy or girl in the city has. I think it is highly unfair to permit a backward step in education. If we pass this bill, we will permit girls in the cities to go back to domestic work at the age of fourteen, and experience has shown us that girls at the age of fourteen are exploited in domestic work and are given very low salaries. If we permit people who will be selfish enough to exploit these girls at the age of fourteen, it will only be a matter of time until the factories and industries are back here asking us to again give them the privilege of taking children at a low wage into the

factories. In view of this fact, I believe that the members of this House should vote down this bill, because I do not feel that we should have one rule to apply to the farm boy and another rule to apply to the boy in the city because eventually that farm boy reaches the city, and he will be unable to secure employment or to compete with his city brother.

Mr. NAGEL. Mr. Speaker and members of the House, I feel like exploding but I assure you I will not. I feel that it should hardly be necessary for a member of this House to rise in defense of this bill.

For a number of years, the slogan, "Keep the child in school" has become a governmental policy. Our educators in the past have devised all sorts of arguments to favor this slogan. They have even employed mathematics to show the value of one day's schooling to the child. They have gone on the supposition that the average rural worker receives a yearly salary of $800 and that the college trained person receives $4,800. This would give a difference of $4,000 to the college graduate, and on an average of forty years service, it would net him $160,000 for his education. Taking sixteen years for his schooling would amount to perhaps $10,000, which would mean that a day in school to that child would amount to about $50, but since this slogan has started, it appears now that times have changed and we are wondering whether this mathematical calculation still holds true. I believe it was Elbert Hubbard who said, "Put the child to work and put the old man to school." Now, whether this be the right thing or not, I don't know, and I hope that the members of this House will not feel that I am advocating going back to those days of exploitation of our young people in our cotton mills, in our factories, and in our coal mines, but here you have a bill that asks for just a little reduction of perhaps one year in the child's school life in the agricultural districts of our state. I submit this: I think if this matter were taken out to the people in our rural districts, that the rural people would vote for this amendment to our educational law.

We have the argument before us that our educational system has produced a number of educated boys and girls. The fact is today that the boy or girl who does not possess a high school education is a rarity. A quarter of a century ago this was not true, a high school education was not so prevalent and they were satisfied with a lower rate of schooling. The result has been that our educational system, along with producing trained minds, has produced a superior complex that makes the boy or girl who may have this education, feel that they must wear a white collar, and that they are far above soiling their hands working in the earth. As a result, we have a problem before us which makes it difficult for those in the rural districts, those engaged in agriculture, to secure sufficient help to run their farms. I can see no harm resulting from the enactment of this legislation or no precedent that would be injurious or destructive to our educational system. The fact remains that the opportunities for education are open to all these boys and girls if they so choose, whereas if they care to refrain from this schooling, they can take an occupational course on the farm and fit themselves to make themselves useful in this line of work; that is their option. I, therefore, ask the members of this House to support this bill.

Mr. O'CONNOR. Mr. Speaker, ladies and gentlemen of the House, I have a high regard for the opinions of those members of this House who have preceded me and who spoke on this bill, but I wish to call to your attention that it is possibly less than one year since we passed the act raising the age at which employment certificates might be received from fourteen to fifteen. I do not believe that the Commonwealth of Pennsylvania has shown such further advancement in the last year that we would be doing any justice to the people of the rural counties if we passed this bill. It has been, as I said, up until 1937, permissible to grant employment certificates to boys and girls fourteen years of age who had completed the sixth grade. Now, this bill if passed, will bring it back to the age limit of fourteen years, when a boy or girl in a rural community may be granted an employment certificate at that age. The only thing I see wrong with this bill, ladies and gentlemen of the House, is that I believe we are giving those who want this bill a bucket of white blackberries, because under your present requirements, it is usually a mistake for a child to complete the eighth grade before he reaches the age of fourteen, and therefore I believe that was a mistake. Our country grew and prospered when we were, in our rural districts, issuing these employment certificates to children that reached the age of fourteen and I therefore urge the members of his House to vote for this bill to give to the people of the rural counties the advantage of using their own children, to which they are rightfully entitled.

Mr. KELSO. Mr. Speaker, I had not intended to occupy the floor in defense of this bill, but on account of the remarks of Mr. Holland, I think it is necessary for me to make this statement: This bill, in no way, would allow children to enter the factory under the intent of the law. The intent of his legislation is that only those children in agricultural pursuits or perhaps where needed in the home would be affected. I have been on boards where a few of these certificates were issued, and it never does anybody any harm. As far as these boys and girls in the country are concerned, let me say just this, so that you will not get the wrong interpretation: I am in favor of advanced education, but in this case we have boys and girls who do not want to go to school, and this bill only requires them to pass the eighth grade, and then they may be exempted at fourteen, so that they may work either on the farm or in their own homes in domestic service.

Mr. ALEXANDER. Mr. Speaker and members of the House, it has not been customary for me to do anything other than to advance education in Pennsylvania. I have voted for many measures for the advancement of education, as my record will show. I am here tonight representing a rural county in which the labor situation is rather difficult, especially on the farm. We have in my particular district a condition existing where three or four farmers have to get together in order to put out and harvest their crops due to a lack of labor. This bill in no way affects those children or young people who might become employed in industry.

The basis of education, to my mind, lies entirely in the hands of the parents; very much of a young person's education depends upon what the parents really want that boy or girl to become. I can see no reason really why, when a young man wishes to return to the farm work and secure for himself an education along that particular line, where he has a definite program worked out on agricultural work, that we should hinder the parents from

having the use of that young man back home on the farm. Too many of our people are going out of the higher schools of learning without jobs. We have very few young people who go back to the farm and there learn to farm and conduct the farm in a progressive manner, they are without jobs when the time comes for them to go into active work.

Along this line I am reminded of a story which I believe will show to some of the members here the exact meaning as to the stand which I am taking, and you and your locality, whether you be from the city or the rural districts will realize that it is true in many instances. A young man one time applied for the janitorship in a church and the board, in acting upon his application, told him that they believed he did not have the proper educational qualities to carry on this job. He, being a permanent young man in the community, they did not want to hurt his feelings, so they gave him a horse and wagon and told him that they believed he could do good with this piece of equipment. A few years later the young man returned to his home town and had quite a large amount of money to deposit in the local bank, and when he took the money into the bank the cashier said, "We are very glad to receive your deposit. If you will just sign here, we will be glad to enter this money in your account." The young man said, he was very sorry but he couldn't write, but that he would make his mark. So, he made his mark and after he was through the cashier looked at him and said: "For a man who cannot write and possibly cannot read, to be able to deposit such a large sum of money, what in the world would you have done if you had a really good education?" He said, "I would have been a church janitor if I would received that education." Now, I really appeal here to the members, whether you are from the rural districts or from the city, that you give this your vote of approval, because, as Mr. Nagel has stated, if this were given to the rural Pennsylvania people to vote on, they would surely vote in favor of it. I earnestly solicit your vote in behalf of these people, who really need their young people at home to help to carry on a great industry, which is the farming game in our particular localities and the rural districts of Pennsylvania. I again ask that you give us your support by voting for this bill.

Mr. JIROLANIO. Mr. Speaker and members of the House, after having listened to these wonderful discussions by various members of this House I could no longer remain quiet in my seat.

I am rather surprised to hear a speaker say, in one breath, that he is for the advancement of education, and in another to say in this particular respect he is willing to lower the bars of education. You must bear in mind that the question of educating a child is not to be determined by the rural districts nor by the metropolitan districts but is only to be determined by the Commonwealth of Pennsylvania. How can you very well say that at the age of fourteen, a child who has completed the eighth grade be given the privilege of working on a farm or a domestic job. As my good friend, Mr. Simon has told me, in the County of Clinton, a school district saw fit to place in the curriculum of one of the high schools a course in agriculture. I say to you ladies and gentlemen of the House, you are interested in making better farmers. If you are interested in having persons who work in the soil, know what the soil is, how it is to be worked, then give to the individual a course that will teach him how to work it. Send him away to school and give him a complete education in agriculture, advance our citizens. Oh yes, this country, many years ago, had the horse and wagon. Today they no longer have that. They have the automobile, the areoplane and streamlined cars. Are we going to say that we are going to discard these conveniences and go back to the horse and wagon? Are we going to say that? We must have progress go on. If you would listen to the gentlemen in favor of this bill they would say to you: discard these advances, discard these advantages and place the poor unfortunate child into servitude at the age of fourteen in order to become a slave; a slave to the ground.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—64.

Alexander,	Haberlen,	Mellott,	Smith, John A.,
Allen,	Hall,	Moomaw,	Sollenberger,
Arnold,	Hamilton, F. P.,	Muir,	Sproul,
Boose,	Hays,	Murrin,	Stackpole,
Boyer,	Hering,	O'Connor,	Stewart,
Bradley,	Hetrick,	Ominsky,	Trout,
Cadwalader,	Hirsch,	Patterson, C. S.,	Van Allsburg,
Caesar,	Holstrom,	Peale,	Wall,
DeNote,	Horting,	Pearson,	Webster,
Downey,	Kelso,	Preston,	Westrick,
Dyson,	Kroll,	Reese,	Whitenight,
Eckels,	Leisey,	Rothenberger,	Wilson,
Fiss,	Longaker,	Royer,	Winner,
Flinchbaugh,	Lopresti,	Schrock,	Wood,
Gillette,	Lovett,	Serrill,	Woodside,
Habbyshaw,	Mallen,	Shoemaker,	

NAYS—105.

Achterman,	Falkenstein,	McDermott,	Shea,
Allmond,	Finnerty,	McDevitt,	Shepard,
Atkins,	Flanagan,	McElroy,	Siegel,
Aukerman,	Flannery,	McFall,	Simon,
Baine,	Ganser,	McGee,	Sloan,
Baker,	Gerard,	McKinney,	Snyder,
Bierly,	Gorski,	Mihm,	Spengler,
Blank,	Hagerty,	Mooney,	Stank,
Bohn,	Harkins,	Moran,	Stockham,
Boles,	Harmuth,	Moul,	Terry,
Boltz,	Hess,	O'Brien,	Tronzo,
Brancato,	Hindman,	O'Keefe,	Tumelty,
Broad,	Holland,	O'Neill,	Valibus,
Brown,	Holmes,	Ostroff,	Van Sickle,
Burrows,	Hontz,	Patterson, J. W.,	Wagner,
Caputo,	Huntley,	Pershing,	Walsh,
Coakley,	Imbrie,	Powers,	Watkins,
Cohen, R. E.,	Jirolanio,	Readinger,	Weiss, D. H.,
Coolahan,	Keenan,	Reising,	Weiss, S. A.,
Corrigan,	Kilroy,	Robinson,	Welliver,
Costanzo,	Kline,	Ruffennach,	Welsh,
Davies,	Levy,	Rush,	Wright,
Decker,	Long,	Sarraf,	Yanoshat,
Donohoe,	Lyons,	Scanlon,	Yeakel,
Dougherty,	Marino,	Schor,	Yourishin,
Dubbs,	Matthews, J. F.,	Shaw,	Zappala,
Elpern,			Furman.

Less than the majority required by the Constitution voted in the affirmative, the question was determined in the negative and the bill falls.

BILL ON THIRD READING

Mrs. HORTING. Mr. Speaker, I desire to call up at this time House Bill No. 52, Printer's No. 39, on page 4 of today's calendar, bill on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mrs. HORTING,

The House resumed the consideration on third reading of House Bill No. 52, entitled:

An Act to amend section one hundred and seventeen, as amended, and section two hundred and six, of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing an additional method for creating independent school districts, and the appointment of school directors therein.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. BOIES. Mr. Speaker and members of the House, I know the hour is late and I do not intend to take up much time but I consider this bill a very dangerous bill.

The Democratic members of this House have been accused many times of passing bills without giving them due consideration. In the hurry and urgent necessity of some necessary reforms, we have been guilty of that in some respects, but I can see no reason for passing this bill without giving it much further consideration. This is a bill that would allow the Governor of the State of Pennsylvania to create an independent school district, whenever the voters in that particular voting district saw fit if at any time in the future this Commonwealth should be so unfortunate as to have a politically minded Governor in the Chair. Now, if we are so unfortunate, it would be possible for some industry, and I have in mind a township in my own district where that would be possible, to influence the vote in that particular voting district and have an independent school district created which would take out of the taxes of the township a large sum of money. In one township that I have in mind, there is a plant with an assessed valuation, I believe, something like $40,000,000. Under the provisions of this bill, it would be possible to start an independent school district and take that tax revenue from the township ino a district of less than 250 voters at present. I believe that we are setting a very dangerous precedent, if we do anything like this, and I have heard no reason advanced for the passage of this bill, except that it is advocating and sponsoring a particular religious group.

Another statement was made that the Governor has promised this aid to this religious group. Now ladies and gentlemen of the House, I submit to you that the Governor, if he took such action, without consulting the members of the House, it is regrettable and unfortunate. but I might say it is not unprecedented and I do not believe that the members of the House would be governed by any such action. I ask you, in consideration of the state as a whole, to consider this bill as special class legislation and vote it down.

Mrs. HORTING. Mr. Speaker and members of the House, I am somewhat surprised to hear that we are considering action on this bill with too much haste. Last Monday I was accused of passing over the bill. In numerous occasions for the past three weeks it has been on the calendar, and I repeatedly passed it over with the idea in mind that the members of the House would have plenty of time to give it due consideration.

The statement has been made by Representative Boies that this bill is class legislation. It is true that a special group or sect, as is evidenced in the Halls and floor of the House, are interested in this bill. They only represent forty per cent of the eighty-seven per cent of the taxpayers in a particular district of my county who are interested in this bill. I would like to call your attention to a statement that appeared in the current issue of "State Government," "In the ordering of public as of private affairs there is a legitimate place for wisdom and judgment, and even where there are hidden or imperfectly understood forces and agencies for speculation and chance . . ."

I submit to you as I rise in defense of this Amish group that are resident in Lancaster, we have here perhaps an agency whom the representative from the far corners of the state do not understand or at least that imperfectly understand that force.

I am asking you tonight to give this group a chance. There are many in Lancaster. Yes, in the days of William Penn, they looked at Lancaster County and they saw there a haven, where they might stop and live close to mother earth and close to their God.

I understand probably you are not familiar with their practices or belief, but I ask you tonight, to give these people a chance. In Lancaster County in that particular district in 1931 the taxpayers were asked to vote upon a bond issue of $140,000 for a consolidated school. That bond issue was defeated by a vote of almost five to one showing that they were opposed to consolidation. Recently without consent of the taxpayers, money was secured through P. W. A. funds and a school was built. Eighty-seven per cent of the taxpayers hired counsel and went to court in an effort to stop the building of the school. They were refused a hearing. If they were refused a hearing at that time, it is certainly not likely that they would be granted permission to set up an independent school now by that same court, and for that reason it seems expedient to appeal to some other source than the court in our particular county. That is why the bill has been so drawn, asking that the Governor be given the right upon a petition by the majority of the taxpayers to set up an independent school district.

I would also like to call your attention to the fact that on Page 3 of the bill it is provided that if we should have such a Governor who was politically minded, it is definitely stated that the rest of the petition shall also be passed upon by the Superintendent of Public Instruction. I solicit your support for this bill.

Mr. HARKINS. Mr. Speaker and members of the House, I rise to oppose this bill because in my opinion this bill takes away a power and a duty which can better be fulfilled by the courts than it can be fulfilled by an administrative officer, such as the Governor. I too represent the same district that Dr. Boies represents, and the circumstances which he has outlined for the consideration of this House would make it very regrettable, not only in our own particular legislative district, but in most all of the communities surrounding the Monongahela and Allegheny valleys. These communities are industrial cities with steel plants and industrial plants located very close to the river's edge, and extend backwards in very narrow segregated districts. Any industry which

controls through the renting of properties adjacent to their mills and industries, the vote or the will of the particular residents nearby could very easily, under the terms of this bill, interfere with the fiscal administration of any of the school districts in that particular region. As a matter of fact, a school district of the city of Pittsburgh could very easily, by the terms of this bill, be established and an independent school district created, if such a Governor should sit in the chair up here in Harrisburg and grant the petition of the majority of the qualified electors in the particular district, asking to be made an independent school district. I say to you that the downtown section of the city of Pittsburgh, with all its huge buildings, could very easily be transformed, with very few streets, or with very few registered electors signing the petition, and being brought up here to Harrisburg, to the Governor, he could very easily create an independent school district. It does not answer the question to say that this may not happen or probably will never happen. We are legislating up here for all of the people in Pennsylvania and not for any particular group of people, regardless of how good the intention or how well those people may be thought of. It matters not that this particular group of people are asking for this special exemption, because while the bill may be constitutional in form, its effect in this case really is an example of assistance being promised where assistance should not be, because it interferes with the orderly administration of the law and it interferes with the application of the law to all people alike. I merely wish to say that this bill if passed would change the law in the organization of school districts and would place the creation of the new school districts at the whim of any particular person who should happen to become Governor.

The real issue here is whether or not all the people of Pennsylvania are going to be governed by the same law or whether we are going to have another example of special legislation passed for a special or particular group. I want to emphasize that none of the men I have talked to who intended to vote against this bill, are doing so out of a spirit of malice and they do not want to prevent any particular group from practicing their own particular religion, but it does seem to me when the benefit of one particular group must give away to the benefit of all the people of the Commonwealth, then we should pass on that benefit to all the people of the Commonwealth and not only that particular group. So, therefore, I ask the members of the House to vote against this bill.

Mr. JOHN A. SMITH. Mr. Speaker and members of the House, there is very much at stake in the principles of government that are the foundation of this bill, the foundation of American independence, and that is to worship as one sees fit. That is really the foundation of this bill. If you look ahead of you and see the picture of William Penn, who is making his treaty with the Indians, you will find a man of peculiar religious sect. He came to Pennsylvania in order that he might set aside the civilization of Europe and present a haven here for people who wanted to live in their own peculiar methods of religion. I am for the consolidation of schools. In my own district no one worked harder for the consolidation of schools than I did. It is not a question of whether we are for or against the consolidation of schools, but it is a question of whether or not the people shall have the right to believe and worship as they see fit, upon that basic law and upon that basic theory of the right of people to worship as they see fit. We must preserve that right for these people. We may speak as we please, ladies and gentleman of the House, about the effects of education and the effects of civilization, but our European critics are sometimes right when they say that the Americans are a wasteful race. If you move from the Atlantic towards the Pacific and follow that path which the poet had in mind, when he said, "Westward the course of empire takes its way," you will find that in the wake of that progress from east to west there has been ruthless destruction and exploitation and waste. Forests have been cut away, great national resources of the nation have been destroyed, and civilization has advanced to the place where the dust storms of the past have taught us that our civilization has a mythical name, and there is something wrong with our wasteful methods.

This last Friday I had occasion to visit Lancaster county. I had with me a Cumberland county farmer, a well known authority on farming and farming methods, a man who has been selected as one of the foremost editors of one of the foremost farm papers in Pennsylvania, as a master in his vocation, and we moved along from farm to farm and we could not but help admire the beauty of that scenic country, the beautiful farm homes in Lancaster county. We have in Lancaster county these Amish people who settled there over three hundred years ago. They do not have ruthless waste there. They have conservation in those parts, and also the people of Lancaster county cut their homes out of the primeval forests three hundred years ago. Today they have preserved that land so that it is in better condition now than at the time it was found. Contrast these people with the agricultural areas of the great West, where the soil has been exploited. These people have preserved an economic system and they have devised a system of education better than our own educational scheme. Throughout the country, in the CCC camps we have found a number of college and university men who could not make their own living but had to depend upon the Government, so that they might sustain themselves. We have no problem like that among the Amish people of Lancaster county. There is no such a problem there. There is no such a thing as asking the Government for aid, but they preserve themselves in their own peculiar system.

You Sons of Abraham must remember that when your forefathers were carried off into Babylonian captivity that they resisted the civilization of the Assyrians and the Babylonians. You must remember Hadrach, Mesach and Abednago. Your Great Daniel preserved for posterity the Mosaic law and the traditions of the Hebrew race. Will you remind yourselves that our civilization and our christianity owe a great deal to the fact that these people presented themselves, and after years of Babylonian captivity, fought to preserve the right of practicing their own religion. Here we have the same type of that peculiar people, following the traditions of their religion and insisting upon the rights of their religion. As the poet said:

"Ill fares the land to hastening ills a prey,
"Where wealth accumulates and men decay,
"Princes and lords may flourish or may fade,
"A breath can make them as a breath hath made,
"But the bold peasantry, the country's pride,
"When once destroyed, can never be supplied."

I think we should be in favor of this bill, if we are going to follow the traditions of William Penn, the traditions which William Penn has founded, if we are going to carry forward in the spirit of William Penn and in the spirit of tolerance, that will preserve for posterity this great race of people who have shown that they can live by their hands.

Mr. JIROLANIO. Mr. Speaker and members of the House, I want to thank you for your generous applause before I start. Members of the House, I do not appear before you in the spirit of sympathy, neither do I ask anybody to vote in the spirit of sympathy, but I rise and speak on this bill as my conscience desires me to speak.

I rise to oppose this bill on several grounds and several reasons. As I look to my right and see the picture of Independence Hall, there are memories which come to my mind, and when I look at the signers of the Constitution of the United States, and when I look at that honored document, we know that under that document the system of American Government is divided into three branches, that is the Legislative, the Judicial and the Executive. As I look upon this bill today there is only one thing that this bill does, that is that it gives to the Governor of the State of Pennsylvania the right to create a new school district.

Members of the House, I ask each one of you to look into this bill and ask yourselves this question, whether or not the people in any district of the state of Pennsylvania can rightfully come before a court and ask for a district to be set up. I say to you and I asy to the lady from Lancaster, I believe that Lancaster county has been one of the foremost counties in the state of Pennsylvania, and I believe that the Judges of the county of Lancaster are honorable gentlemen, I think that the judges are wonderful men and good citizens of that county, but up to the present time no petition has been presented to the Lancaster County Courts asking for an organization of a particular school district. Ladies and gentlemen, no one would know better the problems of Lancaster county than the judges of that county, who have been born, who have been raised and reared there, and I say to you, members of the House, that this bill today is asking the Legislature to do something which no one else has ever asked. I say to you, ladies and gentlemen, if you give to the Governor of Pennsylvania the right to create a new school district, let us assume he would create such a new district, what right of appeal would a group in opposition to such a thing have? None whatsoever. But, let us in the same manner and in the same way, assume that these people presented a petition to the Lancaster County Court, and the opinion of that court was against it, what right of appeal would they have? They would have the right to appeal to a higher court to determine whether or not the lower court was wrong or right in passing upon the various questions. Are you going to give into the hands of the Executive of this state the power not only to be an Executive but also the power to pass upon legislation judicially at the same time? That is against the principles of American Government; that is against the principles of the man, William Penn, who is represented in the picture to my right. William Penn wished to have the same form of government in the Commonwealth of Pennsylvania as we have in the United States, and this is to divide the Government into three forms or branches, which I have already mentioned. Therefore, I say to you, to allow a bill like this to pass would be to put upon the statute books the most vicious piece of legislation that has ever been created.

Mr. BROWN. Mr. Speaker, I would like to interrogate the lady from Lancaster, Mrs. Horting.

The SPEAKER. Will the lady from Lancaster, Mrs. Horting, permit herself to be interrogated?

Mrs. HORTING. I will, Mr. Speaker.

Mr. BROWN. Mr. Speaker, I should like to ask the lady from Lancaster, Mrs. Horting, if it is not possible under this bill that a majority of the taxable inhabitants who wish to set up a school district, could petition the courts and be turned down, and then petition the Governor?

Mrs. HORTING. Mr. Speaker, it is not my understanding that it is necessary to be refused by the court before they appeal to the Governor. They may appeal to the court or to the Governor.

Mr. BROWN. Mr. Speaker, my question is, if they appeal first to the courts and then are turned down, may they not then also appeal to the Governor on the same matter?

Mrs. HORTING. Yes, Mr. Speaker, that is right.

Mr. BROWN. Mr. Speaker and members of the House, I am opposed to this bill, and my objection to the bill is based on the fact that we are setting up a dangerous principle to bring in conflict the various departments of our Government,—one thing is certainly true we found that out in this special session. Certainly we ought not do anything that in any way might lend any kind of service to a conflict between the three branches of our Government.

It is inconceivable to me, whatever may be the merits of the bill, so far as William Penn might be concerned or the children of Abraham might be concerned and so forth, but it seems to me that if we are going to pass an act whereby we can bring right in a conflict of government, the same thing we are suffering from in this special session, we ought to go mighty slow. What I mean by that is very simple. If our Government is to exist, it must exist because we have a division of authority. In this bill we place authority either in the hands of the Governor or in the hands of the court on the same subject matter, and it seems to me that is a very, very dangerous precedent and the bill ought to be defeated. I am not so sure that the substance of the bill could not be worked out by the Executive. I am not so sure it could not be worked out by the Legislature. I am not so sure that the courts should have the right to set up a district. I think it should be resident in one department, and not ask the Legislature to pass something that will bring into conflict our fundamental branches of Government, which should be kept separate and distinct.

Mr. ALEXANDER. Mr. Speaker and members of the House, I say to you that we rural members seem to be having an awful battle tonight to get anything accomplished. We have heard all sorts of arguments for and against the bill. The thing that I cannot understand is this, that when this bill is branded as special legislation, and establishing a bad precedent, it has been so prevalent in my mind since becoming a member of this House, that some time or other in previous Administrations precedent seemed to be in vogue everywhere, in other words,

special privilege semed to run at times rampant in this Legislature. I cannot see that this is throwing any definite responsibility on the Governor, and when we say that we are giving him some privilege that at a later date may cause a certain school district to be set up by the Executive, we must remember this fact, that the Governor is elected by the people of the state of Pennsylvania. The people of Pennsylvania also elected us, also elected the Senate of this Assembly. They argue about various branches of the government having the privilege of doing certain things. They have as much right to ask the Legislature as they have to ask the Governor, as well as to ask the courts, and I can't see where we would be doing anything that would be esablishing a bad precedent because of the fact that they do have the opportunity under an original bill which gives the courts the opportunity to set up a special school district. If we should vote "no" on this bill after listening to the able argument advanced by the gentleman from Allegheny, Mr. Brown, we would be voting "no" because in their particular instance by their own statements, they say that a certain industry established in their own community would find themselves available to set up a special school district. This is not only possible at this time, but it has been possible under previous legislation when the courts were given this privilege by the Assembly, to grant a special school district. Now, when we think of the fairness of this bill, I notice that the bill also states that the people for whom the special school district is established, that they will accept their responsibility for their share of the bonded indebtedness of that community, to pay their equal amount in regards to the settlement of the bonded indebtedness. We are being only fair in our present request at this time. This also should be given some thought by those in this House who represent local government. This is another case where the people of Pennsylvania are coming forth and asking something in a local nature,—a local government. Those who advocate it should support this measure because it is coming back to a position which the local government rightfully holds in that it may request of this Legislature certain measures pertaining to its interests. I feel that this has been accused of being a religious bill. It is not that at all. It was explained by the lady from Lancaster, Mrs. Horting. These people who are consistent in their methods of living are asking for the privilege of establishing their schools and operating them as they would have them operated. I ask the members of the House at this time from the rural districts to give these people a break and vote for this measure.

Mr. KILROY. Mr. Speaker and member of the House, I had no intention to get into this debate. We from Philadelphia have no interest whatsoever in this bill, but after hearing the statement of the gentleman from Allegheny, Mr. Harkins, that he represented all the people, I say I do not agree with him. I believe that our Constitution guarantees religious fredom, and I ask the members from Philadelphia to vote "aye" on this bill.

Mr. JOHN A. SMITH. Mr. Speaker and members of the House, I do not believe that we ought to pass over the occasion of trying to make a comparison between the theories that have been advanced so very ably by the gentleman from Allegheny, Mr. Brown, in which he wants to preserve the integrity of the distinct branches of our Constitutional Government. I think that that is necessary, but I think vastly more is necessary under our system of civilization, because I feel that if this bill or any bills that are advanced for this purpose, basically in this Government of ours, we ought to preserve the integrity of the Lutheran, the Presbyterian, the Baptist or the Hebrew, or the Roman Catholic or the Amish. I say to you that my conscience cries out to me to preserve that integrity of faith and I ask you to place above these local considerations these considerations of conscience.

On the question, recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—62.

Alexander,	Falkenstein,	Kilroy,	Reese,
Allen,	Flanagan,	Levy,	Reising,
Baine,	Ganser,	Lovett	Rothenberger,
Blank,	Gorski,	Marino,	Ruffennach,
Boltz,	Hagerty,	McGee,	Rush,
Brancato,	Hamilton, F. P.,	Melchiorre,	Sarraf,
Broad,	Harmuth,	Mellott,	Schor,
Caesar,	Hays,	Moomaw,	Shea,
Cohen, H. B.,	Hering,	Moul,	Smith, John A.,
Cohen, R. E.,	Hess,	Murrin,	Spengler,
Corrigan,	Hetrick,	Ominsky,	Valibus,
Costanzo,	Hirsch,	O'Neill,	Walsh,
Decker,	Holstrom,	Ostroff,	Welliver,
DeNote,	Hontz,	Preston,	Westrick,
Dubbs,	Horting,	Readinger,	Furman,
Dyson,	Kelso,		

NAYS—99.

Achterman,	Gillette,	Moran,	Stewart,
Allmond,	Habbyshaw,	Muir,	Stockham,
Arnold,	Haberlen,	Nagel,	Strode,
Atkins,	Hall,	O'Connor,	Terry,
Aukerman,	Harkins,	O'Keefe,	Thompson,
Baker,	Hindman,	Patterson, C. S.,	Tronzo,
Bierly,	Holland,	Patterson, J. W.,	Trout,
Boles,	Holmes,	Peale,	Tumelty,
Boose,	Huntley,	Pearson,	Van Allsburg,
Boyer,	Jirolanio,	Pershing,	Van Sickle,
Bradley,	Keenan,	Powers,	Wagner,
Brown,	Kline,	Royer,	Wall,
Cadwalader,	Leisey,	Scanlon,	Watkins,
Chervenak,	Long,	Schrock,	Webster,
Coakley,	Longaker,	Serrill,	Weiss, D. H.,
Coleman,	Lopresti,	Shaw,	Welsh,
Coolahan,	Lyons,	Shepard,	Whitenight,
Davies,	Mallen,	Shoemaker,	Wilson,
Donohoe,	Matthews, J. F.	Siegel,	Winner,
Dougherty,	McDermott,	Simon,	Wood,
Eckels,	McElroy,	Sloan,	Woodside,
Elpern,	McFall,	Snyder,	Yanoshat,
Fiss,	McKinney,	Sproul,	Yeakel,
Flannery,	Mihm,	Stackpole,	Zappala,
Gerard,	Mooney,	Stank,	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

RESOLUTION No. 16

Mr. SIMON. Mr. Speaker, I desire to call up at this time Resolution No. 16, Printer's No. 62.

The resolution was read by the Clerk as follows:

In the House of Representatives, September 13, 1938.

Errors occur in printing pink bills and are repeated in subsequent printings.

Errors may creep in at the time of any reprinting, and reprinting is sometimes necessary solely for the purpose of correcting error.

The number of reprints can be reduced greatly, and a very substantial saving made in the cost of legislative printing, by an orderly procedure in inserting amendments and in reading bills for typographical and other

errors, and by fixing the responsibility therefor in one place.

The time of members of both Houses can be conserved by reducing the number of times bills appear upon the Calendar for consideration on the floor; therefore be it

Resolved (if the Senate concur), That the preparation of copy for all bills reported by committees and the preparation of copy for all amended bills be made a function of the Legislative Reerence Bureau; and be it further

Resolved, That the Legislative Reference Bureau read for errors all pink and white bills as delivered by the printer, assuring correction of errors on subsequent reprint if one is made necessary by amendment in either House, and obtaining a correct reprint from the printer, without charge to the Commonwealth, if the bill is not amended.

Resolved, That the Legislative Reference Bureau be given the authority and the necessary funds to augment the force of the Bureau to the extent required to properly discharge these responsibilities.

On the question,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTION

SYMPATHY EXTENDED

Mr. WELLIVER offered a resolution which was twice read, considered and unanimously adopted as follows:

In the House of Representatives, October 10, 1938.

Whereas, On October 3, 1938, the bugle of death was sounded for Thomas Yerg, a former Member of this House from Washingtonville, Montour County; and

Whereas, The Honorable Thomas Yerg served in the House of Representatives during the Sessions of 1927 and 1929; and

Whereas, After completing his education he spent five years in general farm work and then entered the business of barbering. Some time later he entered into the mercantile business, conducting a men's clothing and furnishing store, in which business he continued to be engaged for many, many years. In addition to his having been a member of this House for two terms, he served two terms as Burgess of Washingtonville Borough, two terms as borough councilman, and one term as school director; therefore be it

Resolved, That the Members of this House extend their sympathy to the family of the Honorable Thomas Yerg, and hereby directs the Chief Clerk of this House to send a copy of this resolution, duly engrossed, to the members of the family of the deceased.

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 40. (HOUSE BILL No. 88.)

An Act to amend sections one hundred eight five hundred six five hundred seven eight hundred thirteen eight hundred fourteen and one thousand one hundred thirty-three of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by providing for the merger of certain school districts with other districts redefining indebtedness of school districts empowering the county boards of school directors to employ an attorney and fix his compensation increasing the salaries of members of the county board of school directors and providing for limitations on the appointment of district superintendents.

Referred to the Committee on Education.

COMMITTEE MEETING

The sub-committee of the Committee on Welfare will meet tomorrow at 11:00 a. m. in the Chief Clerk's Office.

The Committee on Education will meet tomorrow at 10:00 a. m. in the Conference Room.

The Committee on Mines and Mining will hold a continued public hearing on House Bills Nos. 43, 44, 45 and 46 tomorrow at 1:00 p. m. in the Senate Caucus Room.

ADJOURNMENT

Mr. YANOSHAT. Mr. Speaker, I move that this House do now adjourn until tomorrow at 11:00 a. m.

The motion was agreed to, and (at 12:18 a. m.) the House adjourned until Tuesday, October 11, 1938, at 11:00 a. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1938

Vol. 22 HARRISBURG, PA., TUESDAY, OCTOBER 11, 1938. No. 25.

SENATE

TUESDAY, OCTOBER 11, 1938.

The Senate met at 11:00 o'clock A. M.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, LL.D., offered the following prayer:

Praise waiteth for Thee, O God, Thou that heareth prayer for Thy power and Thy glory may be manifest in the temples of state, even as in the sanctuary.

Be merciful unto us, and bless us; and cause Thy face to shine upon us, that Thy way may be known upon the earth, Thy saving health among all nations. Help us to bring to our tasks an honest purpose, a dangerous courage for the truth; to render unto Caesar the things that are Caesar's for things of Caesar's are Thine. In the urgency of events and transactions, may we possess our mind in peace ever portraying bigness, rather than bigotry, happy in what we give, rather than in what we get, ever remembering that service is the divine measure of greatness.

Bless us with a godly jealousy for the wealth and happiness of our people; a contentment with what we have; a holy discontent for what we are. We ask it in His name. Amen.

JOURNAL APPROVED

The PRESIDENT—A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. RICE, the further reading was dispensed with, and the Journal was approved.

PETITIONS AND REMONSTRANCES

The PRESIDENT, the Chair directs receipts be noted in the Journal of the following petitions:

Petition of Joseph Reid Gas Engine Company opposing any fuel oil tax.

Petition of Town Council of Ridgway opposing compulsory abatement of penalty and interest on taxes.

Petitions of Special Session from Washington County, C. E., Officers, Executive Council of Pittsburgh Chapter No. 4 of Federation of Architects, Engineers, Chemists and Technicians, C. I. O; of Legislature Council of Western Pennsylvania; of Citizens of Borough of Kane; of State Board of J. O. U. A. M.

Petition of United Mine Workers of America, Local 6796 on amending Compensation Act.

Petition of Mt. Carmel Borough relative to Anthracite industry.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations.

MEMBER STATE BOARD OF PUBLIC ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, October 11, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

Joseph N. Garson, Philadelphia, Philadelphia County, for appointment as a member of the State Board of Public Assistance, until the third Tuesday of January, 1942, and until his successor shall have been appointed and qualified, vice Joseph K. Willing, deceased.

GEORGE H. EARLE.

COMMUNICATION FROM THE GOVERNOR

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVAL OF SENATE BILLS NO. 27 AND NO. 29

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, October 11, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

Senate Bill No. 27, Printer's No. 25, entitled "An Act To amend Section two of the act approved the eleventh day of April one thousand nine hundred twenty-nine (Pamphlet Laws four hundred eighty-seven) entitled 'An act authorizing the Department of Welfare to determine the legal residence of indigent insane feeble-minded and epileptic persons returned to this Commonwealth by the authorities of another State or transferred from one poor district to another by the department and requiring the proper district to pay the costs of the care and treatment of such persons in accordance with the laws relating to indigent insane persons' by relieving poor districts of

certain costs and placing such costs on the Commonwealth."

Senate Bill No. 29, Printer's No. 45, entitled "An Act To amend the act approved the eleventh day of July one thousand nine hundred twenty-three (Pamphlet Laws nine hundred ninety-eight) entitled 'An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties' as amended by further defining and limiting the institutions in which persons mentally ill may receive care and treatment relieving counties and poor districts of the payment of the cost of the admission care and discharge of mental patients with certain exceptions imposing such costs on the Commonwealth and repealing inconsistent laws."

GEORGE H. EARLE.

TIME OF NEXT MEETING

Mr. RICE, offered the following resolution, which was twice read, considered and agreed to:

In the Senate, October 11, 1938.

Resolved (if the House of Representatives concur) That when the Senate adjourns this week it reconvene on Monday evening, October 17, at 9 o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, October 17, at 9 o'clock.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

HOUSE MESSAGES

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bill of the House, as follows:

House Bill No. 63, (Senate Bill No. 62), entitled:

An Act to further amend Section four of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 465), entitled "Fire safety building regulation law" by changing the number of ways of egress required in the case of certain buildings.

Which was committed to the Committee on Labor and Industry.

RESOLUTION TRANSFERRING LEGISLATIVE DUTIES

He also presented extract from the Journal of the House of Representatives which was twice read as follows and referred to the Committee on Rules:

In the House of Representatives, September 13, 1938.

Errors occur in printing pink bills and are repeated in subsequent printings.

Errors may creep in at the time of any reprinting, and reprinting is sometimes necessary solely for the purpose of correcting errors.

The number of reprints can be reduced greatly, and a very substantial saving made in the cost of legislative printing, by an orderly procedure in inserting amendments and in reading bills for typographical and other errors, and by fixing the responsibility therefor in one place.

The time of members of both Houses can be conserved by reducing the number of times bills appear upon the Calendar for consideration on the floor; therefore be it

Resolved (if the Senate concur), That the preparation of copy for all bills reported by committees and the preparation of copy for all amended bills be made a function of the Legislative Reference Bureau; and be it further

Resolved, That the Legislative Reference Bureau read for errors all pink and white bills as delivered by the printer, assuring correction of errors on subsequent reprint if one is made necessary by amendment in either House, and obtaining a correct reprint from the printer, without charge to the Commonwealth, if the bill is not amended.

Resolved, That the Legislative Reference Bureau be given the authority and the necessary funds to augment the force of the Bureau to the extent required to properly discharge these responsibilities.

The PRESIDENT. We will now proceed with the consideration of the Calendar.

BILLS OVER IN ORDER

Mr. RICE. Mr. President, I ask unanimous consent that Senate Bill No. 56, on third reading entitled:

An Act creating a joint legislative commission to study and report on the structure of insurance rates for workmen's compensation and making an appropriation

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

He also asked unanimous consent that Senate Bill No. 59, (House Bill No. 66) on third reading, entitled:

A Supplement to the act approved the second day of July one thousand nine hundred thirty-seven (Appropriation Acts page seventy-four) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" providing for deficiencies in certain appropriations to the Department of Justice for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 60, as follows:

An Act to amend Section two of the act approved the twelfth day of August one thousand nine hundred and thirty-eight (Act number five) entitled "An act authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued requiring the commission to make a report of its findings and recommendations to the General Assembly or to the Governor and authorizing the commission to employ counsel and employes and making an appropriation" by changing the manner of appointment of the members of said commission

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the twelfth day of August one thousand nine hundred and thirty-eight (Act number five) entitled "An act authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued requiring the commission to make a report of its findings and recommendations to the General Assembly or to the Governor and authorizing the commission to employ counsel and employes and making an appropriation" is hereby amended to read as follows

Section 2 [Three of the five members of the commission shall be appointed by the Governor who shall act as the agent of the General Assembly in making said appointments one of the members thereof] Two of the five members of the commission shall be appointed by the President pro tempore of the Senate and shall be [a member] members of the Senate at the time of [his] their appointment [one] three of the members shall be appointed by the Speaker of the House of Representatives and shall be [a member] members of the House of Representatives at the time of [his] their appointment one of the said five members shall be designated chairman by the [Governor who shall act as the agent of the General Assembly in making such designation] Speaker of the House of Representatives The members of said commission are hereby constituted agents and deputies of the General Assembly of the Commonwealth of Pennsylvania for the purposes herein stated

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL ON THIRD READING

Mr. CAVALCANTE. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 56 on third reading.

Mr. FREY. Mr. President, I second the motion.

The motion was then agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 56, entitled:

An Act creating a joint legislative commission to study and report on the structure of insurance rates for workmen's compensation and making an appropriation

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

RECONSIDERATION OF SENATE BILL NO. 56

Mr. CAVALCANTE. Mr. President, I move that the Senate do now reconsider the vote by which the bill passed second reading.

The PRESIDENT. How did the Senator vote?

Mr. CAVALCANTE. Mr. President, I voted "aye."

Mr. FREY. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. FREY. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

Mr. CAVALCANTE. Mr. President, I move that the Senate do now reconsider the vote by which the title was agreed to.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the title?

Sections, from one to six inclusive of the bill were severally reconsidered.

The "Whereas" Clauses were reconsidered.

And the question recurring,

Will the Senate agree to the "Whereas" Clauses?

Mr. CAVALCANTE. Mr. President, I move to

Amend page 1 by striking out all three "Whereas" clauses down to the word "therefore" and insert in lieu thereof the following:

Whereas, the Governor in Section 2 of his Second Supplemental Proclamation of the twenty-fifth day of July, 1938, designated as one of the subjects for the consideration the amending of Article 2 of the Workmen's Compensation Act (Act of June 2, 1915, P. L. 736, as reenacted, amended, or further amended by Act of June 4, 1937, P. L. 1552), and

Whereas, The General Assembly cannot adequately legislate upon the subject until a thorough investigation is made concerning the causes for the rejection of the Workmen's Compensation Act by employers and the adequacy of the rate structure covering Workmen's Compensation liability insurance, therefore

Mr. FREY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the "Whereas" Clauses as amended?

It was agreed to.

The first section of the bill was read as follows:

Section 1 A commission is hereby created which shall consist of six members three of whom shall be appointed by the President Pro Tempore of the Senate and three shall be appointed by the Speaker of the House of Representatives The commission shall be known as The Workmen's Compensation Insurance Rate Commission The commission shall organize at the call of the President Pro Tempore of the Senate by electing a chairman vice chairman and a secretary The secretary need not be a member of the commission The members of the commission shall serve without compensation but shall be reimbursed for all necessary expenses incurred in the discharge of their duties

Mr. CAVALCANTE. Mr. President, I move to

Amend page 2, line 2, by striking out after the word "Compensation" the words "Insurance Rate," and insert in lieu thereof the word Investigating

Mr. FREY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows:

Section 2 It shall be the duty of the commission to study and investigate the structure of insurance rates covering workmen's compensation and shall make a thorough and exhaustive survey so that the facts may be obtained upon which accurate judgment may be drawn and that insurance rates of the future shall be in accordance with and founded upon an accurate and substantial basis

On the question,

Will the Senate agree to the section?

Mr. CAVALCANTE. Mr. President, I move to

Amend page 2, Section 2, line 11, by inserting after the word "investigate" the words the causes for the rejection of the Workmen's Compensation Act by the employers

and; amend page 2, Section 2, line 14, by striking out after the word "drawn" the words "and that"; amend page 2, Section 2, lines 15 and 16, by striking out all of said lines and inserting in lieu thereof the following: for the enactment of adequate and proper legislation on the subject.

Mr. FREY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third and fourth sections of the bill were read as follows and agreed to:

Section 3 The commission is hereby empowered to hold such public hearings as it deems necessary The commission shall have power to issue subpoenas under the hand and seal of its chairman or vice-chairman commanding any person to appear before it and to answer such questions touching matters being inquired into by the commission and to produce such books papers documents and reports as may be deemed necessary Such subpoenas may be served by any employe of the commission

Any member of the commission shall have power to administer oaths to witnesses appearing before the commission

Any person who shall neglect or refuse to appear or testify before said commission when subpoenaed or to produce any books papers records and documents so subpoenaed shall be subject to the penalties provided by the laws of the Commonwealth in such cases

Section 4 The commission shall make its report to the next regular session of the General Assembly and is herewith given power to carry on its investigation and studies during the interval between the final adjournment of the special session of one thousand nine hundred and thirty-eight and the convening of the regular session of one thousand nine hundred and thirty-nine

The fifth section of the bill was read as follows:

Section 5 The commission shall have the power to employ and fix the compensation of such expert stenographers and assistants as may be deemed necessary to carry on the work of the commission but due diligence shall be exercised by the commission to enlist such voluntary assistance as may be available from citizens research organizations and other agencies in Pennsylvania or elsewhere generally recognized as qualified to aid the commission with information as to the determination of insurance rates covering workmen's compensation In addition thereto the commission shall also accept the voluntary assistance of all departments of the Commonwealth and all such departments shall give all available information and assistance as may be requested from time to time by the commission

On the question,

Will the Senate agree to the section?

Mr. CAVALCANTE. Mr. President, I move to

Amend page 3, Section 5, line 19, by striking out after the word "information" the words "as to the determination of insur-"

Amend page 3, Section 5, line 20, by striking out at the beginning of the line the words "ance rates covering workmen's compensation" and insert in lieu thereof the following: "touching matters being inquired into by the Commission.

Mr. FREY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The sixth section of the bill was read as follows and agreed to.

Section 6 The sum of five thousand dollars ($5,000) or so much thereof as may be necessary is hereby specifically appropriated to the commission for the payment of the expenses of the members of the commission for the compensation and expenses of the secretary and other appointees of the commission for printing for postage supplies telephone telegraph rent and miscellaneous expenses and generally for the purpose of carrying into effect the provisions of this act

The title of the bill was read as follows:

An Act creating a joint legislative commission to study and report on the structure of insurance rates for workmen's compensation and making an appropriation

On the question,

Will the Senate agree to the title?

Mr. CAVALCANTE. Mr. President, I move to

Amend title, page 1, line 2, by striking out the words, after the word "the" [structure of insurance rates for work-; amend title, page 1 line 3, strike out the words at beginning of line men's compensation] and insert in lieu thereof the following; causes for rejection of the Workmen's Compensation Act by employers, the structure of rates on Workmen's Compensation insurance.

Mr. FREY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess for 10 minutes.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

ANNOUNCEMENT BY THE SECRETARY

The Committee on Labor and Industry will meet in Room 265 immediately.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORTS FROM COMMITTEES

Mr. DENT. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DENT, from the Committee on Labor and Industry, reported as amended, Senate Bill No. 61, entitled:

An Act to ratify, confirm and make valid the joint legislative committee created by Senate Concurrent Resolution, Serial Number 106, approved March sixteenth, one thousand nine hundred and thirty-seven, and authorized thereby to make an investigation of the tax burdens placed upon industries in Pennsylvania and other industrial and mining states, together with its actions, proceedings, expenses

and expenditures and the appropriation made to said committee and making a further appropriation.

Mr. DENT. Mr. President, and members of the Senate, this bill deals particularly with that now famous commission studying the taxes in Pennsylvania. I have before me a resolution sent by one W. R. Kelly, Chairman of the Independent Republicans of Philadelphia, and James B. Henderson Jr., Sara K. Seltzer, Robert J. Hagerty, James S. Cozens, Walter Lewis, Benjamin Abernathy and Henry Walters in which he and his group state that this investigation has definitely found out certain things and he insinuates and plainly charges throughout this resolution that this commission is not doing its duty by the people of Pennsylvania, and that we are deliberately holding up this commission's report.

He states, on the second page: that "We call ourselves Republicans. We are interested in the outcome of the election and we feel therefore that we are justified in asking you to submit your commission's report."

Now I want to state that this validating act which I have just reported from the Committee on Labor and Industry carries with it a ten thousand dollar appropriation. For the past year and one-half, this commission has been studying the problem of taxes in Pennsylvania. We have held hearings all over the State of Pennsylvania and we have at the present time a great mass of material gathered during this study. I believe it is unfair for this group or any other group to take the attitude that any commission created by this legislature is not doing its duty, when the truth of the matter is that we are working diligently to have this commission's report in intelligent form so that the members of the Senate and the House can study the results of the investigation and the necessary recommendations can be made to the General Assembly.

Now I am not particularly interested in the political significance of this study but it seems strange to me that papers misquote, particularly statements that I am supposed to have made, in which they state that I would deliberately hold up any report that may be ready until after the election. I have never made that statement and it is physically impossible for this commission to have this report ready so that the Republicans if they so desire, or think they can, use it in any election.

I am not interested in what Mr. James says about taxes. I am not interested in what Governor Earle says about taxes. I am interested in what the Dent Commission finds out about taxes, and I am interested in curing the evils, if there are any, in Pennsylvania relative to tax legislation, and I refuse as a member of that commission to be stampeded into making any report until we have all the data, until we have all the facts, in order that the people of Pennsylvania will get the benefit from the money that has been spent by the commission.

I am going to ask now, and I don't intend to talk further on the matter when the bill comes before the Senate, that this Senate give this bill due consideration and that it pass it, because of all the studies made I believe that the one which will do more good for the future, of Pennsylvania will be the report of this commission.

I just wanted to state so that all could know that we are not holding up any study on taxes, we have nothing hidden in our trunks at home and that the commission's report is now in the hands of a very able and capable attorney, John H. Fertig, who I believe is registered as a Republican and who is making a diligent, hard study to have this report ready when the proper time comes.

Mr. GILSON. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GILSON, from the Committee on State Government re-reported as amended, Senate Bill No. 49, entitled:

An Act to prohibit the sale offering or exposing for sale of fireworks defining fireworks and authorizing cities, boroughs, towns and townships to regulate the manner of using fireworks therein and providing penalties.

RESOLUTION

Mr. RUTH. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RUTH. Mr. President, in offering this resolution I want to take this opportunity to state that I sincerely and devoutedly believe in one God; that that one God has used a branch of the human race, the Jewish race, to transmit to the world the only real foundation for law, the only real system of poetry.

He has used a part of that race to transmit to the world His Son, whom I believe sincerely to be my Saviour.

During the course of events he has used the early fathers of the Latin people to translate His words into the Latin language. Later on He used the early fathers of the Germans to translate his words into the German language. Later on William Tyndale translated that word into the English language. And today as we look over the world and see the descendants of those great languages combining together to prosecute and persecute that branch of the human race, whom God has chosen to give to the world His will, I feel sure that our nation which has been peculiarly called "Of God", should be the leader of the world to rise in defense of them.

I deem it an honor and a privilege to show my appreciation of the gifts of my God sufficiently to rise to their defense, and with that statement I offer this resolution to the Senate.

RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE SECRETARY OF STATE TO URGE GREAT BRITAIN TO ADHERE TO THE TERMS OF THE PALESTINE MANDATE AND THE BALFOUR DECLARATION

Mr. RUTH offered the following resolution which was twice read as follows:

In the Senate, October 11, 1938.

Whereas, the civilized world has witnessed for the past two decades the miraculous revival of the Holy Land, the cradle of all faiths, by the return of the Jews to Palestine, and

Whereas, the American Government has by joint resolution of the Congress of the United States unanimously endorsed the action of Great Britain in accepting the Palestine Mandate to facilitate the establishment of the Jewish Home Land and

Whereas, this responsibility was accepted by Great Britain as a sacred trust in behalf of the civilized world, and

Whereas, under the provisions of the American British Palestine Mandate Convention, signed December 3. 1924. approved by the United States Senate February 20, 1925

and officially ratified by the President of the United States March 2, 1925, Great Britain agreed that nothing contained in the agreement shall be modified unless such modification shall have been assented to by the United States of America, and

Whereas, it is reported that the British Government is contemplating the abandonment of its pledge to the Jewish people made through the Balfour Declaration and embodied in the said Palestine Mandate, and

Whereas, people of all creeds and faiths are profoundly disturbed by these reports, and

Whereas, the magnificent accomplishments of the Jewish settlers in Palestine, spiritual and material, have won the high regard of the entire world.

Whereas, the unsettled conditions in Europe and the continuous discrimination and persecution of minority groups compel Jews to look to Palestine as their chief haven of refuge, and

Whereas, it is the sense of the General Assembly of the Commonwealth of Pennsylvania that the abandonment by Great Britain of her pledges would leave no avenue of escape to Jews driven from many lands and that such a course would be regarded by all enlightened peoples as a surrender to the forces of violence and hatred.

Be It Resolved, that the General Assembly of the Commonwealth of Pennsylvania memorializes the President of the United States and the Secretary of State of the United States to make known to the British Government that this country looks to Great Britain to adhere to her commitments and to hold fast to the terms of the Palestine Mandate and to the spirit of the Balfour Declaration. and

Be It Further Resolved, that a copy of this resolution be transmitted to His Excellency, the President of the United States, and the Secretary of State of the United States by the Secretary of the Senate.

The PRESIDENT. In order to give strength and influence to this resolution and after considering the matter with the Senate leaders, the Chair is of the opinion that the resolution should go through every constitutional process. With that thought in mind the resolution is referred to the Committee on Judiciary General.

RESOLUTION EXPRESSING SYMPATHY TO HONORABLE HARVEY HUFFMAN PRESIDENT PRO TEMPORE, IN HIS ILLNESS.

Mr. EALY. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY, acting for Mr. WOODWARD, offered the following resolution which was twice read, considered and agreed to:

In the Senate, October 11, 1938.

Whereas, the President Pro Tempore of the Senate, the Senator from Monroe, Mr. Huffman, has been detained from his duties in the Senate by illness and

Whereas, the members of the Senate both Republican and Democratic regret sincerely his absence from the Senate. Therefore Be It

Resolved, that we extend to the Senator from Monroe our honorable President Pro Tempore, our sympathy in his illness and the sincere wish for his speedy and complete recovery.

NOMINATION BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations.

ALDERMAN—CITY OF EASTON

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, October 11, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

R. Raymond Ryan, 31 Centre Square, Easton, Northampton County, for appointment as Alderman in the First Ward of the City of Easton, Northampton County, until the first Monday in January, 1940, vice Charles B. Brunner, whose term expired.

GEORGE H. EARLE.

HOUSE MESSAGES

Time of Next Meeting

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, October 11, 1938.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, October 17, at 9 o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, October 17, at 9 o'clock.

SENATE BILL NO. 15 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 15 entitled:

An Act abating certain tax penalties and interest and costs on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes prohibiting the sale of real property for the nonpayment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

Mr. RICE. Mr. President, I move that Rule 21, which requires amended bills to be noted on the calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. SHAPIRO. Mr. President, I second the motion.

The motion was agreed to.

Said amendments having been twice read and printed as required by the Constitution.

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—0

NAYS—35

Barthold,	Frey,	Kahle,	Rice,
Cavalcante,	Gelder,	Kilgallen,	Rodgers,
Chapman,	Gilson,	Kunkel,	Ruth,
Dando,	Haluska,	Lanius,	Shapiro,
Deitrick,	Henney,	Law,	Sipe,
Dent,	Heyburn,	Mallery,	Stiefel,
DiSilvestro,	Howell,	McCreesh,	Thompson,
Ealy,	Jacobs,	McGinnis,	Wolfenden,
Eroe,	Jaspan,	Pytko,	

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

Ordered, That the Clerk inform the House of Representatives accordingly.

MOTION TO READ BILLS THE FIRST TIME

Mr. LAW. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 61, entitled:

An Act to ratify, confirm and make valid the joint legislative committee created by Senate Concurrent Resolution, Serial Number 106, approved March sixteenth, one thousand nine hundred and thirty-seven, and authorized thereby to make an investigation of the tax burdens placed upon industries in Pennsylvania and other industrial and mining states, together with its actions, proceedings, expenses and expenditures and the appropriation made to said committee and making a further appropriation.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

HOUSE MESSAGE

HOUSE INSISTS ON ITS AMENDMENTS TO SENATE BILL NO. 15

The Clerk of the House of Representatives being introduced informed that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 15, entitled:

An Act abating certain tax penalties and interest and costs on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes prohibiting the sale of real property for the nonpayment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof

APPOINTMENT OF CONFERENCE COMMITTEE

Mr. RICE. Mr. President, I move that the Senate insist on its non-concurrence in the amendments made and insisted upon by the House of Representatives, and appoint a Committee of Conference to confer with a similar Committee of the House of Representatives (if the House shall appoint such a Committee) to consider the differences existing between the two Houses in relation to said bill.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That Messrs. Shapiro, Kilgallen and Wolfenden be said Committee on the part of the Senate, and that the Clerk inform the House of Representatives accordingly.

ANNOUNCEMENTS BY THE SECRETARY

The Committee on Judiciary General will meet in Room 302, Monday, October 17, 1938, at 4:00 o'clock, P. M.

The Senate Committee appointed to investigate dissemination of gambling information will hold Public Hearings in the Senate Caucus Room on Tuesday, October 18 and Wednesday, October 19, 1938 at 10:00 o'clock A. M. each day.

HOUSE MESSAGE

HOUSE INSISTS UPON ITS AMENDMENTS TO SENATE BILL NUMBER 15 AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives being introduced informed the Senate that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 15, entitled:

An Act abating certain tax penalties and interest and costs on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes prohibiting the sale of real property for the nonpayment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof

And has appointed Messrs. Weiss, John A. Smith, and Stockham to confer with a similar committee of the Senate (already appointed) on the subject of the differences existing between the two Houses in relation to said bill.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn until Monday, October 17, 1938, at 9:00 o'clock, P. M.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 2:43 o'clock, P. M. until Monday, October 17, 1938, at 9:00 o'clock, P. M.

HOUSE OF REPRESENTATIVES

TUESDAY, OCTOBER 11, 1938

The House met at 11:00 a. m.

The SPEAKER, (Roy E. Furman), in the Chair.

PRAYER

The Chaplain, Rev. EPHRAIM Z. GALLAHER, offered the following prayer:

Our gracious Lord, we do thank Thee for the beauty of this day. We thank Thee for the peace our nation now enjoys. May we promote in every way peace in all the world. Thy word honors the peace maker— Blessed are the peace makers, for their's is the Kingdom of Heaven. How beautiful are the feet of those who carry the glad tydings of peace. May we agree always to peace based on righteousness, and hold not honerable peace pacts as pie crust to be broken at will and pleasure. In the name of The Prince of Peace, we do pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. HAYS, the further reading was dispensed with and the Journal approved.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, pre-

sented a communcation in writing from His Excellency, the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 40 and 65

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, October 11, 1938.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 40, Printer's No. 33, entitled: "An Act to ratify confirm and make valid the actions proceedings expenses and expenditures of the commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth appointed pursuant to the joint resolution approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (P. L. 540) entitled 'A joint resolution authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas requiring the commission to make a report of its findings to the Governor together with its recommendations as to such regulatory legislation as may be needful to correct any abuses and evils connected with such industry which are prejudicial to the interests of the citizens of this Commonwealth authorizing the commission to employ counsel and employes and making an appropriation' and its amendment."

House Bill No. 65, Printer's No. 59, entitled: "An Act creating a commission to study and report on use of devices and methods of transmission of information for advices in furtherance of gambling and making an appropriation."

GEORGE H. EARLE.

LEAVES OF ABSENCE

Mr. Royer asked and obtained leave of absence for Mr. WOOD for today's session.

Mr. Imbrie asked and obtained leave of absence for Mr. HALL.

REPORTS FROM COMMITTEES

Mr. HERBERT B. COHEN from the Committee on Appropriations reported as committed, House Bill No. 50, entitled:

An Act making an appropriation to the Department of Property and Supplies, for preliminary expenses in proposed acquisitions of real property from housing authorities.

Mr. SHEPARD from the Committee on Education reported as committed, House Bill No. 83, (Senate Bill No. 39), entitled:

An Act to amend and re-enact Section five hundred and twenty-four of an act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws, three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof; that are or may be inconsistent therewith," as amended by limiting and prescribing the method of fixing the levy of school taxes in school districts of the first class.

Mr. HOLLAND from the Committee on Education reported as amended, House Bill No. 88, (Senate Bill No. 40), entitled:

An Act to amend sections one hundred eight five hundred seven eight hundred thirteen eight hundred fourteen and one thousand one hundred thirty-three of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent there-with" as amended by providing for the merger of certain school districts with other districts redefining indebtedness of school districts empowering the county boards of school directors to employ an attorney and fix his compensation increasing the salaries of members of the county board of school directors and providing for limitations on the appointment of district superintendents.

BILL ON FIRST READING

Mr. SHEPARD asked and obtained unanimous consent to have House Bill No. 83, (Senate Bill No. 39), read the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 83, (Senate Bill No. 39), entitled:

An Act to amend and re-enact Section five hundred and twenty-four of an act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by limiting and prescribing the method of fixing the levy of school taxes in school districts of the first class

And said bill having been read at length the first time, Ordered. To be laid aside for second reading.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 82, as follows:

An Act to amend section two hundred two four hundred one and two thousand three hundred eighteen of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in

which the number and compenation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by creating as departmental administrative boards in the Department of Welfare and conferring powers and duties upon boards of trustees for the respective institutions acquired by the Commonwealth from counties cities and institution districts for use as State mental hospitals

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 202 of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as last amended by the act approved the twenty-first day of June one thousand nine hundred thirty-seven (P. L. 1,865) and the act approved the twenty-fourth day of June one thousand nine hundred thirty-seven (P. L. 2,003) is hereby further amended to read as follows

Section 202 Departmental Administrative Boards Commissions and Offices The following boards commissions and offices are hereby placed and made departmental administrative boards commissions or offices as the case may be in the respective administrative departments mentioned in the preceding section as follows

In the Department of Justice
Board of Pardons
Board of Commissioners on Uniform State Laws

In the Treasury Department
Board of Finance and Revenue
State Employes' Retirement Board

In the Department of Internal Affairs
Board of Property

In the Department of Public Instruction
State Council of Education
Pennsylvania State Board of Censors
Public School Employes' Retirement Board
Pennsylvania Historical Commission
Board of Trustees of Thaddeus Stevens Industrial School
Board of Trustees of Pennsylvania State Oral School for the Deaf
Board of Trustees of Pennsylvania Soldiers' Orphan School
Board of Trustees of West Chester State Teachers' College
Board of Trustees of Millersville State Teachers' College
Board of Trustees of Kutztown State Teachers' College
Board of Trustees of East Stroudsburg State Teachers' College
Board of Trustees of Mansfield State Teachers' College
Board of Trustees of Bloomsburg State Teachers' College
Board of Trustees of Shippensburg State Teachers' College
Board of Trustees of Lock Haven State Teachers' College
Board of Trustees of Indiana State Teachers' College
Board of Trustees of California State Teachers' College
Board of Trustees of Slippery Rock State Teachers' College
Board of Trustees of Edinboro State Teachers' College
Board of Trustees of Clarion State Teachers' College
Board of Trustees of Cheyney Training School for Teachers
State Board of Medical Education and Licensure
State Board of Pharmacy
State Dental Council and Examining Board
State Board of Optometrical Examiners
State Board of Osteopathic Examiners
Osteopathic Surgeons' Examining Board
State Board of Examiners for the Registration of Nurses
State Board of Veterinary Medical Examiners
State Board of the Examination of Public Accountants
State Board of Examiners of Architects
Anthracite Mine Inspectors' Examining Board
Mine Inspector's Examining Board for the Bituminous Coal Mines of Pennsylvania
State Registration Board for Professional Engineers

In the Department of Military Affairs
Armory Board of the State of Pennsylvania
Board of Trustees of Pennsylvania Soldiers' and Sailors' Home

In the Department of Banking
Board to License Private Bankers
Pennsylvania Securities Commission

In the Department of Agriculture
State Farm Products Show Commission

In the Department of Forests and Waters
Water and Power Resources Board
Geographic Board
Lake Erie and Ohio River Canal Board
Pennsylvania State Park and Harbor Commission of Erie
Washington Crossing Park Commission
Valley Forge Park Commission
Fort Washington Park Commission

In the Department of Mines
Anthracite Mine Inspectors
Bituminous Mine Inspectors

In the Department of Highways
State Bridge Commission

In the Department of Health
Sanitary Water Board
State Board of Undertakers

In the Department of Labor and Industry
Workmen's Compensation Board
Workmen's Compensation Referees
State Workmen's Insurance Board
The Industrial Board

In the Department of Welfare
State Council for the Blind
Board of Trustees of Eastern State Penitentiary
Board of Trustees of Western State Penitentiary
Board of Trustees of Pennsylvania Industrial School which upon the competion of the present Pennsylvania Industrial School at Huntingdon for the reception care maintenance detention employment and training of defective delinquents shall thereafter be known as the Board of Trustees of Pennsylvania Institution for Defective Delinquents
Board of Trustees of State Industrial Home for Women
Board of Trustees of Pennsylvania Training School
Board of Trustees of Allentown State Hospital
Board of Trustees of Danville State Hospital
Board of Trustees of Fairview State Hospital
Board of Trustees of Harrisburg State Hospital
Board of Trustees of Norristown State Hospital
Board of Trustees of Warren State Hospital
Board of Trustees of Wernersville State Hospital
Board of Trustees of Torrance State Hospital
Board of Trustees of Ashland State Hospital
Board of Trustees of Blossburg State Hospital
Board of Trustees of Coaldale State Hospital
Board of Trustees of Connellsville State Hospital
Board of Trustees of Hazleton State Hospital

Board of Trustees of Locust Mountain State Hospital
Board of Trustees of Nanticoke State Hospital
Board of Trustees of Philipsburg State Hospital
Board of Trustees of Scranton State Hospital
Board of Trustees of Shamokin State Hospital
Board of Trustees of Laurelton State Village
Board of Trustees of Pennhurst State School
Board of Trustees of Polk State School
Board of Trustees of Selinsgrove State Colony for Epileptics

In addition to the foregoing there are hereby created as departmental administrative boards in the Department of Welfare boards of trustees for the respective institutions which are acquired by the Commonwealth from counties cities or institution districts for actual use as State mental hospitals under the provisions of Act Number approved the day of one thousand nine hundred thirty-eight Each respective board of trustees shall be known as the Board of Trustees of the.....
.....
(descriptive name of political subdivision in which institution is located)
State Hospital

In the Department of Property and Supplies
Board of Commissioners of Public Grounds and Buildings
State Art Commission

In the Department of Revenue
State Athletic Commission

In the Department of Public Assistance
State Board of Public Assistance

All of the foregoing departmental administrative boards and commissions shall be organized or reorganized as provided in this act

Section 2 Sections four hundred one and two thousand three hundred eighteen of the said act as last amended by the act approved the twenty-first day of June one thousand nine hundred thirty-seven (P. L. 1,865) are hereby further amended to read as follows

Section 401 Boards of Trustees of State Institutions The board of trustees of each of the State institutions hereinafter mentioned shall consist of nine members and the head of the department having supervision over the institution ex officio

The terms of the members of each such board shall be four yeas and until their successors are qualified

Five members of any such board shall constitute a quorum

Each such board shall annually elect a president and vice-president from among its members and a secretary and treasurer who need not be members of the board The secretary and treasurer may be the same person

This section shall apply to

Board of Trustees of Thaddeus Stevens Industrial School
Board of Trustees of Pennsylvania State Oral School for the Deaf
Board of Trustees of Pennsylvania Soldiers' Orphan School
Board of Trustees of West Chester State Teachers' College
Board of Trustees of Millersville State Teachers' College
Board of Trustees of Kutztown State Teachers' College
Board of Trustees of East Stroudsburg State Teachers' College
Board of Trustees of Mansfield State Teachers' College
Board of Trustees of Bloomsburg State Teachers' College
Board of Trustees of Shippensburg State Teachers' College
Board of Trustees of Lock Haven State Teachers' College
Board of Trustees of Indiana State Teachers' College
Board of Trustees of California State Teachers' College
Board of Trustees of Slippery Rock State Teachers' College
Board of Trustees of Edinboro State Teachers' College
Board of Trustees of Clarion State Teachers' College
Board of Trustees of Cheyney Training School for Teachers
Board of Trustees of Pennsylvania Soldiers' and Sailors' Home
Board of Trustees of Eastern State Penitentiary
Board of Trustees of Western State Penitentiary
Board of Trustees of Pennsylvania Industrial School which upon the completion of the present Pennsylvania Industrial School at Huntingdon for the reception care maintenance detention employment and training of defective delinquents shall thereafter be known as the Board of Trustees of Pennsylvania Institution for Defective Delinquents
Board of Trustees of State Industial Home for Women
Board of Trustees of Pennsylvania Training School
Board of Trustees of Allentown State Hospital
Board of Trustees of Danville State Hospital
Board of Trustees of Farview State Hospital
Board of Trustees of Harrisburg State Hospital
Board of Trustees of Norristown State Hospital
Board of Trustees of Warren State Hospital
Board of Trustees of Wernersville State Hospital
Board of Trustees of Torrence State Hospital
Board of Trustees of Ashland State Hospital
Board of Trustees of Blossburg State Hospital
Board of Trustees of Coaldale State Hospital
Board of Trustees of Connellsville State Hospital
Board of Trustees of Hazleton State Hospital
Board of Trustees of Locust Mountain State Hospital
Board of Trustees of Nanticoke State Hospital
Board of Trustees of Philipsburg State Hospital
Board of Trustees of Scranton State Hospital
Board of Trustees of Shamokin State Hospital
Board of Trustees of Laurelton State Village
Board of Trustees of Pennhurst State School
Board of Trustees of Polk State School
Board of Trustees of Selinsgrove State Colony for Epileptics

Boards of trustees of such institutions as are acquired by the Commonwealth from any county city or institution district and are used as State mental hospitals under the provisions of Act Number approved the day of one thousand nine hundred thirty-eight

Section 2318 Boards of Trustees of State Institutions The board of trustees of each State institution within the Department of Welfare shall have general direction and control of the property and management of such institution It shall have the power and its duty shall be

(a) Subject to the approval of the Governor to elect a superintendent or warden of the institution who shall subject to the authority of the board administer the institution in all its departments

(b) On nomination by the superintendent or warden from time to time to appoint such officers and employes as may be necessary

(c) To fix the salaries of its employes in conformity with the standards established by the Executive Board

(d) Subject to the approval of the Secretary of Welfare to make such by-laws rules and regulations for the management of the institution as it may deem wise

The boards of trustees of the several State institutions shall exercise the foregoing powers in the management of the following institutions

Board of Trustees of Eastern State Penitentiary of Eastern State Penitentiary at Philadelphia

Board of Trustees of Western State Penitentiary of Western State Penitentiary at Pittsburgh and of the State Penitentiary at Rockview

Board of Trustees of Pennsylvania Industrial School of Pennsylvania Industrial Reformatory to be known as Pennsylvania Industrial School at Huntingdon until its completion as an institution for the reception care maintenance detention employment and training of defective delinquents and thereafter to be known as the Pennsylvania Institution for Defective Delinquents

Board of Trustees of State Industrial Home for Women of State Industrial Home for Women at Muncy

Board of Trustees of Pennsylvania Training School of Pennsylvania Training School at Morganza

Board of Trustees of Allentown State Hospital of Homeopathic State Hospital for the Insane at Allentown

Board of Trustees of Danville State Hospital of State Hospital for the Insane at Danville Pennsylvania

Board of Trustees of Farview State Hospital of State Hospital for the Criminal Insane at Farview

Board of Trustees of Harrisburg State Hospital of Harrisburg State Hospital at Harrisburg

Board of Trustees of Norristown State Hospital of State Hospital for the Insane of the Southeastern District of Pennsylvania at Norristown

Board of Trustees of Warren State Hospital of State Hospital for the Insane at Warren Pennsylvania

Board of Trustees of Wernersville State Hospital of State Asylum for the Chronic Insane of Pennsylvania at South Mountain

Board of Trustees of Torrance State Hospital of Western State Hospital for the Insane Torrance

Board of Trustees of Ashland State Hospital of State Hospital for Injured Persons of the Anthracite Coal Regions of Pennsylvania at Ashland

Board of Trustees of Blossburg State Hospital at Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania at Blossburg

Board of Trustees of Coaldale State Hospital of State Hospital of Coaldale Schuylkill County

Board of Trustees of Connellsville State Hospital of Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania at Connellsville

Board of Trustees of Hazleton State Hospital of State Hospital of the Middle Coal Field of Pennsylvania at Hazleton

Board of Trustees of Nanticoke State Hospital of State Hospital of Luzerne County at Nanticoke

Board of Trustees of Philipsburg State Hospital of Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania at Philipsburg

Board of Trustees of Scranton State Hospital of State Hospital of the Northern Anthracite Coal Region of Pennsylvania at Scranton

Board of Trustees of Shamokin State Hospital of State Hospital of the Trevorton Shamokin and Mount Carmel Coal Fields of Pennsylvania at Shamokin

Board of Trustees of Locust Mountain State Hospital of Locust Mountain State Hospital at Shenandoah

Board of Trustees of Laurelton State Village of Pennsylvania Village of Feeble-Minded Women at Laurelton

Board of Trustees of Pennhurst State School of State Institution for the Feeble-Minded and Epileptic of Eastern Pennsylvania at Pennhurst

Board of Trustees of Polk State School of State Institution for the Feeble-Minded of Western Pennsylvania at Polk

Board of Trustees of Selinsgrove State Colony for Epileptics of the State Colony for Epileptics at Selinsgrove

The foregoing powers shall also be exercised by the respective boards of trustees of institutions acquired by the Commonwealth from any county city or institution district for use as State mental hospitals under the provisions of Act Number approved the day of one thousand nine hundred thirty-eight

Section 3 Upon the appointment of a board of trustees for any institution district under the provisions of Act Number approved the day of September one thousand nine hundred thirty-eight the existing employes of the institution shall acquire the same status as that of employes in State institutions under the supervision of the Department of Welfare and the management of a board of trustees

Section 4 In so far as the provisions of Act Number approved the day of one thousand nine hundred thirty-eight entitled "An act relating to institutions of counties cities and institution districts for the care maintenance and treatment of mental patients providing for the transfer of such institutions to the Commonwealth providing for the management and operation or closing and abandonment thereof and the maintenance of mental patients therein including the collection of maintenance in certain cases providing for the retransfer of certain property to institution districts under certain circumstances conferring and imposing upon the Governor the Department of Welfare the courts of common pleas and counties cities and institution districts certain powers and duties prohibiting cities counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients and repealing inconsistent laws" are inconsistent with the provisions of this act they are hereby repealed

Section 5 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 72, as follows:

A Supplement to the act approved the second day of July one thousand nine hundred thirty-seven (Appropriation Acts page seventy-four) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" making a deficiency appropriation to the Department of Property and Supplies for the payment of certain expenses for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of two hundred fifty thousand dollars ($250,000) or so much thereof as may be necessary is hereby appropriated to the Department of Property and Supplies for the payment of the deficiency in the appropriation made to that department by the act to which this is a supplement for the purchase of office supplies and equipment stationery printing printing supplies and printing processes for the purchase of legal books periodicals maps pamphlets for the purchase of all other materials supplies and equipment for the costs of repairing office equipment for the payment of rental charges of telephone and other leased devices for the payment of telephone toll charges and telegrams required by the General Assembly and the Judicial Department for the payment of costs including delivery expenses of documents and publications furnished to members and officers of the General Assembly for the payment of the costs of all printing incident to the sessions of the General Assembly including the printing of the Pamphlet Laws and for the payment of the cost of postage freight express paper and printing of departmental documents distributed to members of the Legislature in accordance with law

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 77, (Senate Bill No. 43), entitled:

An Act making a deficiency appropriation to the Lieutenant Governor

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 80, (Senate Bill No. 50), entitled:

An Act making a deficiency appropriation for the expenses of the Joint Legislative Commission investigating certain courts of this Commonwealth and created by Joint Resolution number eleven approved the ninth day of March one thousand nine hundred and thirty-seven (Pamphlet Laws thirty-five)

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL ON THIRD READING

Mr. LEWIS. Mr. Speaker, I desire to call up at this time House Bill No. 21, Printer's No. 55, on page 2, of today's calendar, bill on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. LEWIS.

The House resumed the consideration on third reading of House Bill No. 21, entitled:

An Act to regulate the sale storage offering or exposing for sale of fireworks defining fireworks and providing for licensing and regulation of the manner of using fireworks and providing license fees and penalties

On the question recurring,

Will the House agree to the bill on third reading?

Mr. LEWIS. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

Mr. MOOMAW. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments offered by the gentleman from Philadelphia, Mr. Lewis, will be read for information.

The Clerk read the amendments as follows:

Amend Section 1, page 2, line 1, by adding after the word "detonation" the following: "Fixed ammunition for small arms and primers for such ammunition are not included within this definition."

Amend Section 2, page 2, line 27, by striking out the words "Baloons carrying a lighted substance" and inserting in lieu thereof: "Balloons which require fire underneath to propel the same."

Amend Section 2, page 3, line 7, by striking out after the word "Composition" the following: "exceeding one and"

Amend Section 2, page 3, by striking out all of lines 8 and 9

Amend Section 2, page 3, line 14, by striking out the words: "without sticks"

Amend Section 2, page 3, by striking out all of lines 15 and 16.

Amend Section 4, page 4, line 2, by inserting at the end thereof, after the word "with" the following: "rules and regulations promulgated Under section three thereof"

Amend Section 4, page 4, line 3, by striking out the word: "an" and inserting in lieu thereof: "An"

Amend Section 4, page 4, line 3, by inserting after the word: "Pleas" the following: "of the county in which the applicant resides or in which he seeks a license to operate"

Amend Section 4, page 4, line 5, by striking out all of line 5.

Amend Section 7, page 6, line 5, by inserting after the word "letters" the following: "and clearly legible"

Amend Section 7 (f), page 6, line 10, by inserting after the word "unlawful" and before the word "to" the following: "except for special public displays which may be held at any time."

Amend Section 7 (f), page 6, line 11, by striking out after the word "caps" the following: "and except for spe-"

Amend Section 7 (f), page 6, line 12, by striking out at the beginning of the line the following: "cial public displays"

Amend Section 10, page 7, line 4, by inserting after the word "boundaries" the following: "or from regulating the storage of fireworks therein"

Amend Section 13, page 7, line 21, by inserting at the beginning of the line before the capital letters heavy faced bracket [

Amend Section 13, page 8, line 1, by inserting at the beginning of the line before the following "[sentatives]" heavy faced bracket.

Mr. MOOMAW. Mr. Speaker, in view of the fact that the amendments offered by the gentleman from Philadelphia, Mr. Lewis, cover the same points that are covered in my amendments, I wish to withdraw my amendments.

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection?

Mr. TURNER. Mr. Speaker, I dislike to raise an objection and refuse to give unanimous consent to put the amendments in because I understand from the gentleman from Philadelphia, Mr. Lewis, that a great many of the amendments are to clarify some of the provisions of the act, but I have been unable to find any one who has been able to follow them carefully enough to determine just what effect they may have on the act. Therefore, I am going to object to unanimous consent at the present time, in the hope they can be gone over and if it is determined that they are all right, the request can be renewed.

The SPEAKER. The Chair hears objection to the insertion of the amendments and consent is not granted.

On the question recurring,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. LEWIS. Mr. Speaker, in order that we may enter into a session of explanation and clarification, I move you that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 78, (Senate Bill No. 15), entitled:

An Act abating certain tax penalties interest and costs on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes prohibiting the sale of real property for the nonpayment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—123

Achterman,	Elpern,	Lovett,	Sarraf,
Alexander,	Falkenstein,	Lyons,	Schor,
Alle	Flanagan,	Marino,	Schrope,
Allmond,	Flannery,	McDermott,	Shaw,
Arnold,	Flinchbaugh,	McElroy,	Shea,
Atkins,	Ganser,	McFall,	Shepard,
Aukerman,	Gerard,	Melchiorre,	Shoemaker,
Baine	Gillette,	Mellott,	Shugarts,
Baker,	Gorski,	Mihm,	Smith, James A.,
Balthaser	Haberlen,	Moomaw,	Smith, John A.,
Bierly,	Hagerty,	Mooney,	Spengler,
Blank,	Hamilton, F. P.,	Moran,	Stank,
Bohn,	Harkins,	Muir	Thompson,
Boles,	Harmuth,	Murrin,	Tronzo,
Boltz,	Hays,	Nagel,	Tumelty,
Boyer,	Hering,	O'Connor,	Valibus,
Bradley	Hess,	O'Keefe,	VanSickle,
Brancato,	Hindman,	Ominsky,	Vogt,
Broad,	Hirsch,	O'Neill,	Wall,
Brown,	Holland,	Patterson, C. S.,	Weiss, D. H.,
Caesar,	Holmes,	Patterson, J. W.,	Weiss, S. A.,
Chervenak,	Holstrom,	Peale,	Welliver,
Cohen, H. B.,	Hontz,	Pearson,	Welsh,
Cohen, R. E.,	Horting,	Pershing,	Westrick,
Coolahan,	Huntley,	Powers,	Whalen,
Davies,	Imbrie,	Preston,	Whitenight,
Decker,	Jirolanio,	Readinger,	Wright,
Dickinson,	Keenan,	Reese,	Yanoshat,
Donohoe,	Kelso,	Reising,	Yourishin,
Dougherty,	Lewis,	Robinson,	Zappala,
Downey,	Long,	Ruffennach,	Furman,
Dubbs,	Lopresti,	Rush,	

NAYS—24

Boose,	McKinney,	Siegel,	Trout,
Cadwalader,	Moul,	Snyder,	Turner,
Kline,	Rothenberger,	Sproul,	Wagner,
LaRue,	Royer,	Stewart,	Watkins,
Leisey,	Schrock,	Stockham,	Wilson,
Longaker,	Serrill,	Terry,	Winner,
			Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

REASONS FOR VOTE

Mr. WILSON filed the following reasons for his vote:

I hereby file my reasons for voting "no" on Senate Bill No. 15, Printer's No. 58, on third reading and final passage today, as follows:

1. The bill provides that in order to receive the benefits of the abatements proposed by the Act, twenty per centum of such abated taxes, together with costs, interest and charges in all taxes covered for the years 1935, 1936 and 1937, shall be paid on or before the thirty-first of December, 1938, and twenty per centum thereof shall be paid yearly thereafter until the whole amount shall be paid. If the taxables concerned make such payments strictly as provided, all the rebates mentioned will be assured. The bill should provide that those yearly payments be made on or before December first of each year; because of the inconvenience of receiving and applying such payments to the legal expenditures each year beginning with 1938. Just the one month's delay will prevent the use of this first payment in 1938 and each year use will be delayed accordingly because the payment is at least one month too late for application of same on the current year's expenses.

2. The bill should provide that taxables are required to pay the 1938 taxes in full in order to receive these concessions in abatements. Those 1938 taxes are absolutely necessary to comply with the budgets of the respective municipalities required under law.

With the above provisions placed in the bill, I would be ready to vote for it. The sponsors of the bill admit it is being enacted for political purposes. I hold it is unfair to those taxpayers who have sacrificed so much to meet their delinquent taxes in full, including costs, interests and charges. If those who are still delinquent receive these benefits they can afford to make the payments one month earlier each year and also arrange to pay the 1938 tax, so those in charge of the business of the respective municipalities may be able to comply with the budget requirements and carry out their projects.

3. The bill should be made optional with each district. In that particular, it strikes a blow at "home rule."

SENATE MESSAGE

The Clerk of the Senate being introduced, presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, October 11, 1938.

Resolved, (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, October 17, 1938, at 9:00 o'clock, and when the House of Representatives adjourns this week it reconvene on Monday evening, October 17, 1938, at 9:00 o'clock.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

MESSAGE LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that the message be laid upon the table.

The motion was agreed to.

BILL ON THIRD READING

Mr. LEWIS. Mr. Speaker, I desire to call up at this time House Bill No. 21, Printer's No. 55, on page 2 of today's calendar, bill on third reading.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. LEWIS,

The House resumed the consideration on third reading of House Bill No. 21, entitled:

An Act to regulate the sale storage offering or exposing for sale of fireworks defining fireworks and providing for licensing and regulation of the manner of using fireworks and providing license fees and penalties

On the question,

Will the House agree to the bill on third reading?

Mr. LEWIS. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend section 1, page 2, line 1, by adding after the word "detonation" the following: "Fixed amunition for small arms and primers for such ammunition are not included within this definition"

Amend section 2, page 2, line 27, by striking out the words "Baloons carrying a lighted substance" and inserting in lieu thereof: "Balloons which require fire underneath to propel the same."

Amend section 2, page 3, line 7, by striking out after the word "composition" the following: "exceeding one and"

Amend section 2, page 3, by striking out all of lines 8 and 9

Amend section 2, page 3, line 14, by striking out the words: "without sticks"

Amend section 2, page 3, by striking out all of lines 15 and 16.

Amend section 4, page 4, line 2, by inserting at the end thereof, after the word "with" the following: "rules and regulations promulgated Under section three thereof"

Amend section 4, page 4, line 3, by striking out the word: "an" and inserting in lieu thereof: "An"

Amend section 4, page 4, line 3, by inserting after the word: "Pleas" the following: "of the county in which the applicant resides or in which he seeks a license to operate"

Amend section 4, page 4, line 5, by striking out all of line 5.

Amend section 7, page 6, line 5, by inserting after the word "letters" the following: "and clearly legible"

Amend section 7 (f), page 6, line 10, by inserting after the word "unlawful" and before the word "to" the following: "except for special public displays which may be held at any time."

Amend section 7 (f), page 6, line 11, by striking out after the word "caps" the following: "and except for spe-"

Amend section 7 (f), page 6, line 12, by striking out at the beginning of the line the following: "cial public displays"

Amend section 10, page 7, line 4, by inserting after the word "boundaries" the following: "or from regulating the storage of fireworks therein."

Amend section 13, page 7, line 21, by inserting at the beginning of the line before the capital letters heavy faced bracket "["

Amend section 13, page 8, line 1, by inserting at the beginning of the line before the following "[sentatives]" heavy faced bracket "["

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

RESOLUTION

MEMORIALIZING PRESIDENT ON PEACE MESSAGE

Mr. HINDMAN offered a resolution and asked and obtained unanimous consent that it be read for the information of the House.

The resolution was read by the Clerk as follows:

In the House of Representatives, October 11, 1938.

Whereas, This House hereby memorializes His Excellency, Franklin D. Roosevelt, President of the United States and commends him for the memorable message which he cabled Herr Adolph Hitler of Germany which we believe played an important role in averting the catastrophe of war in the leading countries of Europe with all the serious consequences involved leading to bloodshed, suffering and death with all the concomitant heartaches, mental anguish and unpleasant anticipations with a halo of gloom hovering over the entire populace of the belligerents as well as the dejection, fear and unpleasant foreboding of those nations which may be potentially and unwillingly involved together with the serious economic problems encountered, therefore be it

Resolved, That it is the sense of this House, Mr. President, that your action was a master stroke of statesmanship equalled but seldom, if at all, by any man in the history of this great nation of ours, with all its priceless and magnificant traditions in statesmanship. We believe that your message will go down in history as one of the great state papers of all time. We further commend your efforts to have the clergy of all creeds to assemble in groups throughout the nation, their people to unite in prayers to Almighty God that war between all nations may be averted. Surely your statement in effect that the World War demonstrated that the results to the victors and the vanquished alike were sterile has ample justification. No truer principle was ever enunciated.

For the first time in twenty years the good people of our nation are raising their heads with hope, confidence and assurance that an entering wedge has been made and they look forward with hope to the time when nations will recognize the futility and the emptiness of bloodshed in adjusting their differences and settling their disputes. May God speed and direct your efforts. May we look forward with confidence to the time when war will be outlawed and that all nations will unite in verily, transforming their swords into plowshares, and their spears into pruninghooks. To that end may Providence continue to direct your efforts and leadership in order that the whole world may be made a better place in which to live, and be it further

Resolved, That the Chief Clerk of this House send an engrossed copy of this resolution to the President of the United States.

Mr. TURNER. Mr. Speaker and members of the House, I certainly feel that the Republicans will join in commendation of the President of the United States for the efforts he made toward peace, and anything else that he did that contributed toward peace.

I should like to join in this resolution to the President of the United States because I felt, as I think every patriotic American citizen felt, on the day it was announced that the President had sent a message, that we certainly should stand by him, no matter what our party affiliation was, in his effort to help the European situation, and in an effort to keep war from breaking out, which might drag all our people into it.

I am only sorry that my good friend from Washington, Mr. Hindman, for whom I have a lot of regard, dragged into his resolution something, to keep the record straight, I must say is not entirely so. Mr. Hugh Johnson has pointed out that a great deal of credit was being given to the President of the United States for his efforts in trying to prevent a world war, which looked as though it was going to break out in Europe. He pointed out that the sequence of events was such that the matter had been determined before the Roosevelt message arrived. I therefore feel, although I am not going to object to having the resolution presented to the House at this time, and I shall vote for the resolution, I think that our friends on the other side, when they seek to place the President on such a high plane for actions which we can all commend, should avoid that which places us in uncomfortable position, in an endeavor to say things in behalf of the President which the historical facts do not entirely bear out.

Mr. HINDMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of this resolution.

The SPEAKER. Will the House give its unanimous consent? Is there objection?

The SPEAKER. The Chair hears no objection and consent is granted.

On the question,

Will the House adopt the resolution?

Mr. HINDMAN. Mr. Speaker and members of the

House, I always consider the judgment and wisdom of my good friend, Mr. Turner, but I cannot see how by any stretch of the imagination he should feel that we have drawn politics into this, and I assure you with all the sincerity that I can find within me that politics never entered my mind when I prepared this resolution.

This resolution was prepared last week, but owing to the fact that we adjourned when we did, we did not present it. I do believe exactly what I said, without any political consideration. I do not feel, members of this House, that politics should be considered in this at all, regardless of how you might feel towards the President of the United States, regardless of political affiliations. I repeat what I said in this resolution, that I believe this to be one of the most comprehensive, one with the most meaning and one of the most wonderful State papers that I have ever had the privilege of reading. I might say, incidentally, ladies and gentlemen, this was not copied from the editorial of one of the leading metropolitan newspapers, although they had made this statement. It was not taken from that paper, which is one of the most partisan and vindictive Democratic papers that there is in the State of Pennsylvania. They made the statement that this effort of the President undoubtedly was a very potent factor in diverting the catastrophe of war, and they also made the statement that this message of his would go down in history as one of the greatest messages of all times. I do not feel that that is from a Republican paper, I do not feel, ladies and gentlemen of this House, that we should consider that in a political light. I feel that perhaps this may be the beginning of more peace-minded consideration that really the great nations of the world will realize, as I said in this resolution, that their difficulties cannot be settled by bloodshed. I believe that all of the members of this House will agree that nothing is accomplished by having a war or bloodshed. I believe that a war between nations should be considered just as a difference between individuals, because, after all, nations are just aggregations of individuals.

I submit to you that any group of the members of this House which is lined up on some problem, either in or out of the legislative halls, that is of vital interest to both sides, if it is not settled amicably, certainly if they engage in a combat, regardless of which side wins, they have not gained their point. So, I do feel that we as legislators should do all we can to try to engender the spirit which seems to be developing, in an endeavor to outlaw war for all time. I thank you.

Mr. TURNER. Mr. Speaker and members of the House, I desire to thank the gentleman from Washington for his very fair and very frank statement. I did not exactly mean to impugn his own motives in stating that I thought the resolution was unfortunate in that paricular phraseology. I certainly had no intention and did not desire to leave any impression that I in any way thought the commendation of the President was of a partisan nature. I wanted to leave the impression that we as Republicans would certainly join most heartily in commending the President in that respect. Therefore, I repeat, for all that the President has done towards securing peace, I think that we all in this House, whether we be Republicans or Democrats, can say "Amen."

On the question recurring,

Will the House adopt the resolution?

It was adopted.

RESOLUTION INTRODUCED AND REFERRED

By Mr. TUMELTY. RESOLUTION No. 20.

In the House of Representatives, October 11, 1938.

Whereas, The present Constitution of the Commonwealth of Pennsylvania was adopted in 1874; and

Whereas, The public may be called upon in the future to vote upon an amendment calling for a Constitutional Convention; and

Whereas, The purpose of the convention would be to offer to the public a new and up-to-date Constitution for them to vote upon; and

Whereas, It is highly desirable that the knowledge of the public be increased in regard to the Constitution and the provisions thereof; therefore be it

Resolved, That the Department of Public Instruction is hereby requested to require every school district in this Commonwealth to include in their required instruction, "A graded course of studies on the Constitution of the Commonwealth of Pennsylvania" so that the provisions of the constitution may be introduced and incorporated in the work of each grade from the fifth to the last grade of the public school system of this Commonwealth, and be it further

Resolved, That a copy of this resolution be transmitted to the Secretary of Public Instruction.

Referred to the Committee on Rules.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Miss BRANCATO asked and obtained permission for the Committee on Cities to meet during the session of the House.

SENATE MESSAGE

AMENDED SENATE BILLS NONCONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to Senate Bills numbered and entitled as follows:

SENATE BILL No. 15.

An Act abating certain tax penalties interest and costs on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes prohibiting the sale of real property for the nonpayment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof.

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 15

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the House insist upon its amendments nonconcurred in by the Senate and that a committee of conference be appointed.

The motion was agreed to.

The SPEAKER. The Chair appoints as a committee of conference to confer with a similar committee of the Senate on the subject of differences existing between the two houses in relation to said bill Messrs. SAMUEL A. WEISS, JOHN A. SMITH and STOCKHAM.

Ordered, That the Clerk inform the Senate accordingly.

REPORT FROM COMMITTEE

Mr. OMINSKY from the Committee on Cities reported as committed, House Bill No. 79, (Senate Bill No. 20), entitled:

An Act abating certain tax penalties interest and costs on city and school taxes in cities of the first class and school districts of the first class.

BILL ON FIRST READING

Mr. OMINSKY asked and obtained unanimous consent to have House Bill No. 79, (Senate Bill No. 20), read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 79, (Senate Bill No. 20), entitled:

An Act abating certain tax penalties interest and costs on city and school taxes in cities of the first class and school districts of the first class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. OMINSKY. Mr. Speaker, I move that this bill be recommitted to the Committee on Cities for the purpose of further study and possible amendment.

The motion was agreed to.

RESOLUTION INTRODUCED AND REFERRED

By Mr. HOLLAND. (Concurrent) RESOLUTION No. 21.

In the House of Representatives, October 11, 1938.

Whereas, The Governor's Highway Safety Council has made great strides in curbing accidents upon the Highways; and

Whereas, It is believed that these accidents could be further substantially reduced by the adoption and enforcement of regulations under which would divert heavy traffic upon certain highways on Sundays and holidays, because on such days certain highways are overcrowded with passenger cars; resulting in many accidents through tie-ups, delays and attempts to pass, and other traffic hazards.

Whereas, From time to time various bills have been introduced in the General Assembly to promote safety upon the highways through the regulation and control of truck traffic, and up until the present time no effective action has been taken to relieve this continuing dangerous situation, which has resulted in so many needless deaths and injuries; therefore be it

Resolved, (if the Senate concur), That the Pennsylvania Motor Police are hereby authorized and directed to conduct an investigation and survey concerning the controlling of heavy truck traffic on Sundays and holidays on certain highways to determine the number of such accidents occurring on Sundays and holidays, the number of persons killed and injured, the reasons therefor, the advisability of diverting such truck traffic upon certain highways on Sundays and holidays and to report to the next Regular Session of the General Assembly their findings and recommendations.

Referred to the Committee on Rule.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 15.

The Clerk of the Senate being introduced, informed that the Senate insists on its concurrence in the amendments made and insisted upon by the House of Representatives to Senate Bill No. 15, entitled:

An Act abating certain tax penalties interests and costs on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes prohibiting the sale of real property for the nonpayment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof.

And has appointed Messrs. SHAPIRO, KILGALLEN and WOLFENDEN, a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two Houses in relation to said bill.

SENATE MESSAGE TAKEN FROM TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that the Senate message, a resolution for concurrence, which was laid upon the table, be taken from the table.

The motion was agreed to.

The Clerk read the message as follows:

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced, presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, October 11, 1938.

Resolved, (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, October 17, 1938, at 9:00 o'clock, and when the House of Representatives adjourns this week it reconvene on Monday evening, October 17, 1938, at 9:00 o'clock.

COMMITTEE MEETINGS

There will be a further public hearing before the sub-Committee on Mines and Mining on House Bills Nos. 43, 44, 45 and 46, on Friday, October 14, at 8:00 p. m. in the city of Scranton, Pennsylvania, at a place to be determined later.

ADJOURNMENT

Mr. COOLAHAN. Mr. Speaker, I move that this House do now adjourn until Monday, October 17, 1938, at 9:00 p. m.

The motion was agreed to, and (at 2:40 p. m.) the House adjourned until Monday, October 17, 1938, at 9:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1938

Vol. 22. HARRISBURG, PA., MONDAY, OCTOBER 17, 1938. No. 26.

SENATE

MONDAY, OCTOBER 17, 1938.

The Senate met at 9:00 o'clock P. M.

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the Chair.

PRAYER

The Rev. FRANK W. RUTH offered the following prayer:

Almighty God, Our Heavenly Father, Who art Father of all mankind; at the close of this beautiful day, we draw nigh unto Thee and pray that Thou wilt guide us to do and say those things which shall apply into this world more of Thy great spirit of love and brotherhood, that Thou wilt guide us to realize the position to which Thou hast called us, to be leader; that of our own strength, of our own knowledge, and of our own power, we can do very little.

Only as we join hands with Thee, let Thee be our guide, can we accomplish the work to which Thou hast appointed us. And we humbly draw near unto Thee tonight and pray that Thou wilt lead us so that out of this work will come a greater and more glorious day for our State, for our nation, and for Thy Kingdom here on earth. We ask it in the Master's name. Amen.

JOURNAL APPROVED

The PRESIDENT—A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. KAHLE, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. Rice asked and obtained leave of absence for the Senator from Monroe, Mr. HUFFMAN, on account of illness.

PETITIONS AND REMONSTRANCES

The PRESIDENT. The Chair directs receipts be noted in the Journal of the following petitions:

Petition of Professional Engineers on public works.

Petition of Keystone Fire Chiefs Association on amendments to Fire and Panic Act.

Petition of Dauphin County Firemen's Association on gas explosion prevention.

Petition of Pennsylvania Bar Association opposing any changes of office of district attorney to office of public prosecutor and urging separation of State Police and Motor Police.

Report of the Delaware River Joint Commission for 1937.

Petition of American Federation of Teachers, Local 400, opposing Teacher Tenure Act.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

COMMUNICATIONS FROM THE GOVERNOR

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, October 17, 1938.

To the Honorable. the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

William M. Boyle, McAdoo, Schuylkill County, for appointment as Justice of the Peace in the Borough of McAdoo, Schuylkill County, until the first Monday in January, 1940, vice James J. Mackin. deceased.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, October 17, 1938.

To the Honorable. the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

MEMBER BOARD OF TRUSTEES SLIPPERY ROCK STATE TEACHERS COLLEGE

William Z. Murrin, Esq., Butler, Butler County, for appointment as a member of the Board of Trustees of Slippery Rock State Teachers College, for the term of four years and until his successor is qualified, vice Dr. W. R. Hockenberry, deceased.

MEMBERS PHILADELPHIA COUNTY BOARD OF ASSISTANCE

John J. Cregan (Democrat), 820 Kenmore Road, Philadelphia, Philadelphia County, for appointment as a member of the Philadelphia County Board of Assistance, for the term ending December 31, 1940, vice Mrs. Phoebe Valentine, resigned.

Robert Weinstein. 2415 North 31st Street, Philadelphia, Philadelphia County. for appointment as a member of the Philadelphia County Board of Assistance, for the term ending December 31, 1939, vice Mrs. Helen S. Hood, resigned (Democrat).

JUSTICE OF THE PEACE

Charles L. Nankeville, R. F. D. 1, Wilkinsburg, Allegheny County, for appointment as Justice of the Peace in the Borough of Churchill, Allegheny County, until the first Monday in January. 1940, vice John H. Elder, Jr., resigned.

ALDERMAN CITY OF CONNELLSVILLE

Roger H. Haggerty, 1012 South Arch Street, Connellsville, Fayette County, for appointment as Alderman in the First Ward of the City of Connellsville, Fayette County, until the first Monday in January, 1940, vice J. E. Wallace, deceased.

JUSTICES OF THE PEACE

Albert Lord, Branchdale, Schuylkill County, for appointment as Justice of the Peace in the Township of Branch, Schuylkill County, until the first Monday in January, 1940, vice Charles E. Starr, deceased.

J. Millard Bortner, 207 South Water Street, Spring Grove, York County, for appointment as Justice of the Peace in the Borough of Spring Grove, York County, until the first Monday in January, 1940, vice Herman H. Sell, resigned.

GEORGE H. EARLE.

The PRESIDENT. The Secretary has an announcement to make at this time.

JOINT LEGISLATIVE COMMISSION TO STUDY TRANSMISSION OF GAMBLING INFORMATION

The SECRETARY. On behalf of the President pro tempore of the Senate I desire to announce the re-appointment of the following members of the Joint Legislative Commission to Study Transmission of Gambling Information:

Senator Edward Jackson Thompson, Centre (Chairman).
Senator Walter S. Pytko, Philadelphia.
Senator George Woodward, Philadelphia.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of personal privilege.

Mr. SHAPIRO. Some of my Republican colleagues during the passage of Senate Bill No. 28, charges that it was morally wrong and legally unsound for the Commonwealth of Pennsylvania to take over the local institutions devoted to the care of the mentally ill without compensation. Newspaper statements and the present attack on the constitutionality of the legislation, make it advisable to clear the atmosphere.

The claim that the Commonwealth is taking the property of the various local governments without compensation is not tenable neither is it founded on fact. In their interest where the property of a local government is to be taken over, there will be after May 31, 1939, a saving to the locality which will not only pay the carrying charges but will be sufficient to eventually, and in a short time, pay any existing debt and interest as well as the original cost of the institution, and at the same time will enable an immediate reduction in local taxes throughout the State.

The following figures prepared, from information furnished by the local authorities, give the approximate saving throughout the State:

Institution	Cost	Bonds	Annual Maintenance Cost	State Patients Contributions	Net Cost
Ransom	$606,000	$197,000	$99,000	$57,000	$42,000
Blakely *	400,000	135,000	20,000	50,000	15,000
Hillside	2,700,000	600,000	282,000	106,000	176,000
Chester County *	208,000	.....	85,000	50,000	35,000
Blair County *	200,000	.....	97,000	47,000	50,000
Mercer County	616,000	.....	49,000	30,000	19,000
Retreat	3,500,000	400,000	330,000	146,000	184,000
Lancaster County *		.....	123,000	53,000	70,000
Schuylkill County	570,000	76,000	106,000 (plus)	64,000	42,000
Somerset County *		.....	.....	.....	40,000
Mayview	6,639,000	2,126,000	1,068,000	414,000	654,000
City of Pittsburgh	7,145,000	2,224,000	1,295,000	300,000	995,000
Philadelphia	11,000,000	8,000,000	1,630,000	660,000	970,000

Total Institution Costs	$3,292,000
Payments by counties to State for patients in State institutions	1,500,000
Total annual costs of counties for care of the mentally ill	$4,792,000

* Figures not furnished or approximate, or figures given or used.

It must be admitted that this is a complete answer to the charges. Individuals and organizations who give any consideration to the subject of the care of mentally ill are unanimous in the opinion that the care of mentally ill is a State function. The action of the State in taking over these institutions and assuming this responsibility is therefore supported by the best opinions on the subject and legally, it is supported by the Constitution of the Commonwealth and the decisions of the Supreme Court.

Legally, under the Constitution of the Commonwealth of Pennsylvania, the State is prohibited from assuming the debt of any county; Article IX, Section 9, provides that:

> "The Commonwealth shall not assume the debt or any part thereof of any city, county, borough or township."

That provision of the Constitution disposes of the argument that the State should assume the bonded indebted-

ness of the various local governments where the institutions are taken over. The question of the right of the Commonwealth to take over county institutions without payment has been answered by the Supreme Court in a very recent case. It involved the construction of the Act of June 24, 1934, P. L. 2017 known as the "Public Assistance Law" which, among other things, had the effect of abolishing poor districts.

The poor district of the townships of Oxford and Lower Dublin brought a proceeding which was carried to the Supreme Court of the Commonwealth of Pennsylvania. These proceedings are reported in 329 Pa. 410, and are known as Poor District Case No. 2.

The Public Assistance Act provides that:

> "In every city of the first class, the offices of poor director and of poor auditor of each poor district created by local law or remaining in existence as a former borough or township poor district are hereby abolished * * * Title to the real and personal property of each such district is hereby transferred to and vested in the city and its powers and obligations are hereby vested in and imposed on the city. Thereafter, the laws as to the care of dependents shall be administered throughout each city of the first class by the department of public welfare of the city * * *"

The townships of Oxford and Lower Dublin complained that the Act was unconstitutional in that it transferred property of the townships to the City without compensation. The situation in this case is clearly analogous to the present situation. The Supreme Court said that:

> "* * * the Act does not effect an unconstitutional deprivation of property or impair the obligations of contract. It is conceded that the district, being a governmental agency within the control of the legislature, has no right to continued existence, although its charter is in terms perpetual * * * The property of the district, as well as its life, is within the control of the legislature. Had the General Assembly abolished the district and not transferred its functions to another agency, its property would have vested automatically in the State. subject to its absolute control so long as not diverted from public use."

The Supreme Court further said:

> "The State * * * may take. without compensation, such property, hold it itself, or vest it in other agencies, expand or contract the territorial area, * * * repeal the charter and destroy the corporation. All this may be done, conditionally or unconditionally, with or without the consent of the citizens, or even against their protest. In all these respects the State is supreme, and its legislative body, conforming its action to the State Constitution, may do as it will. unrestrained by any provision of the Constitution of the United States."

The Opinion was written on January 31, 1938 by the Honorable Associate Justice Drew.

Senate Bill No. 28 and the provisions therein contained, were based upon the decision of the Supreme Court in the Dublin County case.

QUESTION OF PERSONAL PRIVILEGE

Mr. WOODWARD. Mr. President, I do not know whether I have to rise to a question of personal privilege.

The PRESIDENT. The Chair would suggest that you do.

Mr. WOODWARD. Mr. President, I rise, I do.

The PRESIDENT. The Senator from Philadelphia, Mr. Woodward, will state his question of personal privilege.

Mr. WOODWARD. Mr. President, as a minority member of the Shapiro Committee on mental hospitals I cannot refrain from offering my congratulations to my colleague, the Senator from Philadelphia and to the other members of the committee and I say that because I think Mr. Shapiro and Mr. Lewis and Mr. DiSilvestro did most of the work and I am sure that we are very grateful to the committee. Now whether these other twelve hospitals are in Republican counties or Democratic counties I do not know and I do not care because I think they are wrong and we are right. I also want to say that it is very refreshing to compliment the Democrats on not spending any money. This committee has done a splendid piece of work for which we are grateful and they had no appropriation. I say that it is very refreshing because I have jotted down on this paper that the appropriations come to $756,000 that the Democrats have taken out of the treasury of the State for various purposes, good or bad.

The largest item is $500,000 for publicity. Pennsylvania was suffering from unpublicity and now has $500,000 worth of advertising. You can read in magazines what is happening in Pennsylvania and it cost $500,000.

The Ruth Committee had $25,000 for Mr. Chet Keyes and they needed $25,000 more, that is $50,000, for Chet Keyes. The Anthracite Commission had an appropriation of $50,000 and they have come in and asked for $26,500 additional making a total of $76,500. What the commission did was—the only two Pennsylvanians on this commission resigned, gave up their salaries—but those non-Pennsylvania commissioners went into a state of quietude ad drew their salaries and then they dug up a report by the President of Harvard written in 1914,—his name was Elliott Jones.

So we are paying $77,000 to these commissioners for a reprint of a report made in 1914 by Professor Elliott Jones of Harvard.

The Shapiro Committee was given $25,000 of which it has a considerable balance. The Dent Commission $15,000, the Thompson Gambling Committee has $25,000 and the Oil Commission had $50,000, which makes $756,500. I may have forgotten some. I did this from memory and just to remind myself—well, unending spending brings us to grief. Also, if my memory does not fail me, I can recall no such appropriations under the Republican regime. I thank you gentlemen for listening to me.

Mr. STIEFEL. Mr. President, I would like to interrogate the Senator from Philadelphia.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Woodward, permit himself to be interrogated?

Mr. WOODWARD. Mr. President, I will.

Mr. STIEFEL. Mr. President, what amount did the Senator from Philadelphia mention has been appropriated for the Dent Industrial Commission?

Mr. WOODWARD. Mr. President, it was $5,000 but last week they got $10,000 more.

Mr. STIEFEL. Mr. President, we did not get it, yet.

Mr. WOODWARD. Mr. President, oh well——.

QUESTION OF PERSONAL PRIVILEGE

Mr. LAW. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Mercer, Mr. Law, will state his question of personal privilege.

Mr. LAW. Mr. President, in view of the statements of the Senator from Philadelphia classing as undue spending the appropriation of a half a million dollars to the Pennsylvania Publicity Commission, I should like to call attention to the fact that some several months ago a Republican newspaper in the city of Pittsburgh making a review of the actions of that commission called attention to the fact that there had already been returned to the State as a result of that commission's activities several million dollars in gasoline taxes through motorists who had been attracted into Pennsylvania in addition to the other money that has been spent in Pennsylvania by those motorists, and I would say that the Democratic Party in the Commonwealth of Pennsylvania should be intensely proud of the fact that Pennsylvania for once has made an investment that has made money for the state and not cost money.

QUESTION OF PERSONAL PRIVILEGE

Mr. EALY. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Somerset, Mr. Ealy, will state his question of personal privilege.

Mr. EALY. Mr. President, I do not wish the impression to get out that we all agree with the interpretation of the decision of the Supreme Court in the Poor Board cases as referred to by the Senator from Philadelphia, Mr. Shapiro. In those cases the Poor Districts were entirely abolished and their functions transferred to the new institutional districts. In the Acts of Assembly taking over the mental hospitals the functions of the institutional districts were not abolished but their property was taken away, the property by which they exercised the functions of their districts.

Now if the Senator from Philadelphia is correct that the people of the State are going to be saved such a large amount of money by this bill I am wondering why they are not willing that the counties be permitted to vote on the question of whether or not they are willing to transfer their properties and come in under that Act, and if these various counties are to be saved so much money I should like to ask also and call attention to the fact that the budget of the next administration will be enormously increased and it will put the burden upon the incoming Governor and his budget officers, and this Senate and the House of Representatives, to find means of carrying this additional load. The haste with which this act was passed shows that there was some ulterior motive in it.

QUESTION OF PERSONAL PRIVILEGE

Mr. McGINNIS. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Allegheny, Mr. McGinnis, will state his question of personal privilege.

Mr. McGINNIS. Mr. President, I was amazed at the attitude of the Senator from Philadelphia complaining about the money spent by the Publicity Commission. I want to confirm what Senator Law has stated that we got that money back in taxation, in the gasoline taxes. I feel that the dealers of Pennsylvania in gas made over five hundred thousand dollars. I also feel that the hotel people of Pennsylvania made over five hundred thousand dollars on this publicity alone.

You know I always had an impression, Mr. President, that Hazleton was one of those dark dreary coal mining towns in a low valley, surrounded by mounting coal piles, and after I read this publicity I went to Hazleton. And low and behold, I found one of the most beautiful cities in Pennsylvania, not in a valley but on one of the most beautiful plateaus in Pennsylvania, surrounded by beautiful valleys, hills, forests and delightful homes, and with the widest street I ever saw in Pennsylvania. I saw that in Hazleton.

QUESTION OF PERSONAL PRIVILEGE

Mr. WOODWARD. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Woodward, will state his question of personal privilege.

Mr. WOODWARD. Mr. President, for the sake of the record, in reference to the statement of the distinguished Senator from Allegheny, he said the hotel-keepers are all for these Democratic improvements, but I have a distinct recollection of the hotel-keepers along the line of the super-highway are very much up in arms against that super-highway, because the super-highway, so called, goes underground through nine tunnels and therefore on the super-highway no one travelling it will be able to stop off at any hotel, and therefore the hotel-keepers are opposed to it.

The PRESIDENT. Are there any further questions of personal privilege?

REPORTS OF COMMITTEES

Mr. SHAPIRO presented to the Senate the report of the Committee of Conference on Senate Bill No. 15, entitled:

An Act abating certain tax penalties and interest and costs on county, city (except city of the first class), borough, town, township, school district (except school district of the first class), and poor district taxes; prohibiting the sale of real property for the non-payment of any such taxes for a certain period; and preserving certain tax liens, and providing for the extension thereof.

The PRESIDENT. The report will be noted on the calendar.

Mr. McGINNIS from the Committee on Judiciary General to which was referred resolution offered by Mr. Ruth on October 11, 1938, reported the same without amendment as follows:

Whereas, The civilized world has witnessed for the past two decades the miraculous revival of the Holy land, the cradle of all faiths, by the return of the Jews to Palestine, and

Whereas, The American Government has by joint resolution of the Congress of the United States unanimously endorsed the action of Great Britain in accepting the Palestine Mandate to facilitate the establishment of the Jewish Home Land and

Whereas This responsibility was accepted by Great Britain as a sacred trust in behalf of the civilized world, and

Whereas, Under the provisions of the American British Palestine Mandate Convention, signed December 3, 1924, approved by the United States Senate February 20, 1925 and officially ratified by the President of the United States March 2, 1925, Great Britain agreed that nothing contained in the agreement shall be modified unless such modification shall have been assented to by the United States of America, and

Whereas, It is reported that the British Government is contemplating the abandonment of its pledge to the

Jewish people made through the Balfour Declaration and embodied in the said Palestine Mandate, and

Whereas, People of all creeds and faiths are profoundly disturbed by these reports, and

Whereas, The magnificent accomplishments of the Jewish settlers in Palestine, spiritual and material, have won the high regard of the entire world

Whereas, The unsettled conditions in Europe and the continuous discrimination and persecution of minority groups compel Jews to look to Palestine as their chief haven of refuge, and

Whereas, It is the sense of the General Assembly of the Commonwealth of Pennsylvania that the abandonment by Great Britain of her pledges would leave no avenue of escape to Jews driven from any lands and that such a course would be regarded by all enlightened people as a surrender to the forces of violence and hatred.

Be It Resolved, (if the House of Representatives concur), That the General Assembly of the Commonwealth of Pennsylvania memorializes the President of the United States and the Secretary of State of the United States to make known to the British Government that this country looks to Great Britain to adhere to her commitments and to hold fast to the terms of the Palestine Mandate and to the spirit of the Balfour Declaration, and

Be It Further Resolved, That a copy of this resolution be transmitted to His Excellency, the President of the United States, and the Secretary of State of the United States by the Secretary of the Senate.

RESOLUTION RELATIVE TO RECONVENING THE GENERAL ASSEMBLY

Mr. RICE offered the following resolution which was twice read as follows:

In the Senate, October 17, 1938.

Resolved (if the House of Representatives concur), That in any recess of the Senate and the House of Representatives during a Regular or Extraordinary Session of the General Assembly, the President pro tempore of the Senate and the Speaker of the House of Representatives may jointly reconvene the Senate and the House of Representatives at a date prior to the date already fixed for reconvening.

Mr. BUCKMAN. Mr. President, I would like to interrogate the Senator from Adams, Mr. Rice.

The PRESIDENT. Will the Senator from Adams, Mr. Rice, permit himself to be interrogated?

Mr. RICE. Mr. President, yes sir.

Mr. BUCKMAN. Mr. President, I have heard the resolution read twice and I would like to ask the Senator from Adams to be frank and tell us what it means and why it was introduced.

Mr. RICE. Mr. President, the resolution is not very complicated. It simply means exactly what it states, that if the House and Senate should recess to some stated time that the President pro tempore of the Senate and the Speaker of the House by joint action may reconvene the two bodies at a date prior to the date set for reconvening.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator from Adams if the Constitution has been considered in the drafting of this resolution, whether it has been passed on by the Senator from Mercer and other constitutional lawyers.

Mr. RICE. Mr. President, I do not know whether all the constitutional lawyers of the Senate have been consulted on this resolution but in my opinion, not being an attorney, I do not think that the Constitution specifies anything regarding the subject which this resolution covers.

Mr. BUCKMAN. Mr. President I ask that the matter be held in abeyance for a few moments.

The PRESIDENT. Is there objection to the resolution being laid on the table? The Chair hears none.

RESOLUTION

REQUESTING THAT FINDINGS OF THE JOINT LEGISLATIVE TAX STUDY COMMISSION BE PRESENTED TO GENERAL ASSEMBLY

Mr. OWLETT offered the following resolution which was twice read as follows:

In the Senate, October 17, 1938.

Whereas, The Joint Legislative Tax Study Commission, created by resolution of the Legislature of 1937, of which the Senator from Westmoreland, Mr. Dent, is Chairman, has conducted extensive investigations and held hearings throughout the State, and

Whereas, The subject of the Commission's inquiry is of vital concern to the citizens of Pennsylvania, it being a matter of common observation that industries are removing from the State, and a matter of common assertion that the cause, or an important contributing cause, in their removal lies in the taxes imposed by this Legislature and its immediate predecessor, and

Whereas, If this assertion be true it is the duty of this Legislature to concern itself at once with the situation and to correct it as far as possible, for which purpose the information in possession of the Commission would be of great value, and

Whereas, The citizens of the State of Pennsylvania who will be called upon on the 8th of November to express their judgment on the work of this Legislature, likewise should be in possession of the available information as to the effect upon the common welfare of the taxes imposed and continued by it, now be it

Resolved (if the House of Representatives concur), That the Joint Legislative Tax Study Commission be directed to present to the House and to the Senate findings based upon the information collected by it and conclusions as to what, if any, action may be taken at this Special Session of the Legislature, and further that the testimony taken by the Commission shall be printed and made available for distribution to the members of the House and the Senate and the public.

Mr. OWLETT. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection?

Mr. DENT. Mr. President, with the permission of the Senate, I would like to make a short statement relative to this resolution. If I understand the last part of the resolution, it states that the information and testimony gathered by the commission be turned over, be freely given to the members of the House and Senate. That would necessitate printing probably a thousand or so pages that haven't been correlated or analyzed by the commission counsel as yet. I don't know whether at any time in the history of Pennsylvania any commission was given so little money to do so much work. We have tried as I stated before to give to the people of Pennsylvania, and not to the politicians of Pennsylvania, a decent return for the money that they have spent. We are still working on that task studying commission reports, and as I said last week I for one, and I hope that the rest of the commission stand by me, refuse to be stampeded into herding the people of Pennsylvania, and the industries of Pennsylvania, to please certain politi-

cians who would like to make political thunder out of a decent commission's work.

We will continue to work in the same spirit of fairness that we have worked to date. We do not fear resolutions, whether they are handed in by independent Republican groups or Republican Senators. We are working under a terrible handicap because of the lack of funds. Would God give us strength and sufficient time and we will produce the report the gentleman desires. If I am right about my figures the gentleman will be here in the Senate when that report is read. With that statement I object to the immediate consideration of the resolution.

Mr. STIEFEL. Mr. President, last week I stated in regard to the Dent Industrial Commission that it was to ascertain as to whether or not those stories of Industrial migration are a political myth or an economic reality. This work of the Dent Industrial Commission requires the scientific approach, and cannot stand any injection of political material. I believe that the commission hasn't completed its work because of the vast virgin field which has to be examined, namely, all those exemptions from taxes of the big utilities in the cities of Philadelphia and Pittsburgh. And an examination of the exemption will be very useful and will show why the burdens of taxation are being alleged. Now, the work is only begun and in order to carry it out scientifically, we ought to prevent the injection of political material in the work of this commission.

An attempt was made a few years ago by a Republican, who was a member of the House, Mr. Atkins, who now aspires to become a Senator. He prepared a scientific report about the taxation problem in Pennsylvania. I believe that Senator Dent and the members of the commission will not permit any further prostration of our work. We are going to complete our work to the satisfaction of the Senate and the House, and with the scientific approach in mind.

Mr. REED. Mr. President, I would like to ask the Senator from Westmoreland County a question.

The PRESIDENT. Will the Senator from Westmoreland, Mr. Dent, permit himself to be interrogated?

Mr. DENT. Mr. President, I will.

Mr. REED. Mr. President, I would like to ask the Senator if in all of the discussions involving his resolution the main question seems to be that of industry moving out of the State. Has his investigation been considering also industries that are moving into the State? Or new industries that are being erected or constructed in the State?

Mr. DENT. Mr. President, we are.

The PRESIDENT. Objection is made to immediate consideration. The Chair refers the resolution to the original Committee that handled the original resolution, the Committee on Labor and Industry.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, before we proceed to the consideration of the calendar, in view of what has been said about this resolution, I desire to rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of personal privilege.

Mr. SHAPIRO. Mr. President, I should like to call attention to the gentlemen who were talking about industry moving out of Pennsylvania because of taxation, and possibly the Dent Commission might take note, to the following figures which I took the trouble to look up in connection with this so-called moving out of Pennsylvania by virtue of taxes.

I should like to inform the members of the Senate that I have taken three companies; the figures from the reports of three companies doing business for the years 1936 and 1937. First is the Sun Oil Company which in 1936 made a profit of $7,563,544, and in 1937, last year, made a profit of $9,544,000.

The next is the Atlantic Refining Company which in 1936 made a profit of $7,342,197; in 1937 made a profit of $9,935,045.

The Scott Paper Company, the company that I recall threatened in the argument before a committee hearing the bill to impose a corporate tax on profits, to move out of the State of Pennsylvania some time ago, I think it was 1935, and is still here, made in 1936, $998,011. In 1937 they made $1,254,000 and in the first six months of 1938, $743,628.

I bring these figures to your attention to say to you that these figures that I gave are in addition to the amount of taxes paid to the Federal Government and to the Commonwealth of Pennsylvania in every form and I suggest that the gentlemen who are crying about moving out of Pennsylvania and those who are talking about Roosevelt ruining business should take note how business in Pennsylvania has been ruined for these three companies.

QUESTION OF PERSONAL PRIVILEGE

Mr. OWLETT. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his question of personal privilege.

Mr. OWLETT. Mr. President, I merely want to call the Senate's attention to the fact that unemployment in Pennsylvania is 25% greater than any other state in the Union and only last week Governor Earle sent an SOS call to Mr. Harry Hopkins saying that conditions were so desperate in Pennsylvania that they needed more authorization for WPA, and the reply came back authorizing the employment of 10,000 more on the WPA, increasing still further the proportion of relief money going into Pennsylvania.

Now of course I assume that nobody concedes that that has anything to do with the political campaign that is being waged right now. The fact does remain that unemployment in this State is greater than any other state in the Union and no matter what figures are given by my friends from Philadelphia, that one fact stands out as a disgrace to this Commonwealth and if our industries remained and employment remained such as it is in other states, we would not have that condition existing in Pennsylvania.

QUESTION OF PERSONAL PRIVILEGE

Mr. DENT. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Westmoreland, Mr. Dent, will state his question of personal privilege.

Mr. DENT. Mr. President and members of the Senate, the last statement made by the Senator from Tioga cannot go unanswered because of the seriousness of the charges. He states that Pennsylvania has a 25% greater load of unemployment than any other state in the Union.

If that be true let us now analyze the causes of such an unemployment percentage.

First of all, many industries in Pennsylvania have deliberately curtailed production work in order that persons could not be employed before the coming election, thereby throwing them as a necessity onto the State of Pennsylvania for relief or relief work.

Secondly, let us also recall that some of the largest corporations in Pennsylvania have gone in for an expansion program. This expansion program expanded their production facilities beyond the need of the consuming market. They therefore closed down, or rather thereby closed down many smaller plants in Pennsylvania that employed thousands of people in smaller communities. I refer specifically to the Carnegie Illinois Steel Company's $60,000,000 plant and the Jones and Laughlin Company's $100,000,000 plant.

The third reason for the so-called unemployment is that it has become quite a fad in the past few years for many industries to employ two heads of a family. In other words, where before the husband was the wage earner for the family, we find today practiced quite extensively, particularly in Pennsylvania, that the married woman and her husband are both working, while their neighbors are both loafing. That too is part of the industrial scheme on the part of the schemers in Pennsylvania for which we have proof. I know of one particular plant where there are approximately 500 women working and about 700 men. Of the 500 women about 400 of them are married to 400 of the 700 men. Well, you have right there 400 additional families that could be employed and have a wage earner in the family. That is one of the most criminal offenses against society today by the employers of labor. Now, I am not particularly interested in how much percentage this State has of unemployed over other states when I know the causes for these percentages. I think that every right thinking person in this State knows full well that after November 8th many persons who now depend upon the government will go back to work in those industries.

QUESTION OF PERSONAL PRIVILEGE

Mr. LAW. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Mercer, Mr. Law, will state his question of personal privilege.

Mr. LAW. Mr. President, since political speeches seem to be in order on both sides of the house tonight, I feel as though I might as well make one. I have been in practice a little lately.

I want to say this, that I have heard a great deal in the last four years here in this Senate, about industry moving out of Pennsylvania, because of taxes, and usually the suggestion is made that it is because of State taxes. Now in the valley in which I live, we have had a procession of industry out of that valley, different branches of the iron and steel industry over a period of ten or fifteen years, and it is because of taxes. But it is because of real estate taxes.

Ten or twelve years ago the Carnegie Illinois Company or as it then was, the Carnegie Steel Company, moved a large plant out of the city of Sharon because of high real estate taxation. The Stewart Iron Works moved a plant out of Sharon because of real estate taxation. Several blast furnaces moved out of the town of Sharpsville, where I live, because of real estate taxation.

I wonder if the people of Pennsylvania realize that if the Republican party had had its way on the question of relief, we would not have had the State taxes, no; but relief would have been turned back on the counties, at a tremendous increase in real estate taxation. In my county the figures show that if the relief now taken care of by the State had had to be administered by the county as additional poor relief, it would have multiplied by six the amount of money required by taxes. In Crawford County, the other county of my district, it would have multiplied it by four, and Crawford County has been particularly fortunate in the depression years since 1929. And if that had been done, if the Democratic Administration had not placed taxes on those able to pay, but had placed, as they say, the taxes on real estate, those same mills would have been complaining. Other mills would have moved out. They would have followed that procession and today in that valley, I don't believe that you would have any industrial plants because of the high real estate taxes they would have been obliged to pay.

I think that is the answer. Industry has been driven out by taxes in the last twelve or fifteen years, but in practically every case it has been because of real estate taxes on their property, and they went somewhere else where they could get away with a better real estate taxation rate than this State has, because very few States in the Union permit industry to get by with less tax on industrial operators than the Commonwealth of Pennsylvania does today, even with the increases.

QUESTION OF PERSONAL PRIVILEGE

Mr. STIEFEL. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Stiefel, will state his question of personal privilege.

Mr. STIEFEL. Mr. President, this story about industrial migration is not new. It originated in Wisconsin. The Republican Senators of Wisconsin years ago came out with the same story of industry migrating from Wisconsin. The story was a fable and it was proved that it was a myth.

Next, the City of New York gave it to us that industry was migrating from New York. Then a Republican, a man by the name of Mr. Murphy, made an investigation and he proved that industry was not moving from New York. Now, last year, a professor from the University of Illinois, Joseph Stein, prepared a study, a scientific study, and proved that industries are moving, not because of taxes but because of many other considerations.

During my work on the Dent Industrial Commission, I had the honor of knowing Mr. Ballantyne, the Vice President of the Philso Radio Company. The Philso Radio Company was one of the companies that said they were moving from Pennsylvania on account of taxes. Now they moved a certain plant to Detroit, and they said that they were moving on account of taxes in Pennsylvania. I asked Mr. Ballantyne who is an honest and decent gentleman; I said, "Mr. Ballantyne, as a matter of fact you moved to Detroit, not because of taxes, but because you wanted to be near the motoring market."

He said, "That's right. Taxes were only one of the considerations."

We have proved that taxes are not the only motive for

industrial migration. It is cheap labor that is driving certain industries to the South, and not the question of taxation. This is the reason why I also feel that this is only a political myth. If you turn the study into a vital science and solve the problems on the basis of economic reality, you will find that there is no such thing as taxes causing industrial migration.

QUESTION OF PERSONAL PRIVILEGE

Mr. OWLETT. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his question of personal privilege.

Mr. OWLETT. Mr. President, I do not wish to prolong this discussion but I cannot help but call the Senate's attention to the report of the Dent Commission, the preliminary report last year, when it said even at that early date, "We are in a position to say that the migration of industry from Pennsylvania has reached a point where all thoughtful citizens and especially those intrusted with the making of our laws may well pause to give serious consideration to the causes of those removals, and the painful consequences of this continued exodus of production, employment, and payrolls from our State."

That is the Dent Commission saying that. It is deeply significant of the tragic trend that we of Pennsylvania cannot long ignore or accept without some drastic effort to remove the causes. Now I call your attention further to what that commission said a little while ago before this campaign was in the offing. "All that is set forth here cannot be regarded as more than a cursory glance at the Pennsylvania situation, yet these specific migrations, liquidations, transfers and closings, account for a total annual payroll lost or displaced amounting to more than sixteen million dollars a year."

Mr. President, during 1937, sixty-two industrial concerns moved into Wilmington, Delaware and more than half of those went from the City of Philadelphia, although Wilmington has a population of only one hundred and twenty-five thousand. All my resolution that I introduced tonight does, is call for a report of this commission on the work they have done to date. If they want to hide it from the public that is their business.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of personal privilege.

Mr. SHAPIRO. Mr. President, I know that it is not necessary for me to wait for the Dent report to find out why industry is moving from Pennsylvania. I know a lot of industries moving from Pennsylvania. In fact I represented a number of them who moved from Pennsylvania partly and went to Wilmington, Delaware and to other places in Delaware about which the gentleman from Tioga refers.

Coming up on the train last week from one of these places where one of the gentlemen had moved his industry, I was in the smoking compartment of the car and I heard two gentlemen speak. I am sure they were Republicans because one, looking out the window near Darby said "Look at that big empty factory there. A lot of them are moving out, aren't they?"

The other fellow said, "You know these labor conditions are terrible, and they moved South to avoid labor conditions." The other fellow said, "Well, they catch up with them there, too."

I was smiling at that because my mission at that time was to try to adjust the labor difficulty of one of the industries that had moved from Philadelphia to avoid the labor difficulties here in Philadelphia, and my mission was to make some arrangements so the gentleman could come back to Philadelphia because the saving in labor was not panning out as he thought. In the first place, he did not get the kind of labor that he can get in Pennsylvania; trained, skilled, ready labor. In the second place, he found out that the labor organizations do not exist only in Pennsylvania but that all labor organizations are establishing funds for the purpose of organizing and unionizing these people wherever they go, and you will not need any Dent report or any other report about migration from Pennsylvania as soon as labor organizations get organized properly in the southern states where they moved not for the purpose of avoiding taxes but for the purpose of avoiding labor agents.

I said that the Scott Company had earned $1,254,000. Now in addition to that they earned over $440,000 which they paid out in taxes, $335,000 of which was paid to the Federal Government and over $110,000 of which was paid to the State government. Now, I want to know what industry, what sensible business man, with millions of dollars invested in Pennsylvania would move out of Pennsylvania because of having made $1,700,000 and having had tc pay $500,000 to his government, State and Federal, for the privilege of having such a fine magnificent business.

I think this conversation and talk about moving out of Pennsylvania is purely political and can be nothing else. I have had experience in these things from both sides. I know a half a dozen industries in Philadelphia who have moved out of Pennsylvania but not on account of taxes. Why, it is nonsensical to talk about industry moving out of Pennsylvania when the taxes will only take fifteen or twenty or twenty-five percent of their profits and will leave them an immense profit besides. When a company can make two dollars and twenty cents net for distribution on each share of stock it is making enough money to warrant it staying in Pennsylvania. If it has any patriotism or human feeling, when it realizes that in Pennsylvania today we are spending $1,500,000 per week to meet unemployment which is $60,000,000 a year, and that these taxes are going to keep people from starving—if they are decent, good business men they will not talk about moving out.

But when they have to pay 3 per cent on their payrolls to guarantee some measure of security to the people who work for them, when they have to pay old age pension funds to guarantee some measure of security for those people who have thrown them on the dump heap at the unproductive age, when they have to work forty hours per week, instead of fifty and fifty-two, then they of course, have a complaint but they won't dare say that, they won't dare give that as an excuse, because that would brand them as people who don't appreciate the privileges of a great State, and a great country. And I think it is high time that we realize that the things that we are saying and doing today make for the destruction of a democracy here just as they make for it in

other nations. If we want to be serious about this thing, we had better stop talking against our Government, and do some talking for it. Because you can look outside of this country and you will have a hard time finding any democracies left. If you want to destroy this one democracy, then keep up this political chatter that you deliver here and you will get it; but if you want to save this democracy stand up and meet this issue like men and not politicians.

QUESTION OF PERSONAL PRIVILEGE

Mr. DENT. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Westmoreland, Mr. Dent, will state his question of personal privilege.

Mr. DENT. Mr. President, I think it is important that I give some answer to the gentleman from Tioga, relative to the preliminary report of this commission. By reading that report he has read to this Senate a good reason for not making a report at the present time. We made three preliminary reports. Various members of the commission drew up those preliminary reports. The varying report that the gentleman reads from was drawn up by one of the members of this commission, and accepted by the commission, because they had faith in that member. He himself was fooled by one of the largest industries in Pennsylvania. They gave him first hand information which was included in that report.

We gave it to this Senate, and to the people of Pennsylvania as a bona-fide fact. What happened is well known to the people of Pennsylvania. Immediately upon the release of that report the Curtis Publishing Company denied that they had given to Representative Harry Trout, the information that he gave to the commission as a fact. They denied that they were moving out of Pennsylvania although they had told him they were. They denied also certain other statements which we as members of the commission know full well that they gave to Mr. Trout and that is a very good reason for not making more reports until we have the truth; and nothing but the truth will be sufficient in this case.

QUESTION OF PERSONAL PRIVILEGE

Mr. THOMPSON. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Centre, Mr. Thompson, will state his question of personal privilege.

Mr. THOMPSON. Mr. President, I think it is only fair to the Senate to report that industry is moving out of Pennsylvania. We have seen in Pennsylvania during the last two weeks a very hurried exodus of Pennsylvania's largest Republican industry. We don't have it in this State today. Three weeks ago we had it in full force. That, Mr. President, is Moe Annenberg's gambling racket.

QUESTION OF PERSONAL PRIVILEGE

Mr. GELDER. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Susquehanna, Mr. Gelder, will state his question of personal privilege.

Mr. GELDER. Mr. President, I had not thought of taking part in this debate as to whether or not industry is moving from Pennsylvania until the Chairman of the Dent Commission got up and gave us some statements that he purports to be facts as to why industry in Pennsylvania is slacking down at the present time. And I am on my feet now simply to say that what he says certainly did not come out of any of the hearings that we had in the Dent Commission. It was said Jay Gould years ago that he said that in a Republican State he was a Republican and in a Democratic State he was a Democrat, but always for the Erie Railroad.

Now we on that commission, haven't found that industry in Pennsylvania felt that way about it. We found in many cases that industry said they were being penalized to the place where profits were being wiped out, but they realized if they moved to other parts of the United States they could not take their employees with them, and for that reason they were staying here, hoping there would be a change.

In the matter of the Saturday Evening Post, I don't know anything about what Mr. Fuller told Representative Trout, but I do know that he was before our commission when we had a hearing in Philadelphia. He told us that in Pennsylvania today, the Curtis Publishing Company is paying hundreds of thousand of dollars more than they would pay if their plant would move to Camden, across the river. And I read in the State papers that he is heading a movement today revealing just what the taxes are doing to industry in Pennsylvania. But, Mr. President, it is not merely taxes that are hampering industry in Pennsylvania, and the study of the Dent Commission has not been confined alone to taxes. It has been a question as to whether taxes or any other restrictive legislation is doing it, and I want to say to you that it is the other restrictive legislation, just as much as the taxes that today are hampering industry in this State.

In addition to that there are the inducements, as has been said on the floor here, of cheaper labor, although for the most part the Pennsylvania employers said that they would rather have Pennsylvania labor than the labor that they get in these other states. They say that other things being equal the more competent labor here in Pennsylvania would give them the advantage and they would rather stay in Pennsylvania than go into the other states.

Another thing that we are finding is that those large corporations that the Senator from Philadelphia talked about are as a rule pretty well able to help themselves or take care of themselves. They are able to pass their taxes on to the consumer. It is the little fellow we find that is being hurt here in Pennsylvania.

You gentlemen on the other side have been talking about taxing the ability to pay but I want to say to you that your taxes are going right down on the consumer, right down on the people who are not able to pay. You can talk about taxing the ability to pay all you please, but the factories that are closing down are certainly not attempting to commit political suicide simply to affect an election. They are closing down because they have to and the employes largely pay the price; they and the smaller businessmen who have to take the products from the bigger corporations, who have expert cost accountants who can figure just what the cost of the tax is going to be and put it into the product. When we get down to the small operator, the smaller businessman with the keener competition that he has, very often he is faced either with losing his market or absorbing the cost. If he

has a surplus or if he has credit he absorbs it until he gets on the verge of bankruptcy.

I am very sorry that we have had to go into the Dent Commission work before they could reveal the entire facts in the matter, but I thought the statement of the chairman of that commission which intimates that industry in Pennsylvania is deliberately shutting down to affect an election would leave a false impression, because it certainly is nothing that we on the Dent Commission found to be true.

QUESTION OF PERSONAL PRIVILEGE

Mr. STIEFEL. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Stiefel, will state his question of personal privilege.

Mr. STIEFEL. Mr. President, I want to suggest something to the Senator from Susquehanna that is caused by his own mention of the commission headed by Mr. Fuller. It affects the question being studied by Mr. Fuller, the President of the Curtis Publishing Company. I suggest to Mr. Fuller that he investigate all the accounts lost from industry in Pennsylvania and also the accounts opened by new industries. Then he will have a complete picture. Removed from the political atmosphere we can do more tangible work.

QUESTION OF LEGISLATIVE INQUIRY

Mr. BUCKMAN. Mr. President, I rise to a question of legislative inquiry.

The PRESIDENT. The Senator from Bucks, Mr. Buckman, will state his question of legislative inquiry.

Mr. BUCKMAN. Mr. President, I would like to ask what is pending before the Senate at this time outside of the election on November the eighth?

The PRESIDENT. Nothing but the election.

QUESTION OF PERSONAL PRIVILEGE

Mr. DENT. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Westmoreland, Mr. Dent, will state his question of personal privilege.

Mr. DENT. Mr. President, I rose a while ago to a question of personal privilege and made a statement regarding what I personally thought related to the 25 per cent overload of unemployment. I did not refer to the Tax Commission hearings. I did not state that they had found that out in their investigation; I said that I personally felt that those reasons were the reasons that Pennsylvania had the 25 per cent overload of unemployment. I do not want it misunderstood that any of this information that I gave here is part of the commission's findings. I will have nothing to state relative to the commission's findings until the proper time and place presents itself. I do want to state that though Mr. Fuller is head of the group who are supposed to be studying the tax question, it may be enlightening to this group of Senators to know that the Westmoreland County branch of the Fuller Tax Study Group was the first one in my county to address me with a telegram asking me to vote against the probe bills. I do not know what that had to do with taxes.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 49, entitled:

An Act to prohibit the sale offering or exposing for sale of fireworks defining fireworks and authorizing cities boroughs towns and townships to regulate the manner of using fireworks therein and providing penalties.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Barthold,	Frey,	Kunkel,	Rodgers,
Buckman,	Gelder,	Lanius,	Ruth,
Cavalcante,	Gilson,	Law,	Shapiro,
Chapman,	Haluska,	Mallery,	Sipe,
Dando,	Henney,	McCreesh,	Sones,
Deitrick,	Heyburn,	McGinnis,	Stiefel,
Dent,	Jacobs,	Owlett,	Thompson,
DiSilvestro,	Jaspan,	Pytko,	Wolfenden,
Ealy,	Kahle,	Reed,	Woodward,
Eroe,	Kilgallen,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 56, entitled:

An Act creating a joint legislative commission to study and report on the causes for rejection of the Workmen's Compensation Act by employers the structure of rates on Workmen's Compensation insurance and making an appropriation

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Barthold,	Frey,	Kunkel,	Rodgers,
Buckman,	Gelder,	Lanius,	Ruth,
Cavalcante,	Gilson,	Law,	Shapiro,
Chapman,	Haluska,	Mallery,	Sipe,
Dando,	Henney,	McCreesh,	Sones,
Deitrick,	Heyburn,	McGinnis,	Stiefel,
Dent,	Jacobs,	Owlett,	Thompson,
DiSilvestro,	Jaspan,	Pytko,	Wolfenden,
Ealy,	Kahle,	Reed,	Woodward,
Eroe,	Kilgallen,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 59 (House Bill No. 66), entitled:

A Supplement to the act approved the second day of July one thousand nine hundred thirty-seven (Appropriation Acts page seventy-four) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" providing for deficiencies in certain appropriations to the Department of Justice for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, this bill is a deficiency appropriation to the Department of the Attorney General. It asks for a $50,000 deficiency appropriation. I think it only fair to the Department of Justice to place on the records just what this bill is. As to the total amount of this bill, a total deficiency of only $13,200 is chargeable as a deficiency to the present administration of the Attorney General's office.

That $13,000 is made up of $7300 for preparations of briefs on the 44-Hour Law, the Liquor Floor Tax case and the Norwood Realty Company case; $2450 for a transcript of the testimony on the Full-Crew Law case and $3500 in witness fees.

As to the balance of some $38,000, it comprises in full the additional expenses incurred by this administration to be paid by the Attorney General's office in the Monahan case and in the Bruno case. I should like to say and place on the records that the amount to be paid, the additional amount to be paid in the Bruno case is $14,782 and that there has already been paid out in the Bruno case $29,764 in counsel fees and witness fees; so that the total amount including the amount appropriated in this bill paid in that case alone is $43,546.67. But this bill comprises $21,909 to be paid in the Monahan case. I should have said about that $29,000 payment; first, that $21,750 of it was paid by Schuylkill County and $7,900 was paid by the Commonwealth. But the total paid therefore by the Commonwealth would be $21,791, the total paid, which means what the State still owes and what the State has paid.

In the Monahan case, as I said, the total amount paid by the Department of Justice will be $21,998.00. Of this bill, seven thousand nine hundred and thirty-eight dollars is the money due in the Jennings case, five thousand dollars is the amount which the Supreme Court said must be paid by a contract made by former Attorney General Schnader with Emanuel Beloff in the Henrietta E. Garrett estate, six thousand nine hundred and ten dollars is being paid for inheritance tax cases under the previous Attorney General, and one thousand three hundred and ninety-three dollars is being paid to Mr. I. E. Penrod, contracted by the former Attorney General as a special investigator. As I say, only thirteen thousand two hundred of this amount can be charged to the present Attorney General.

Mr. BUCKMAN. Mr. President, I would like to interrogate the Senator from Philadelphia.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator if there is anything in those items which he has very kindly read for the record to show how much was paid by the Attorney General's office under this administration to Judge Kalodner, special counsel in the Mellon tax case.

Mr. SHAPIRO. Mr. President, there was no money paid by the Attorney General's office. Of course the gentleman knows that this is not in the item, but there was no money paid by the present Attorney General's office to Judge Kalodner. On the contrary, Mr. Margiotti, the former Attorney General, appointed Judge Kalodner and stated in his appointment that he considered him one of the ablest men on tax cases in the State of Pennsylvania and contracted the bill before the present Attorney General came into office. By the way, it was paid out of the Mellon estate.

Mr. BUCKMAN. Mr. President, isn't there provision in the Attorney General's office for the payment of a ten thousand dollars fee to the attorney for the Clarence Geist estate in Philadelphia and another ten thousand dollars fee for the Stotesbury estate?

Mr. SHAPIRO. Mr. President, there is no provision made for any such fee but there has been appointments made for counsel in those cases.

Mr. BUCKMAN. Mr. President, notwithstanding, Mr. President, that there are already a whole horde of deputy attorney generals who are supposed to handle those things, I understand that the department makes special appointments in each case.

Mr. SHAPIRO. Mr. President, well, the department is following the usual custom that it followed under the Republican administration when it appointed, I think it was the Senator from Bucks or his brother as the banking cases special attorney. That isn't an unusual custom and it is being followed, I think, but not to the same extent.

Mr. CAVALCANTE. Mr. President, I would like to interrogate the Senator from Philadelphia.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I enjoy it.

Mr. CAVALCANTE. Mr. President, I was interested in the statement made by the Senator from Philadelphia on the bill but still I was unable to gather from his statement whether he is in favor of this deficiency appropriation or not. I would like to know whether he is.

Mr. SHAPIRO. Mr. President, I am going to vote for the bill. I am not in favor of or commend the practice of contracting bills for the prosecution of cases where the counties have to pay such tremendous sums and the State also joins in paying tremendous sums.

Mr. CAVALCANTE. Mr. President, I wonder if the Senator from Philadelphia would be so kind as to state whether in his opinion all of this could not have been avoided if the Attorney General's power to supersede District Attorneys would be curbed and taken away from him?

Mr. SHAPIRO. Mr. President, no, I do not think so. I think you would have to talk to the Supreme Court about that because they have specifically invoked those

cases and not only said that the District Attorney may supersede but that it is his duty to supersede whenever in his opinion it is necessary. After that was done they decided that the counties cannot be compelled to pay and although the counties paid some twenty-one thousand dollars, they said "We can't give you that back but from now on the State shall have to pay."

I think the way things look now that it would be a good idea if the Attorney General should always have the right, but he should exercise it with discretion.

Mr. CAVALCANTE. Mr. President, does the Senator from Philadelphia know whether these items of indebtedness mentioned by him as owing from the Commonwealth to these various persons must be approved by the Auditor General and whether they have been approved by the Auditor General?

Mr. SHAPIRO. Mr. President, no, because I have copies of the order the court made in each case in which they approved the payment of these bills and left nothing to the Auditor General or to the Attorney General to decide.

Mr. CAVALCANTE. Mr. President, is that not due to the fact that the courts have legally decided that these bills were legitimate and should be paid?

Mr. SHAPIRO. Mr. President, they decided that services were rendered and should be paid, certainly.

I am quite sure the Senator from Fayette could have conducted well and ably the case in his own county for less than $40,000.

Mr. CAVALCANTE. Mr. President, I wish to reciprocate by saying that the Senator from Philadelphia could have handled a lot of matters in Philadelphia for which we paid large attorney fees for less fees than the State had to pay.

Mr. SHAPIRO. Mr. President, if the Senator from Fayette will so notify the Attorney General's Office in my case, I will do the same for him.

Mr. CAVALCANTE. Mr. President, since these items are proper matters of discussion under this deficiency bill, I as usual or rather not as usual, disagree with the Senator from Philadelphia on the question of whether the Attorney General should have the power to supersede the constitutional officer, the District Attorney. But here just in this session we have passed an Act of Assembly that gives the Attorney General the absolute power in his discretion to supersede the District Attorney.

Now, that can have no other effect than to further encourage expenditures such as the Senator from Philadelphia does not agree with at this time.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Barthold,	Frey,	Kunkel,	Rodgers,
Buckman,	Gelder,	Lanius,	Ruth,
Cavalcante,	Gilson,	Law,	Shapiro,
Chapman,	Haluska,	Mallery,	Sipe,
Dando,	Henney,	McCreesh,	Sones,
Deitrick,	Heyburn,	McGinnis,	Stiefel,
Dent,	Jacobs,	Owlett,	Thompson,
DiSilvestro,	Jaspan,	Pytko,	Wolfenden,
Ealy,	Kahle,	Reed,	Woodward,
Eroe,	Kilgallen,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 60, entitled:

An Act to amend Section two of the act approved the twelfth day of August one thousand nine hundred and thirty-eight(Act No. 5) entitled "An act authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued requiring the commission to make a report of its findings and recommendations to the General Assembly or to the Governor and authorizing the commission to employ counsel and employes and making an appropriation" by changing the manner of appointment of the members of said commission

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. BUCKMAN. Mr. President, this seems like a rather unusual bill. It is an Act to amend Section Two of an Act approved the 12th day of August, 1938. That is a little over two months ago, and now it is sought to be amended. The passage of this bill reminds me somewhat of the baby who was born one day and died the next. He had on his tombstone an epitaph; he had his name and the date of birth, we will say on October 16th, and the date that he died, October 18, the same year—and then the epitaph. "If I were so soon to be done for, I wonder why I was begun for."

This bill goes on to change this Act that we passed this present summer, by providing that the members shall all be appointed by the President Pro Tempore of the Senate, or the Speaker of the House, and that the only requirement is that they shall be members of the Senate or of the House at the time of their appointment. I was wondering, having in mind that this is one of the pet measures of the Senator from Centre, Mr. Thompson, whether being not only afraid that he was not going to be re-elected but that a Democratic Governor was not going to be elected, he made sure of his own job and the rest of his colleagues by providing that they could continue serving as members of the Senate or the House. I was wondering if anything like that was in his mind and I would be glad to have him ellucidate the necessity of this Act.

Mr. THOMPSON. Mr. President, the Senator from Bucks thinks fast but not deep. If he would stop to make a second thought he would have realized that at least a month and a half ago I was re-appointed to the oil commission and I have my job under the terms of that Act, as long as there is an oil commission, irrespective of the outcome of the election. This present bill won't affect my status at all. If it is any consolation to the Senator from Bucks to know that I will go right on rendering the Commonwealth my valuable service, I am glad to convey that information to him.

As for the purpose of this Act, I think we all appreciate the superior qualities that legislative commissions have over commissions that are appointed in other forms. For that purpose and for that purpose only, Mr. President, it is to amend this Act of last August, so that the commission is purely legislative.

Mr. BUCKMAN. Mr. President, I would like to interrogate the Senator from Centre, Mr. Thompson.

The PRESIDENT. Will the Senator from Centre, Mr. Thompson permit himself to be interrogated?

Mr. THOMPSON. Mr. President, I will.

Mr. BUCKMAN. Mr. President, the Senator is a member of so many legislative commissions that have so many different appropriations that I have forgotten what the appropriation is on this bill, but I think it is $25,000, and I would like to ask the Senator if he is still hopeful that he can spend that between now and election.

Mr. THOMPSON. Mr. President, as with the other commissions that we belong to, they are purely working bodies. We haven't at all followed the old Republican principle in the application of the commission. We try to find out what are the duties of our commission and perform them. We are not particularly interested in the spending of an appropriation. Our appropriation may be $25,000—I will be satisfied with the word of the Senator from Bucks on that amount. I don't recall offhand what is the amount stipulated in the appropriation.

This bill does nothing except make the members of this commission purely legislative. Under the old Act three appointments were made by the Governor, and one by the Speaker and one by the President Pro Tempore. This Act changes that so that all five appointments are made by the members of the Legislature.

Mr. BUCKMAN. Mr. President, isn't it a fact that if these appointments were made by the Governor they could be revoked by the incoming Governor, whoever he may be, and isn't it a further fact that if they are appointed by the Legislature, another session could revoke those appointments?

Mr. THOMPSON. Mr. President, that is not a fact under the terms of the bill.

Mr. BUCKMAN. Mr. President, why is it not a fact?

Mr. THOMPSON. Mr. President, if I recall the Senator's reading of the bill, the bill said that the appointed members shall continue to hold office irrespective of the outcome of the election. Mr. President, I think the Senator from Bucks is certainly getting very far afield in bringing the election into the question of influencing the passage of this bill. Certainly the Senator even in his wildest dreams does not ever imagine that a Republican administration is going to be elected here in November. It will not make a bit of difference to him as far as his getting on this commission by gubernatorial appointment after he goes out of the Senate on December first, it will not make any difference because the Governor certainly will not be a Republican and there will not be any chance of his getting appointed to this commission.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28

Barthold,	Gilson,	Kunkel,	Rice,
Cavalcante,	Haluska,	Lanius,	Rodgers,
Dando,	Henney,	Law,	Ruth,
Dent,	Jacobs,	McCreesh,	Shapiro,
DiSilvestro,	Jaspan,	McGinnis,	Sipe,
Eroe,	Kahle,	Pytko,	Stiefel,
Frey,	Kilgallen,	Reed,	Thompson,

NAYS—11

Buckman,	Ealy,	Mallery,	Wolfenden,
Chapman,	Gelder,	Owlett,	Woodward,
Deitrick,	Heyburn,	Sones,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 61, as follows:

An Act to ratify confirm and make valid the joint legislative committee created by Senate Concurrent Resolution Serial Number 106 approved March sixteenth one thousand nine hundred and thirty-seven and authorized thereby to make an investigation of the tax burdens placed upon industries in Pennsylvania and other industrial and mining states together with its actions proceedings expenses and expenditures and the appropriation made to said committee and making a further appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The joint legislative commission created by Senate Concurrent Resolution Serial Number 106 approved March sixteenth one thousand nine hundred and thirty-seven and authorized thereby to make an investigation of the tax burdens placed upon industries in Pennsylvania and other industrial and mining states together with all its actions proceedings expenses and expenditures (whether the same have been paid or remain unpaid) and the appropriation made to said commission by the act approved the second day of July one thousand nine hundred and thirty-seven (Appropriation Acts page 74) entitled "An act making an appropriation for the expenses of the joint legislative committee created by Senate Concurrent Resolution Serial Number one hundred six approved March sixteenth one thousand nine hundred and thirty-seven" are hereby ratified confirmed and made valid notwithstanding the fact that said committee was created by a concurrent resolution and notwithstanding any other defect or informality in substance form or language in the legislation creating said committee

Section 2 The sum of ten thousand dollars ($10.000.00) or so much thereof as may be necessary is hereby specifically appropriated to the committee referred to in section 1 hereof for the purpose of carrying on the work of the said committee for the compensation of assistants employed by said committee for the expenses of the members of the said committee and its employees for the preparation editing printing and distribution of the report of the committee and for the payment of incidental expenses

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

CONSIDERATION OF RESOLUTION RELATIVE TO RECONVENING THE GENERAL ASSEMBLY

Mr. RICE. Mr. President, I move that the Senate do now proceed to the consideration of the resolution in-

troduced by me earlier at today's session, which was laid on the table.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The resolution was read as follows:

In the Senate, October 17, 1938.

Resolved (if the House of Representatives concur), That in any recess of the Senate and the House of Representatives during a Regular or Extraordinary Session of the General Assembly, the President pro tempore of the Senate and the Speaker of the House of Representatives may jointly reconvene the Senate and the House of Representatives at a date prior to the date already fixed for reconvening.

Mr. RICE. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his point of order.

Mr. CAVALCANTE. Mr. President, the resolution does not fix a definite time for a recess.

The PRESIDENT. No, it does not. That does not invalidate the resolution.

Is there objection to immediate consideration? The Chair hears none.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

TIME OF NEXT MEETING

Mr. RUTH. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RUTH, offered the following resolution which was twice read, considered and agreed to.

In the Senate, October 17, 1938.

Resolved (if the House of Representatives concur) that when the Senate adjourns this week it reconvene on Monday evening, November 14, 1938, at 9 P. M. and when the House of Representatives adjourns this week it reconvene on Monday evening, November 14, 1938, at 9 P. M.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

CONSIDERATION OF RESOLUTION MEMORIALIZING THE PRESIDENT AND THE SECRETARY OF STATE OF THE UNITED STATES TO APPEAL TO GREAT BRITAIN TO ADHERE TO THE TERMS OF THE PALESTINE MANDATE AND TO THE SPIRIT OF THE BALFOUR DECLARATION

Mr. RUTH. Mr. President, I move that the Senate do now proceed to the consideration of Senate Resolution Serial No. 21, reported as committed from the Committee on Judiciary General at today's session.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

The resolution was read as follows:

In the Senate, October 11, 1938.

Whereas, the civilized world has witnessed for the past two decades the miraculous revival of the Holy land, the cradle of all faiths, by the return of the Jews to Palestine, and

Whereas, the American Government has by joint resolution of the Congress of the United States unanimously endorsed the action of Great Britain in accepting the Palestine Mandate to facilitate the establishment of the Jewish Homeland and

Whereas, this responsibility was accepted by Great Britain as a sacred trust in behalf of the civilized world, and

Whereas, under the provisions of the American British Palestine Mandate Convention, signed December 3, 1924, approved by the United States Senate February 20, 1925 and officially ratified by the President of the United States March 2, 1925, Great Britain agreed that nothing contained in the agreement shall be modified unless such modification shall have been assented to by the United States of America, and

Whereas, it is reported that the British Government is contemplating the abandonment of its pledge to the Jewish people made through the Balfour Declaration and embodied in the said Palestine Mandate, and

Whereas, people of all creeds and faiths are profoundly disturbed by these reports, and

Whereas, the magnificent accomplishments of the Jewish settlers in Palestine, spiritual and material, have won the high regard of the entire world

Whereas, the unsettled conditions in Europe and the continuous discrimination and persecution of minority groups compel Jews to look to Palestine as their chief haven of refuge, and

Whereas, it is the sense of the General Assembly of the Commonwealth of Pennsylvania that the abandonment by Great Britain of her pledges would leave no avenue of escape to Jews driven from many lands and that such a course would be regarded by all enlightened peoples as a surrender to the forces of violence and hatred

Be it resolved (if the House of Representatives concur) that the General Assembly of the Commonwealth of Pennsylvania memorializes the President of the United States and the Secretary of State of the United States to make known to the British Government that this country looks to Great Britain to adhere to her commitments and to hold fast to the terms of the Palestine Mandate and to the spirit of the Balfour Declaration, and

Be it further resolved, that a copy of this resolution be transmitted to His Excellency, the President of the United States, and the Secretary of State of the United States by the Secretary of the Senate.

Mr. RUTH. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions reported from committee to lie over for one day be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the resolution?

Mr. OWLETT. Mr. President, I rise to speak in support of the resolution introduced by Senator Ruth. I am impelled to do so, because of the imminent danger that threatens the Jewish homeland in Palestine, a creation of our acquiescense—and because of the great concern such a possibility must cause among the people of the great Commonwealth, especially our fellow-citizens of the Jewish faith. At all times, these latter have yielded unto our State and country, their utmost in patriotism and loyalty, and in this, their hour of doubt and uncertainty and need, we owe them the fullest measure of sympathy, help and cooperation in return.

For centuries, the Jew had set his face toward Palestine and prayed for its up-building that he might provide a haven of refuge for the oppressed and harassed of his brethren. Unheedful of his claim, the world, nevertheless, applauded this undying hope, and when opportunity presented itself, gave public recognition and to sanction his aspiration in the form of the Balfour Declaration. As an aftermath of the World War, Great Britain declared as follows:

"His Majesty's Government views with favor the establishment in Palestine of a national home for the Jewish People, and will use its best endeavors to facilitate the achievement of this object."

In this expression, the United States joined whole heartedly. President Wilson participated in the drafting of this declaration and our Congress, in 1922, endorsed the purposes thereof, by passing the Lodge-Fish Resolution. And finally, in 1924, we entered into the American British Palestine Mandate Convention, under which both governments recognized their mutual responsibilities, and agreed not to make any change in the Mandate unless we were first consulted.

Thus, was there given impetus to one of the most phenomenal evidences of love of home and country. On the strength of this support and encouragement, the Jewish people of the world, aided and assisted by the Jews of this country, proceeded with self-sacrificing labor and herculean effort to rebuild their home in Palestine.

Joy and enthusiasm overcame what seemed insurmountable difficulties. An uncompromising will conquered obstacles that threatened the success of the enterprise. Indeed, the world, with great admiration marvelled at the fullness of the achievements and accomplishments of this small band of God-inspired pioneers. The population grew from 55,000 in 1917 to 450,000 in 1937. Swamps were drained and waste lands were transformed into fruitful farms and orange groves. Roads were built through rocky passes and cities and towns were planned and erected. Schools, a university, hospitals and clinics sprang up throughout the land, serving all who applied, regardless of creed or color or race. Yes, here was being created a life and country, patterned after our own, and founded on the principles and ideals of social justice and equality.

At long last, here was the promise of a future and permanent home of a people that had wandered long, but had never ceased to yearn for Zion, the haven of refuge for the thousands of unfortunate Jews in Europe made homeless by cruel and inhuman decree.

But Alas! The joy of fulfillment seems to be destined for a short life, unless the world raises its voice against another instance of consummate injustice. From sources that appear to be authoratative, come intimations that Great Britain will revoke the Balfour Declaration and scrap it; that in the place of the Jewish homeland, there will be set up an Arab State with minority rights to the Jews. A retreat from its pledges—a reversal of its policies—a retraction of its promises. What an uninspiring change! From the peace and gentleness of the Jewish scholar to the terror and brutality of the Arab hireling. From the beauty and fertility of the Jewish farm to the filth and squaler of the Arab camp. From the progress and achievement of the Jewish pioneer to the inertia and indolence of the Arab peasant. Two decades of life giving soul stirring effort crushed under the heel of a momentary decision.

No, we in America, who have encouraged the Jewish people to aspire to liberty and freedom cannot and will not remain aloof when that freedom is threatened. We, who value and appreciate industry and honest toil and loyalty to time hallowed idealism will not sit idly by, nor remain silent while justice is being despoiled. We demand and have a right to be consulted before the Balfour Declaration is scrapped. We owe it to ourselves and to our posterity, that we be afforded the opportunity of pleading the cause of our wards before the Bar of the World. We owe it to our fore-fathers as well as to the future, that we be free from the charge of deserting their idealism. By adopting this resolution we of the Commonwealth of Pennsylvania, make known to our National Government, and through it to Great Britain, our unchanged desire that the pledge to the Jewish people be kept, that its destiny and right to a homeland be fulfilled.

And the question recurring,

Will the Senate agree to the resolution?

It was agreed to.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL NO. 50

The Clerk of the House of Representatives being introduced returned to the Senate, Senate Bill No. 50, entitled:

An Act making a deficiency appropriation for the expenses of the Joint Legislative Commission investigating certain courts of this Commonwealth and created by Joint Resolution Number eleven approved the ninth day of March one thousand nine hundred and thirty-seven.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL NO. 43

He also returned to the Senate, Senate Bill No. 43, entitled:

An Act making a deficiency appropriation to the Lieutenant Governor.

with the information that the House has passed the same without amendments.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 43, entitled:

An Act making a deficiency appropriation to the Lieutenant Governor

Senate Bill No. 50, entitled:

An Act making a deficiency appropriation for the expenses of the Joint Legislative Commission investigating certain courts of this Commonwealth and created by Joint Resolution Number eleven approved the ninth day of March one thousand nine hundred and thirty-seven

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 21 (Senate Bill No. 63), entitled:

An Act to regulate the sale storage offering or exposing for sale of fireworks defining fireworks and providing for licensing and regulation of the manner of using fireworks and providing license fees and penalties

Which was committed to the Committee on State Government.

House Bill No. 72 (Senate Bill No. 64), entitled

A Supplement to the act approved the second day of July one thousand nine hundred thirty-seven (Appropriation Acts page seventy-four) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judical Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" making a deficiency appropriation to the Department of Property and Supplies for the payment of certain expenses for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine

Which was committed to the Committee on Appropriations.

House Bill No. 82 (Senate Bill No. 65), entitled:

An Act to amend Sections two hundred two four hundred one and two thousand three hundred eighteen of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by creating as departmental administrative boards in the Department of Welfare and conferring powers and duties upon boards of trustees for the respective institutions acquired by the Commonwealth from counties cities and institution districts for use as State mental hospitals

Which was committed to the Committee on City Government.

RESOLUTION AUTHORIZING PAYMENT OF SALARIES OF MEMBERS OF THE GENERAL ASSEMBLY

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, October 17, 1938.

Whereas, under the provisions of the Act of June 24, 1919, P. L. 579, as last amended by the Act of June 2, 1933, P. L. 1422, the salary of the members of the General Assembly is fixed at the amount of $500.00 for each special or extraordinary session; and

Whereas, Under Act No. 17 of the Extraordinary Session of 1938, approved September 22, 1938, moneys have been appropriated for the payment of such salaries; and

Whereas, Pursuant to the terms of Senate Concurrent Resolution, Serial No. 103, approved July 25, 1938, the sum of $250.00 has been paid to each member of the General Assembly for this Extraordinary Session; therefore, be it

Resolved (if the Senate concur), that the State Treasurer be, and he is hereby authorized to pay, on warrant of the Auditor General, to each member of the General Assembly, the further sum of $125.00, on account of the balance due such member for salary, and the remainder, namely, $125.00, on the day of final adjournment of the Extraordinary Session of the General Assembly, convened on call of the Governor the twenty-fifth day of July, one thousand nine hundred thirty-eight.

Ordered, That the Clerk inform the House of Representatives accordingly.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess for ten minutes.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

ANNOUNCEMENTS BY THE SECRETARY

During the recess the Committee on City Government will meet in Room 265.

Immediately following that meeting the Committee on Appropriations will meet in the same room.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORTS FROM COMMITTEES

Mr. STIEFEL. Mr. President, I ask unanimous consent to make a report from committee at this time

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STIEFEL from the Committee on Appropriations reported as committed, Senate Bill No. 64 (House Bill No. 72), entitled:

A Supplement to the act approved the second day of July, one thousand nine hundred thirty-seven (Appropriation Acts page seventy-four), entitled, "An act to provide for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven." making a deficiency appropriation to the Department of Property and Supplies for the payment of certain expenses for the fiscal biennium ending May thirty-first, one thousand nine hundred thirty-nine.

Mr. SHAPIRO. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO from the Committee on City Government, reported as amended, Senate Bill No. 65 (House Bill No. 82), entitled:

An Act to amend Sections two hundred two, four hundred one and two thousand three hundred eighteen of the act approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges, abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions, defining the powers and duties of the Governor and other executive and administrative departments, boards, commissions and officers, fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers, providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined," as amended by creating as departmental, administrative boards in the Department of Welfare and conferring powers and duties upon boards of trustees for the respective institutions acquired by the Commonwealth from counties, cities and institution districts for use as State mental hospitals.

MOTION TO READ BILLS THE FIRST TIME

Mr. LAW. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 64 (House Bill No. 72), entitled:

A Supplement to the act approved the second day of July, one thousand nine hundred thirty-seven (Appropriation Acts page seventy-four), entitled, "An act to provide for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven," making a deficiency appropriation to the Department of Property and Supplies for the payment of certain expenses for the fiscal biennium ending May thirty-first, one thousand nine hundred thirty-nine.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 65 (House Bill No. 82), entitled:

An Act to amend Sections two hundred two, four hundred one and two thousand three hundred eighteen of the act approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177) entitled, "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges, abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions, defining the powers and duties of the Governor and other executive and administrative departments, boards, commissions and officers, fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers, providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined," as amended by creating as departmental, administrative boards in the Department of Welfare and conferring powers and duties upon boards of trustees for the respective institutions acquired by the Commonwealth from counties, cities and institution districts for use as State mental hospitals.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn until Tuesday, October 18, 1938, at 11:00 o'clock, A. M.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:28 o'clock, P. M. until Tuesday, October 18, 1938, at 11:00 o'clock, A. M.

HOUSE OF REPRESENTATIVES

MONDAY, OCTOBER 17, 1938

The SPEAKER, (Roy E. Furman), in the Chair.

PRAYER

The Chaplain, Rev. EPHRAIM Z. GALLAHER, offered the following prayer:

Our Father in heaven, it is with Reverence unto Thee we resume sitting in session. Thy word exherts reverence and honor—reverence and honor unto Thee—"Thou shalt love the Lord, thy God, with all thy heart;" "Thou shalt not take the name of the Lord, thy God, in vain." Reverence unto Thy sanctuary; "Ye shall reverence my sanctuary, I am the Lord." Reverence upon parents—"Honor thy father and thy mother." Thou doth exhort us to honor our rulers, for they are God's servants. Happy is he who can say. "All these things I always do."

In Christ's name, we do pray.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Tuesday, October 11, 1938.

The Clerk proceeded to read the Journal of Tuesday, October 11, 1938, when, on motion of Mr. FISS the further reading was dispensed with and the Journal approved.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Execellency, the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 10

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, October 13, 1938.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day

approved and signed House Bill No. 10, Printer's No. 46, entitled, "An Act authorizing the Secretary of Highways to change the location of State Highway routes in Cities of the First Class constituting part of the approaches to interstate bridges including the terminal points thereof Authorizing the abandonment of such relocated sections of State highways Authorizing the Secretary of Highways to enter into agreements with Cities of the First Class Interstate Joint Commissions persons associations and corporations for the sharing of the cost exclusive of property damages of widening streets and relocating highways forming part of the State highway system and constituting approaches to interstate bridges Authorizing Cities of the First Class Interstate Joint Commissions persons associations and corporations to enter into agreements with each other for the sharing of the cost of property damages direct and not merely consequential thereto in connection with the widening of said streets and relocating said highways and with the Secretary of Highways and each other for the sharing of the cost of widening said streets and relocating said highways exclusive of property damages and making an appropriation."

GEORGE H. EARLE.

LEAVES OF ABSENCE

Mr. Reising asked and obtained leave of absence for Mr. NAGEL for tonight's session.

Mr. Robinson asked and obtained leave of absence for Mr. SAMUEL A. WEISS for to-night's session.

Mr. Gillette asked and obtained leave of absence for Mr. MERRELL for the week's sessions on account of illness.

The Speaker asked and obtained leave of absence for Mr. VAN ALLSBURG for the week's session.

COMMITTEE APPOINTED

The SPEAKER. In pursuance of the provisions of House Bill No. 65, Printer's No. 59, approved by the Governor Tuesday, October 11, the Chair appointed on October 11 the following committee:

Honorable Paul C. Moomaw, of Franklin County; Honorable Isidor Ostroff, of Philadelphia County and Honorable John J. McDevitt, 3rd, of Philadelphia County.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 50, entitled:

An Act making an appropriation to the Department of Property and Supplies for preliminary expenses in proposed acquisitions of real property from housing authorities

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 88, (Senate Bill No. 40), entitled:

An Act to amend sections one hundred eight five hundred six five hundred seven eight hundred thirteen eight hundred fourteen and one thousand one hundred thirty-three of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by providing for the merger of certain school districts with other districts redefining indebtedness of school districts empowering the county boards of school directors to employ an attorney and fix his compensation increasing the salaries of members of the county board of school directors and providing for limitations on the appointment of district superintendents

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL PASSED OVER

There being no objection House Bill No. 83 Senate Bill No. 39 Printer's No. 54 was passed over at the request of Mr. OMINSKY.

BILL ON FINAL PASSAGE

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 21 as follows:

An Act to regulate the sale storage offering or exposing for sale of fireworks defining fireworks and providing for licensing and regulation of the manner of using fireworks and providing license fees and penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The term fireworks shall mean and include any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion explosion deflagration or detonation Fixed ammunition for small arms and primers for such ammunition are not included within this definition

Section 2 Except as hereinafter provided it shall be unlawful for any person firm co-partnership or corporation to offer for sale to store expose for sale sell at retail or use or explode the following articles of fireworks

Torpedoes of all kinds

Paper caps containing more than thirty-five hundredths grain of explosive composition

Cannons canes pistols or other devices designated for use otherwise than with paper caps

Any fire works containing a compound or mixture of yellow or white phosphorus or mercury

Fireworks compositions that ignite spontaneously or undergo decomposition when subjected for forty-eight (48) consecutive hours to a temperature of one hundred sixty seven degrees (167°) Fahrenheit

Balloons which require fire underneath to propel the same

Fireworks such as sparklers or fuses containing a matchtip or head or similar igniting point or surface unless each individual tiphead or igniting point or surface is thoroughly covered and securely protected from accidental contact or friction with any other surface or any fireworks which can be ignited or exploded by application of friction alone

Firecrackers and salutes containing black powder and firecrackers containing flash composition

Roman candles

Fountains throwing a display

Any fireworks that contain a detonator or blasting cap

All skyrockets

Fireworks containing an ammonium salt and chlorate

Explosive fireworks in which the explosive compound is contained in a casing compound of a material harder than a paper case

Section 3 The Pennsylvania State Motor Police shall have power to adopt and promulgate reasonable rules and regulations consistent with the provisions of this act for the purpose of enforcing it issuing licenses to dealers granting permits for special displays and licensing operators to conduct special displays

Section 4 Every dealer in fireworks retail and wholesale and every operator of a special display shall be licensed Licenses to dealers and operators and permits for

special displays shall be issued by the Pennsylvania State Motor Police upon application filed in accordance with rules and regulations promulgated under section three thereof An appeal shall lie to the Court of Common Pleas of the county in which the applicant resides or in which he seeks a license to operate from the refusal to issue a license which appeal shall be final

License fees shall be payable to the State Treasurer and all fees derived therefrom shall go into the general funds of the Commonwealth License fees shall be as follows

For a wholesale dealer	$25.00 annually
For a retail dealer	1.00 annually
For operator's license and permit to conduct a special display	5.00

All licenses issued to dealers shall be prominently displayed on the premises where fireworks are to be sold

Section 5. A special public display shall be any display of fireworks the sale offering or exposing for sale use or exhibition of which is made unlawful by Section 2 hereof conducted by an individual organization or corporation including cities boroughs incorporated towns and townships before an assemblage of people for their entertainment or otherwise

Every such special public display shall be handled by a competent operator duly licensed by the Pennsylvania State Motor Police

Before issuing such permit the Pennsylvania State Motor Police shall be satisfied that the proposed special public display shall be of such character and so located discharged or fired as in the opinion of the Pennsylvania State Motor Police after proper inspection shall not be hazardous to property or endanger any person or persons

Applications for permits for special public displays shall be made in writing at least fifteen (15) days in advance of the date of display

Section 6 In all cases where permits for special public displays are granted the Pennsylvania State Motor Police shall obtain from the individual organization or corporation to whom such permit has been issued a bond deemed adequate by the Pennsylvania State Motor Police in a sum not less than five hundred ($500.00) dollars conditioned for the payment of all damages which may be caused either to person or property by reason of the permitted display and arising from any acts of such individuals organizations or corporations their agents employes or sub-contractors

Section 7 It shall be unlawful to store or sell fireworks

(a) In any building where paints oils or varnishes are manufactured or kept for use or sale unless such paints oils and varnishes are in original unbroken containers

(b) In any building where matches (other than approved safety matches) resin turpentine gasoline or other highly inflammable substances or substances which may generate inflammable vapors are used stored or kept for sale

c) In any building where stoves or exposed flames are used in the part of the building where fireworks are stored or offered for sale

(d) No smoking shall be allowed in any building where fireworks are offered for sale Over each entrance to such a store a sign in large letters and clearly legible shall be displayed reading "Fireworks for Sale No Smoking Allowed"

(e) It shall be unlawful for anyone to sell fireworks of any kind at any time to children under the age of fourteen (14) years

(f) It shall be unlawful except for special public displays which may be held at any time to sell at retail fireworks of any kind except toy pistol paper caps at any time except between June 25th and July 5th both inclusive in any year

Section 8 Nothing in this act shall be construed so as to prohibit any person firm copartnership or corporation from storing for the purpose of selling at wholesale and selling at wholesale fireworks of any kind provided the same are to be shipped out of this State or the use of fireworks by railroads or other transportation agencies for signal purposes or illumination or the sale or use of blank cartridges for a show or theatre or for signal or ceremonial purposes in athletics or sports or for use by military organizations or for any lawful commercial or industrial use

Section 9 The Pennsylvania State Motor Police or any sheriff police officer or constable within the Commonwealth shall seize take remove or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale stored or held in violation of this act and hold the same subject to order of the court

Section 10 Nothing in this act contained shall prevent any municipality from prohibiting the retail sale of fireworks within its boundaries or from regulating the storage of fireworks therein

Section 11 Any person firm copartnership or corporation violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one thousand ($1,000) dollars or to suffer imprisonment in the county jail for not more than one (1) year or both at the discretion of the court

Section 12 The provisions of this act shall be severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect the validity of the remaining provisions of this act It is hereby declared as a legislative intent that this act would have been adopted by the General Assembly had such unconstitutional provision not been included therein

Section 13 All acts and parts of acts inconsistent herewith are hereby repealed

On the question,

Shall the bill pass finally?

Mr. JIROLANIO. Mr. Speaker and members of the House, I rise to speak against the passage of this bill, what is commonly known in the House as the Fireworks Bill, for several reasons. If you read the bill, you will notice from its contents that first of all it is very crudely written. In the second place, the bill itself is attempting to give the power to legislate to a particular organization in this Commonwealth. That, in itself, is against the principles of government of this Commonwealth, because the delegation of power, there is not a unit rule given the Supreme Court has held time and time that such a delegation of power is unconstitutional. The main reason why I rise in opposition to this bill is because it is attempting to give authority to a certain group of individuals which does not exist.

If you will read the bill, you will read that it goes on and mentions the Pennsylvania State Motor Police. There is no Pennsylvania State Motor Police in Pennsylvania State Motor Police in Pennsylvania or anywhere in the Commonwealth of Pennsylvania. Therefore if you were to follow the instructions given in this bill, no one would have the authority to carry it out. Let me read to you the act that was passed last year creating the Pennsylvania Motor Police. The Pennsylvania Motor Police was so constituted last year and not the Pennsylvania State Motor Police. This bill in itself in its entirety all through the bill goes on and says that the Pennsylvania State Motor Police shall have the right. Let us assume that the correction is correct as they say it is. Let us assume there is a Pennsylvania State Motor Police. This bill goes on and says that the Pennsylvania State Motor Police shall make such rules and regulations as they shall see fit. Let us carry that a step further and see just exactly what that would mean. That would mean this: Substituting the word Pennsylvania Motor Police for Pennsylvania State Motor Police and the Pennsylvania

Motor Police shall consist of a Commissioner, a Deputy Commissioner, of the State Police force and the State Highway Patrol, as now authorized by law, which are hereby consolidated into one force to be known as the Motor Police Force and such chiefs, statisticians, clerks, experts and other assistants as the Commissioner, with the approval of the Governor, shall deem necessary for the work of the force.

Reading from the very act of this Legislature created last year you would give to every statistician, to every clerk in the employ of the Pennsylvania Motor Police, the right to make rules and regulations and also the right to give licenses to conduct a display gives retail licenses to sell fireworks, outlined in this particular bill. Gentlemen, this bill in itself does not mean a thing. It is absolutely giving the people nothing. Therefore I ask every member of this House because of the fact first that there is no Pennsylvania State Motor Police and secondly, if there would be it would be giving power to every member of that police force would be a foolish and would raise a conflict and break the rules and regulations of the Commonwealth.

Mr. LEWIS. Mr. Speaker and members of the House, I dislike to take issue with the manner in which the gentleman from Northampton has criticized our crude bill. The gentleman has made one statement which I wish to correct, if there be any doubt in the mind of any member that this bill authorizes the Pennsylvania State Motor Police to adopt any regulations they may see fit He must have been reading another bill and not this one. Mr. Speaker, I wish to read from Section 3 of the bill, which says: "The Pennsylvania State Motor Police shall have power to adopt and promulgate reasonable rules and regulations consistent with the provisions of this act for the purpose of enforcing it, issuing licenses to dealers, granting permits for special displays and licensing operators to conduct special displays."

I do not want to take up the time of this House, as I think every member who is here tonight and who will cast his vote either "aye" or "no," understands thoroughly the situation. We all know the carnage that has been caused year in and year out by the promiscuous sale, manufacture, distribution and use of fireworks. That carnage has been caused for the most part among helpless children who had not the use of their own senses to determine what is good and bad for them. I think when such a condition exists that we as lawmakers sent here by the people of the Commonwealth have a bounden duty to place statutes upon the books of this Commonwealth that will prevent such articles from falling into the hands of children, where they might do damage to themselves. I think that the proper place to place that authority, or police power in the State is in the Motor Police Force of the state, where it will be fairly and impartially administered.

I ask the members of the House to support this bill.

Mr. JIROLANIO. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Lewis.

The SPEAKER. Will the gentleman permit himself to be interrogated?

Mr. LEWIS. I will, Mr. Speaker.

Mr. JIROLANIO. Mr. Speaker, I would like to ask the gentleman from Philadelphia, Mr. Lewis, if there is such an organization known as the Pennsylvania State Motor Police.

Mr. LEWIS. In my mind there is, Mr. Speaker.

Mr. JIROLANIO. Mr. Speaker, I should like to ask Mr. Lewis, under this bill if one should go to a member of the so-called Pennsylvania Motor Police and ask for a license, and if that group refuses to give a license, is there any redress for the party who has been injured?

Mr. LEWIS. There is, Mr. Speaker. That redress lies in the Court of Common Pleas in the county in which the applicant resides.

Mr. JIROLANIO. Mr. Speaker, I would ask if the gentleman would be kind enough to show me where it is contained in the act.

Mr. LEWIS. Mr. Speaker, it is on Page 4, Section 4, Line 9, beginning with the words, "An appeal shall lie with the Court of Common Pleas in the county in which the applicant resides or in which he seeks a license to operate from the refusal to issue a license, which appeal shall be final."

Mr. JIROLANIO. Mr. Speaker, does that provision apply to a party who is applying for a display or does it only to a retailer?

Mr. LEWIS. Mr. Speaker, that applies to anyone. Under the provisions of this act you must apply for and receive a license from the Pennsylvania Motor Police.

Mr. JIROLANIO. Mr. Speaker, isn't it a fact that if a community wants to have a public display, that they must first receive permission from someone in authority in the Pennsylvania Motor Police?

Mr. LEWIS. Mr. Speaker, not permission, a license or permit.

Mr. JIROLANIO. Mr. Speaker, I beg pardon, I did not hear the answer.

Mr. LEWIS. Mr. Speaker, not permission, a license or permit.

Mr. JIROLANIO. Mr. Speaker, where in the act does it give a municipality the right of appeal?

Mr. LEWIS. Mr. Speaker, if the gentleman will look at the beginning of the act, it defines persons, corporations, individuals etc. as those who may qualify to apply for a license. The language in Section 4 applies to any applicant who is refused a license.

Mr. JIROLANIO. Mr. Speaker, does the gentleman mean to infer that "corporation" under the act also refers to a municipal corporation as being one and the same?

Mr. LEWIS. Mr. Speaker, I think the gentleman is becoming facetious, but my answer is yes.

Mr. McDEVITT. Mr. Speaker and members of the House, I think the remarks of the gentleman from Northampton are entirely correct when he says that the bill is loosely drawn, but I think he has had much experience in voting for loosely drawn bills and that is not his real reason for criticising this bill. I am inclined to think that he is really not sincere and that he is opposed to a fireworks bill. Now I could stand here and criticise parts of the bill. I think that probably the local police should be the ones to supervise and the ones to grant licenses. If not the local police, it should be the county treasurer, every county has a treasurer. But that does not happen to be the provision of the bill. I do not think the fact that it provides for the state police should be a reason for defeating this bill.

In Philadelphia last year there were 317 children injured on the Fourth of July. If there were that many injured in Philadelphia, there must have been three times that many injured in the State. I know from newspaper

reports that a number of children were killed. We simply cannot stand here and argue technical matters as to whether or not the local people or the state people should supervise it. The thing is that we should pass this bill and it should be passed now. We all know if we have made inquiries that the purchases of fireworks are made in November and December. If you have the interest of your poor storekeeper at heart, don't place him in this position of false security, of saying, "Here is a fireworks bill which has been defeated and will be defeated next year and I will take a chance on loading up with one, two or five hundred dollars worth of stock." If we are to pass it, it has to be done now. It is the only fair thing to do. I do not see how you can go back to your constituents and give an honest reason for not voting for this bill. I think the members of the House should get together on a non-partisan basis and pass this measure.

On the question recurring.

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—155.

Alexander,	Finnerty,	Mallen,	Schumacher,
Allen,	Flanagan,	Marino,	Serrill,
Allmond,	Flannery,	McArdle,	Shaw,
Arnold,	Flinchbaugh,	McDermott,	Shea,
Aukerman,	Ganser,	McDevitt,	Shoemaker,
Baine,	Gerard,	McFall,	Shugarts,
Baker,	Gillette,	McGee,	Siegel,
Balthaser,	Habbyshaw,	McKinney,	Skale,
Bierly,	Haberlen,	Melchiorre,	Sloan,
Blank,	Hagerty,	Mellott,	Smith, James A.,
Bohn,	Hall,	Mihm,	Smith, John A.,
Bois,	Hamilton, F. P.,	Moomaw,	Sollenberger,
Boltz,	Hamilton, R. S.,	Mooney,	Spengler,
Boyer	Harkins,	Moran,	Sproul,
Bradley	Harmuth,	Muir,	Stank,
Brancato,	Hays,	Murrin,	Stewart,
Broad,	Hering,	O'Brien,	Terry,
Brown,	Hess,	O'Connor,	Thomas,
Burrows,	Hetrick,	O'Keefe,	Thompson,
Cadwalader,	Hirsch,	Ominsky,	Tronzo,
Caesar,	Holland,	O'Neill,	Trout,
Caputo,	Holmes,	Ostroff,	Valibus,
Chervenak,	Holstrom,	Patterson, C. S.,	Wagner,
Coakley,	Hontz,	Patterson, J. W.,	Wall,
Cohen, H. B.,	Horting,	Pearson,	Watkins,
Cohen, R. E.,	Huntley,	Perry,	Webster,
Coleman,	Imbrie,	Pershing,	Weiss, D. H.,
Coolahan,	Keenan,	Piole,	Welliver,
Corrigan,	Kelso,	Powers,	Welsh,
Costanzo,	Kilroy,	Preston,	Westrick,
Decker,	Kline,	Readinger,	Whitenight,
DeNote,	LaRue,	Reising,	Winner,
Dickinson,	Leisey,	Robinson,	Wood,
Donohoe,	Levy,	Rothenberger,	Woodside,
Dougherty,	Lewis,	Royer,	Wright,
Downey,	Long,	Ruffennach,	Yanoshat,
Dubbs,	Lopresti,	Sarraf,	Yeakel,
Elpern,	Lovett,	Scanlon,	Yourishin,
Falkenstein,	Lyons,	Schrope,	Zappala,
			Furman,

NAYS—9.

Achterman,	Fiss,	Moul,	VanSickle,
Boose,	Jirolanio,	Turner,	Wilson,
Eckels,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 82, entitled:

An Act to amend sections two hundred two, four hundred one and two thousand three hundred eighteen of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined", as amended; by creating as departmental administrative boards in the Department of Welfare, and conferring powers and duties upon, boards of trustees for the respective institutions acquired by the Commonwealth from counties, cities and institution districts, for use as State mental hospitals.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—126.

Achterman,	Dougherty,	Levy,	Robinson,
Alexander,	Downey,	Lewis,	Rothenberger,
Allen,	Dubbs,	Lopresti,	Ruffennach,
Allmond,	Eckels,	Lovett,	Sarraf,
Arnold,	Elpern,	Mallen,	Schor,
Aukerman,	Falkenstein,	Marino,	Schrope,
Baine,	Fiss,	McCullough,	Shaw,
Baker,	Flanagan,	McDermott,	Shea,
Balthaser,	Flannery,	McDevitt,	Shoemaker,
Bierly,	Ganser,	McElroy,	Shugarts,
Blank,	Gerard,	McFall,	Siegel,
Bohn,	Haberlen,	Melchiorre,	Simon,
Bois,	Hagerty,	Mellott,	Smith, James A.,
Boltz,	Hamilton, F. P.,	Mihm,	Smith, John A.,
Bradley	Hamilton, R. S.,	Moomaw,	Spengler,
Brancato,	Harkins,	Mooney,	Stank,
Broad,	Harmuth,	Moran,	Thompson,
Brown,	Hays,	Moul,	Valibus,
Burrows,	Hering,	Murrin,	VanSickle,
Cadwalader,	Hess,	O'Connor,	Wagner,
Caesar,	Hetrick,	O'Neill,	Weiss, D. H.,
Caputo,	Hirsch,	Ostroff,	Welliver,
Chervenak,	Holland,	Patterson, C. S.,	Welsh,
Coakley,	Holmes,	Patterson, J. W.,	Westrick,
Cohen, H. B.,	Holstrom,	Pearson,	Whalen,
Cohen, R. E.,	Hontz,	Pershing,	Whitenight,
Coleman,	Horting,	Piole,	Wright,
Coolahan,	Huntley,	Powers,	Yanoshat,
Corrigan,	Keenan,	Preston,	Yourishin,
Costanzo,	Kelso,	Readinger,	Zappala,
DeNote,	Kilroy,	Reising,	Furman,
Dickinson,	LaRue,		

NAYS—26.

Boyer	McKinney,	Sollenberger,	Watkins,
Gillette,	Muir,	Stewart,	Webster,
Habbyshaw,	Perry,	Terry,	Wilson,
Hall,	Schrock,	Trout,	Wood,
Imbrie,	Schumacher,	Turner,	Woodside,
Kline,	Serrill,	Wall,	Yeakel,
Lyons,	Sloan,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 72, entitled:

A Supplement to the act, approved the second day of July, one thousand nine hundred thirty-seven (Appropriation Acts, page seventy-four), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven," making a deficiency appropriation to the Department of Property and Supplies for the payment of certain expenses, for the fiscal biennium ending May thirty-first, one thousand nine hundred thirty-nine.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—120.

Achterman,	Flannery,	McElroy,	Schrope,
Alexander,	Ganser,	McGee,	Schumacher,
Allen,	Gerard,	McKinney,	Shoemaker,
Allmond,	Habbyshaw,	Melchiorre,	Shugarts,
Arnold,	Hagerty,	Mellott,	Siegel,
Aukerman,	Hall,	Mihm,	Simon,
Baine,	Hamilton, F. P.,	Mooney,	Skale,
Baker,	Harkins,	Moran,	Sloan,
Balthaser,	Harmuth,	Moul,	Smith, James A.,
Bierly,	Hays,	Muir,	Smith, John A.,
Bohn,	Hering,	Murrin,	Spengler,
Boles,	Hess,	O'Connor,	Sproul,
Boltz,	Hetrick,	O'Neill,	Stank,
Boyer,	Hirsch,	Ostroff,	Thompson,
Bradley,	Holland,	Patterson, C. S.,	Tronzo,
Brancato,	Holmes,	Patterson, J. W.,	Valibus,
Broad,	Holstrom,	Pearson,	Van Sickle,
Brown,	Hontz,	Perry,	Wall,
Cohen, H. B.,	Horting,	Pershing,	Watkins,
Coolahan,	Huntley,	Piole,	Weiss, D. H.,
Corrigan,	Imbrie,	Powers,	Welliver,
Dickinson,	Keenan,	Preston,	Welsh,
Donohoe,	Kilroy,	Readinger,	Whalen,
Dougherty,	Kline,	Reising,	Whitenight,
Downey,	LaRue,	Robinson,	Woodside,
Dubbs,	Lopresti,	Rothenberger,	Wright,
Elpern,	Lovett	Ruffennach,	Yanoshat,
Falkenstein,	Marino,	Rush,	Yourishin,
Finnerty,	McCullough,	Sarraf,	Zappala,
Flanagan,	McDermott,	Schor,	Furman,

NAYS—4.

Terry,	Trout,	Wilson,	Wood,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 77, (Senate Bill No. 43), entitled:

An Act making a deficiency appropriation to the Lieutenant Governor

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—161.

Achterman,	Flanagan,	Lovett	Rothenberger,
Alexander,	Flannery,	Lyons,	Royer,
Allen,	Flinchbaugh,	Mallen,	Ruffennach,
Allmond,	Ganser,	Marino,	Rush,
Arnold,	Gerard,	Matthews, J. F.,	Sarraf,
Aukerman,	Gillette,	McArdle,	Schor,
Baine,	Habbyshaw,	McDermott	Schrope,
Baker,	Haberlen,	McDevitt,	Shaw,
Balthaser,	Hagerty,	McElroy,	Shea,
Bierly,	Hall,	McFall,	Shoemaker,
Bohn,	Hamilton, F. P.,	McGee,	Shugarts,
Boles,	Hamilton, R. S.,	McKinney,	Siegel,
Boltz,	Harkins,	Melchiorre,	Simon,
Bradley,	Harmuth,	Mellott,	Skale,
Brancato,	Hays,	Mihm,	Sloan,
Broad,	Hering,	Moomaw,	Smith, James A.,
Brown,	Hess,	Mooney,	Smith, John A.,
Burrows,	Hetrick,	Moran,	Spengler,
Cadwalader,	Hirsch,	Moul,	Stank,
Caesar,	Holland,	Muir,	Strode,
Caputo,	Holmes,	Murrin,	Thompson,
Chervenak,	Holstrom,	O'Brien,	Tronzo,
Coakley,	Hontz,	O'Connor,	Valibus,
Cohen, H. B.,	Horting,	O'Keefe,	Van Sickle,
Cohen, R. E.,	Huntley,	Ominsky,	Wagner,
Coleman,	Imbrie,	O'Neill,	Watkins,
Coolahan,	Jirolanio,	Ostroff,	Weiss, D. H.,
Corrigan,	Keenan,	Patterson, C. S.,	Welliver,
Costanzo,	Kelso,	Patterson, J. W.,	Welsh,
Decker,	Kilroy,	Peale,	Westrick,
Dickinson,	Kline,	Pearson,	Whalen,
Dougherty,	Kroll,	Pershing,	Whitenight,
Downey,	LaRue,	Piole,	Wright,
Dubbs,	Leisey,	Powers,	Yanoshat,
Eckels,	Levy,	Preston,	Yeakel,
Elpern,	Lewis,	Readinger,	Yourishin,
Falkenstein,	Long,	Reising,	Zappala,
Finnerty,	Lopresti,	Robinson,	Furman,

NAYS—11.

Schrock,	Sproul,	Trout,	Wilson,
Serrill,	Stewart,	Wall,	Wood,
Sollenberger,	Terry,	Webster,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 80, (Senate Bill No. 50), entitled:

An Act making a deficiency appropriation for the expenses of the Joint Legislative Commission investigating certain courts of this Commonwealth and created by Joint Resolution No 11 approved the ninth day of March one thousand nine hundred and thirty-seven (Pamphlet Laws thirty-five)

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—153.

Achterman,	Elpern,	Levy,	Reising,
Alexander,	Falkenstein,	Lewis,	Robinson,
Allen,	Finnerty,	Long,	Rothenberger,

Allmond,	Flanagan,	Lopresti,	Royer,
Arnold,	Flannery,	Lovett,	Ruffennach,
Aukerman,	Flinchbaugh,	Lyons,	Rush,
Baine,	Ganser,	Mallen,	Sarraf,
Baker,	Gerard,	Marino,	Scanlon,
Balthaser,	Gillette,	Matthews, J. F.	Schor,
Bierly,	Gorski,	McArdle,	Schrope,
Blank,	Habbyshaw,	McDermott,	Serrill,
Bohn,	Haberlen,	McDevitt,	Shaw,
Bois,	Hagerty,	McElroy,	Shea,
Boltz,	Hall,	McFall,	Shoemaker,
Boose,	Hamilton, F. P.,	McGee,	Shugarts,
Boyer	Hamilton, R. S.,	Melchiorre,	Siegel,
Bradley	Harkins,	Mellott,	Simon,
Brancato,	Harmuth,	Mihm,	Skale,
Broad,	Hays,	Moomaw,	Smith, James A.,
Brown,	Hering,	Mooney,	Smith, John A.,
Burrows,	Hess,	Moran,	Spengler,
Caesar,	Hetrick,	Moul,	Stank,
Caputo,	Hirsch,	Murrin,	Thompson,
Chervenak,	Holland,	O'Brien,	Tronzo,
Coakley,	Holmes,	O'Connor,	Valibus,
Cohen, H. B.,	Holstrom,	O'Keefe,	VanSickle,
Cohen, R. E.,	Hontz,	Ominsky,	Wagner,
Coleman,	Horting,	O'Neill,	Weiss, D. H.,
Coolahan,	Huntley,	Ostroff,	Welliver,
Corrigan,	Imbrie,	Patterson, C. S.,	Welsh,
Costanzo,	Jirolanio,	Patterson, J. W.,	Westrick,
Decker,	Keenan,	Peale,	Whalen,
DeNote,	Kelso,	Pearson,	Whitenight,
Dickinson,	Kilroy,	Pershing,	Woodside,
Donohoe,	Kline,	Piole,	Wright,
Dougherty,	Kroll,	Powers,	Yanoshat,
Downey,	LaRue,	Preston,	Yourishin,
Dubbs,	Leisey,	Readinger,	Zappala,
			Furman,

NAYS—19.

Cadwalader,	Schrock,	Terry,	Webster,
Eckels,	Sloan,	Trout,	Wilson,
McKinney,	Sollenberger,	Turner,	Wood,
Muir,	Sproul,	Wall,	Yeakel,
Perry,	Stewart,	Watkins,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

STATEMENT BY MR. TURNER

Mr. TURNER asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, last night I listened to an address over the radio by Congressman Dies of Texas, who is the chairman of the committee that is investigating un-American activities in the United States, particularly those pertaining to the Communists, the Nazi and the Fascisti groups. It was a wonderfully instructive address, but the thing that stood out before me was the fact that he was pleading with the American people to forget class hatred, religious hatred, race hatred, and the fact that he pointed that which perhaps we all know but which at times we forget, that you cannot have a democracy if you are going to have class hatred, religious hatred or race hatred. He said that the method of attack upon the American system of Government was through the societies and organizations that fostered class hatred, religious hatred and race hatred. He said that that had been the method pursued by the Communists; it had been the method pursued by the Nazi; it had been the method pursued by the Fascisti, and that the representatives of these various organizations in this country utilized every organization that they could find to foster hatred of class or race or religion, and that through those they hoped to break down the American system and to get adherence to their ideals or their idea of government. We all know and we all can relate the glorious history of America, that her doors are open to the oppressed of all the world; that it was founded by people who were oppressed, people who because mainly of religious convictions fled foreign shores and came to this country where they might have religious freedom to build up their lives and the future lives of their children, in an atmosphere where they didn't have to submit themselves to persecution.

Today in all of Europe we know that there is constant persecution of certain people and certain races. We all know that class hatred, religious hatred and race hatred are being brewed. We know that many people are being driven from their homeland, many of them having been there for many years, and they have no place to go, because the shores of America are closed because of the problems which America faces.

After the World War there was established in Palestine a place for the Jews, a homeland ,which many of the leaders of that race had dreamed might be established for them,—some such place on this earth. Under a mandate from Great Britain that Jewish haven in Palestine was established, was fostered and maintained. The American Government joined in asking that Great Britain maintain that mandate and maintain the opportunity in Palestine for the Jews to go there and find a place where they could build up their lives, where they could rear their children and where they might have an opportunity to prosper. I think that all the people of America are touched by oppression of any other group of people. I think that America has been concerned with conditions in Europe. Now, we are advised that England is turning her back upon that mandate, and that England contemplates turning over Palestine to the rule or control of the Arabs, in spite of that mandate following the Great World War, and the declaraion of the United States Government at that time.

Therefore, Mr. Speaker, I desire to offer a resolution and ask that it be given immediate consideration.

The SPEAKER. The remarks of the gentleman will be spread upon the Legislative Journal.

RESOLUTIONS MEMORIALIZING THE PRESIDENT

Mr. TURNER offered a resolution and asked and obtained unanimous consent to have it read for the information of the House.

The resolution was read by the Clerk as follows:

In the House of Representatives, October 17, 1938

Whereas it has become increasingly evident in the world today that minorities are suffering greatly as a result of the change from Democracies to Dictatorships, and

Whereas the Jews as a minority in the several countries of the world and particularly in Europe are finding it more difficult to remain in the countries of their birth and of their citizenship because of the persecution against them as a minority group, and

Whereas all the countries of the world have set up imigrant limitations and restrictions on the number of imigrants admitted thereby limiting the number of the Jews who may enter from persecuted countries, and

Whereas the only country which may be the chief haven of refuge for the oppressed race is Palestine where hundreds of thousands of Jews have settled in the past twenty years and have converted it from a land of swamps and lack of habitation to a land of opportunity and hope, and

Whereas under the Balfour Declaration and the passing fo the Lodge-Fish Resolution in Congress in 1922 the

British Government and the American Government have expressed their desire to aid in developing Palestine as a Homeland for the Jews, and

Whereas, as a result of this expression on the part of both Governments a mandate has been set up for the British Government to carry out the purposes of the Balfour Declaration, and

Whereas the recent activities in Palestine have created some doubt as to whether the British Government will forsake its obligation and mandate, therefore be it,

Resolved (if the Senate concur) That the General Assembly of the Commonwealth of Pennsylvania memorialize the President of the United States and the Secretary of State to make known that it use its good offices with the British Government to adhere to its committments and obligations in accordance with the Balfour Declaration and its mandate of Palestine and be it further

Resolved that a copy of this resolution be transmitted to his excellency, the President of the United States and the Secretary of State.

Mr. TURNER. Mr. Speaker, I ask the unanimous consent of the House for its immediate consideration.

The SPEAKER. Will the House give its unanimous consent to the immediate consideration of the resolution? Are there objections?

Mr. MARINO. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted.

The resolution will be filed with the Clerk under the rules.

MEMBERS' SALARY

Mr. ACHTERMAN offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read by the Clerk as follows:

In the House of Representatives, October 17, 1938.

Whereas, Under the provisions of the Act of June 24, 1919, P. L. 579, as last amended by the Act of June 2, 1933, P. L. 1422, the salary of the members of the General Assembly is fixed at the amount of $500.00 for each special or extraordinary session; and

Whereas, Under Act No. 17 of the Extraordinary Session of 1938, approved September 22, 1938, moneys have been appropriated for the payment of such salaries; and

Whereas, Pursuant to the terms of Senate Concurrent Resolution, Serial No. 103, approved July 25, 1938, the sum of $250.00 has been paid to each member of the General Assembly for this Extraordinary Session; therefore, be it

Resolved (if the Senate concur), that the State Treasurer be, and he is hereby, authorized to pay, on warrant of the Auditor General, to each member of the General Assembly, the further sum of $125.00, on account of the balance due such member for salary, and the remainder, namely, $125.00, on the day of final adjournment of the Extraordinary Session of the General Assembly, convened on call of the Governor the twenty-fifth day of July, one thousand nine hundred thirty-eight.

On the question,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

STATEMENT BY Mr. FINNERTY

Mr. FINNERTY asked and obtained unanimous consent to address the House.

Mr. Speaker and Members of the House, on August 2nd I called the attention of this House to certain gross violations of the Magistrate's Act as enacted by the 1937 session. My interpretation is that it was to take the minor judiciary out of politics, and it was to be the poor man's court, where every one would receive equal justice without political influence.

On August 15th my colleague Joseph Ominsky and I introduced a resolution, No. 6, which was reported as committed and passed by this House on August 16th and agreed to by the Senate on August 16th. This resolution requested the Board of Judges of the Court of Common Pleas of Philadelphia County to introduce such proceedings as shall be necessary for the removal of those magistrates found guilty of violating the provisions of the State Act. The report was received by this body on September 6th, which you can read in the Legislative Journal on page 252. Judging from that report, even the Judges "passed the buck." They said they had no jurisdiction.

I read you a short quotation from the Evening Bulletin of October 14, 1938:

"Judge Edwin O. Lewis discharged two prisoners today who, he said, had been jailed illegally by Chief Magistrate John J. O'Malley. Then he scolded the Chief Magistrate for his action."

Philadelphia newspapers have been carrying headlines every day about the crazy actions of this Chief Magistrate John J. O'Malley, and it has become so bad that many Republicans have become disgusted and many have told me that he was more of a liability than he was an asset.

I will now read an editorial from the Philadelphia Record of September 30, 1938:

"One of the most conspicuously lawless individuals in this city happens to be Chief Magistrate, John J. O'Malley.

"He is currently engaged in flouting the spirit and letter of the Magistrates' Act by assigning Republican Magistrates to courts where they can do the most good to the party and in exiling Democratic Magistrates to neighborhoods where they are not known.

"One Democratic Magistrate, Joseph H. Rainey, has been 'suspended' for several months by O'Malley. Rainey went into Court seeking a mandamus directing O'Malley to restore him to his duties.

"O'Malley was ordered to appear before Judge Bok and the papers were turned over to the Sheriff's office for service on O'Malley. The Sheriff's office, with its 80 or more deputies, and writservers, professed to be unable to find O'Malley for weeks, although during most of that time he was seen around his usual hang-outs.

"Finally, Rainey and a party of his friends got the papers from the Sheriff's office and in five hours had served O'Malley themselves as he returned on his usual train from the Havre de Grace race track. When served with the legal papers O'Malley threw them to the floor and kicked them as a gesture of his defiance of the courts.

"This example of disrespect for law by a law enforcement officer is exactly the sort of thing the city has been led to expect from O'Malley.

"And it is about time his career as Chief Magistrate was terminated by charges leading to his removal.

"The Magistrates system in Philadelphia is not going to be taken out of politics until O'Malley is taken out of the Magistartes' system."

I now quote from the Evening Ledger of October 14th, which concerns a member of this House. This took place in the Magistrate's office at 7th & Carpenter Streets, on October 14th and reads as follows:

"The hearings started quietly enough when State Representative Joseph Skale appeared as attorney for Harry Taicher, 54, of 2623 South Darien Street, who was injured by an automobile yesterday at Eighth Street and Passyunk Avenue. The operator was Joseph Theis, Sheridan Street near Oregon Avenue.

"'Your Honor,' Skale said, 'I would like to ask for a delay in this matter because my client was injured so badly he is unable to appear.'

"'Case dismissed,' O'Malley said briskly.

"'But,' Skale insisted, 'you have continued similar cases today when the injured parties were unable to attend.'

"'Case discharged,' said the magistrate in the same crisp manner. 'You get behind the railing.'

"Reluctantly Skale complied with the order, but appeared non-plussed at the action, and it was then that the fireworks started."

The article in the Ledger goes on further and says as follows:

"The hostilities had ended for only a brief period when a friend of Marinelli," a Democratic lawyer who was present at the time, "who was not identified, stepped up and said in a manner that was considered sarcastic:

"'Judge, do you want any more good Republicans to testify for you?'

"Here O'Malley's attitude underwent a complete change. He arose from his seat and shouted insults and slurs implying his opponent was a disreputable character.

"'I'm not,' the man called back, 'but I happen to know that you are.'

"In less time than it can be told the two were squaring off in the hearing room, but before a blow could be struck, others separated the combatants. There were whispered conversations on both sides and the leading contestants left the court room."

Ladies and gentlemen of the House, can you picture a more disgusting scene than this, of a magistrate coming down off his rostrum to square off at a spectator? Can you picture the people of Philadelphia having respect for the minor judiciary when such things like this take place?

Therefore, Mr. Speaker, I offer this resolution and I ask unanimous consent to have it read for the information of the members of the House.

The SPEAKER. The remarks of the gentleman will be spread upon the Legislative Journal.

PHILADELPHIA MAGISTRATE

Messrs. FINNERTY, THOMPSON, COSTANZO and HERING offered a resolution and asked the unanimous consent to have it read for the information of the House.

The resolution was read by the Clerk as follows:

In the House of Representatives, October 17, 1938.

Whereas, Article VI, Section 1, of the Constitution of the Commonwealth of Pennsylvania provides that the House of Representatives shall have the sole power of impeachment; and

Whereas, Article VI, Section 3, of the Constitution of the Commonwealth of Pennsylvania provides that the Governor and all other civil officers shall be liable to impeachment for any misdemeanor in office; and

Whereas, Article VI, Section 4, of the Constitution of the Commonwealth of Pennsylvania provides that all officers elected by the people, except Governor, Lieutenant Governor, Members of the General Assembly, and Judges of Courts of Record learned in the law, shall be removed by the Governor for reasonable cause after due notice and full hearing on the address of two-thirds of the Senate; and

Whereas, John J. O'Malley was duly elected to the office of magistrate, and began his term of office on the first Monday of January in 1936, and was subsequently elected Chief Magistrate; and

Whereas, The said John J. O'Malley, Chief Magistrate of the City of Philadelphia, has persistently violated both constitutional and statutory provisions of this Commonwealth, regulating and prescribing the powers and duties of magistrates; and

Whereas, The said magistrate, John J. O'Malley has repeatedly and admittedly violated the provisions of the "Bail Approval Commission Act"—Act No. 446, 1937, P. L. 2326—an act that was designed to terminate "straw bail" irregularities; and

Whereas, The said magistrate, John J. O'Malley has from time to time suspended the right of certain magistrates to preside in the various magistrates' courts of Philadelphia; and

Whereas, The said John J. O'Malley while presiding as a magistrate, has repeatedly made partisan disposal of the cases heard before him; therefore be it

Resolved, By the House of Representatives of the Commonwealth of Pennsylvania that, pursuant to the provisions of Act No. 2 of this extraordinary session of 1938, approved the thirtieth day of July, 1938, and in pursuance of the constitutional powers and duties of the House of Representatives, the Speaker of the House of Representatives is hereby authorized and directed to appoint a special committee, consisting of seven members of the House of Representatives, one of whom shall be designated as chairman, which committee shall inquire into, and concerning, the official conduct of John J. O'Malley, touching his conduct in regard to the manner in which he has and is conducting the office of magistrate and Chief Magistrate, and shall inquire into the allegations set forth above, and any other charges which may come to the attention of the said committee; and be it further

Resolved, That the said committee, through the chairman or the member designated by him shall have the power to issue subpoenas under the hand and seal of its chairman, or the member so designated by him, requiring and demanding any proper person or persons to appear before it and answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents relating to the subject of inquiry as the committee may deem necessary. The chairman, or the member designated by him, shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully refuse to appear and testify before said committee or to produce any books, papers, records or documents aforesaid shall be subject to the penalties provided by the laws of the Commonwealth in such cases; and be it further

Resolved, That the Committee shall report to the House of Representatives its conclusions in respect thereto, together with its recommendations, to the end that the House of Representatives may take appropriate action thereon.

Mr. FINNERTY. Mr. Speaker I ask the unanimous consent of the House for the immediate consideration of the resolution.

The SPEAKER. Will the House give its unanimous consent for the immediate consideration of the resolution?

Are there objections?

Mr. McDEVITT. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted.

The resolution will be filed with the Clerk under the rules

TAX STUDY COMMISSION

Mr. WILSON offered a resolution and asked and obtained unanimous consent to have it read for the information of the House.

The resolution was read by the Clerk as follows:

In the House of Representatives, October 17, 1938.

Whereas the Joint Legislative Tax Study Commission, created by resolution of the Legislature of 1937, of which the Senators from Allegheny, Mr. Dent, in Chairman, has conducted extensive investigation and held hearings throughout the state, and

Whereas the subject of the Commission's inquiry is of vital concern to the citizens of Pennsylvania, it being a matter of common observation that industres are removing from the state, and a matter of common assertion that the cause, or an important contributing cause, in their removal lies in the taxes imposed by this Legislature and its immediate predecessor, and a

Whereas if this assertion be true it is the duty of this Legislature to concern itself at once with the situation and to correct it as far as possible, for which purpose the information in possession of the Committee would be of great value, and

Whereas the citizens of the State of Pennsylvania who will be called upon on the 8th of November to express their judgment on the work of this Legislature, likewise should be in possession of the available information as to the effect upon the common welfare of the taxes imposed and continued by it;

Now be it resolved (if the Senate concur) that the Joint Legislative Tax Study Commission be directed to present to the House and to the Senate findings based upon the information collected by it and conclusions as to what, if any, action may be taken at this Special Session of the Legislature, and further that the testimony taken by the Commission shall be printed and made available for distribution to the members of the House and the Senate and the public.

The SPEAKER. The resolution will be filed with the Clerk under the rules.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Miss BRANCATO asked and obtained permission for the Committee on Cities to meet during the session of the House.

RESOLUTIONS INTRODUCED AND REFERRED

By Messrs. WOODSIDE and HABBYSHAW.

RESOLUTION No. 22.

In the House of Representatives, October 17, 1938.

Whereas, the Pennsylvania Game Commission has proclaimed an anterless deer season over the entire Commonwalth of Pennsylvania for the year 1938 and

Whereas, sportsmen generally throughout the State are opposed to this season, and

Whereas, the carrying out of the intention of the Game Commission will destroy deer hunting for many years to come in a number of counties of the Commonwealth where the sport is just becoming established, therefore

Be it resolved, by the House of Representatives of the Commonwealth of Pennsylvania that it is the opinion of this House that the Game Commission should reconsider and revoke its action relating to the antlerless deer season for the year 1938; and

Be it further resolved, that a copy of this resolution be sent by the Chief Clerk of this House to the President and Executive Secretary of the Game Commission.

By Mr. TURNER. (Concurrent) RESOLUTION No. 23.

In the House of Representatives, October 17, 1938.

Whereas, it has become increasingly evident in the world today that minorities are suffering greatly as a result of the change from Democracies to Dictatorships, and

Whereas, the Jews as a minority in the several countries of the world and particularly in Europe are finding it more difficult to remain in the countries of their birth and of their citizenship because of the persecution against them as a minority group, and

Whereas, all the countries of the world have set up immigrant limitations and restrictions on the number of immigrants admitted thereby limiting the number of the Jews who may enter from persecuted countries, and

Whereas, the only country which may be the chief haven of refuge for the oppressed race is Palestine where hundreds of thousands of Jews have settled in the past twenty years and have converted it from a land of swamps and lack of habitation to a land of opportunity and hope, and

Whereas, under the Balfour Declaration and the passing of the Lodge-Fish Resolution in Congress in 1922 the British Government and the American Government have expressed their desire to aid in developing Palestine as a Homeland for the Jews, and

Whereas, as a result of this expression on the part of both Governments a mandate has been set up for the British Government to carry out the purposes of the Balfour Declaration, and

Whereas, the recent activities in Palestine have created some doubt as to whether the British Government will forsake its obligation and mandate, therefore be it

Resolved (if the Senate concur) that the General Assembly of the Commonwealth of Pennsylvania memoralize the President of the United States and the Secretary of State to make known that it use its good offices with the British Government to adhere to its commitments and the obligations in accordance with the Balfour Declaration and its mandate of Palestine, and be it further

Resolved, That a copy of this resolution be transmitted to His Excellency, the President of the United States and the Secretary of State.

By Messrs. FINNERTY, THOMPSON, COSTANZO and HERING. (Concurrent) RESOLUTION No. 24.

In the House of Representatives, October 17, 1938.

Whereas, Article VI, Section 1, of the Constitution of the Commonwealth of Pennsylvania provides that the House of Representatives shall have the sole power of impeachment; and

Whereas, Article VI, Section 3, of the Constitution of the Commonwealth of Pennsylvania provides that the Governor and all other civil officers shall be liable to impeachment for any misdemeanor in office; and

Whereas, Article VI, Section 4, of the Constitution of the Commonwealth of Pennsylvania provides that all officers elected by the people, except Governor, Lieutenant Governor, Members of the General Assembly, and Judges of Courts of Record learned in the law, shall be removed by the Governor for reasonable cause after due notice and full hearing on the address of two-thirds of the Senate; and

Whereas, John J. O'Malley was duly elected to the office of magristate, and began his term of office on the first Monday of January in 1936, and was subsequently elected Chief Magistrate; and

Whereas, The said John J. O'Malley, Chief Magistrate of the City of Philadelphia, has persistently violated both constitutional and statutory provisions of this Commonwealth, regulating and prescribing the powers and duties of magistrates; and

Whereas, The said magistrate, John J. O'Malley has repeatedly and admittedly violated the provisions of the "Bail Approval Commissioner Act"—Act No. 446, 1937, P. L. 2326—an act that was designed to terminate "straw bail" irregularities; and

Whereas, The said magistrate, John J. O'Malley has from time to time suspended the right of certain magistrates to preside in the various magistrates' courts of Philadelphia; and

Whereas, The said John J. O'Malley, while presiding as a magistrate, has repeatedly made partisan disposal of the cases heard before him; therefore be it

Resolved, By the House of Representatives of the Commonwealth of Pennsylvania that, pursuant to the provisions of Act No. 2 of this extraordinary session of 1938, approved the thirtieth day of July, 1938, and in pursuance of the constitutional powers and duties of the House of Representatives, the Speaker of the House of Representatives is hereby authorizd and directed to appoint a special

committee, consisting of seven members of the House of Representatives, one of whom shall be designated as chairman, which committee shall inquire into, and concerning, the official conduct of John J. O'Malley, touching his conduct in regard to the manner in which he has and is conducting the office of magistrate and Chief Magistrate, and shall inquire into the allegations set forth above, and any other charges which may come to the attention of the said committee; and be it further

Resolved, That the said committee, through the chairman or the member designated by him shall have the power to issue subpoenas under the hand and seal of its chairman, or the member so designated by him, requiring and demanding any proper person or persons to appear before it and answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents relating to the subject of inquiry as the committee may deem necessary. The chairman, or the member designated by him, shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully refuse to appear and testify before said committee or to produce any books, papers, records or documents aforesaid shall be subject to the penalties provided by the laws of the Commonwealth in such cases; and be it further

Resolved, That the Committee shall report to the House of Representatives its conclusions in respect thereto, together with the recommendations, to the end that the House of Representatives may take appropriate action thereon.

By Mr. WILSON. (Concurrent) RESOLUTION No. 25.

In the House of Representatives, October 17, 1938.

Whereas the Joint Legislative Tax Study Commission, created by resolution of the Legislature of 1937, of which the Senator from Allegheny, Mr. Dent, is Chairman, has conducted extensive investigation and held hearings throughout the state, and

Whereas the subject of the Commission's inquiry is of vital concern to the citizens of Pennsylvania, it being a matter of common observation that industries are removing from the state, and a matter of common assertion that the cause, or an important contributing cause, in their removal lies in the taxes imposed by this Legislature and its immediate predecessor, and

Whereas if this assertion be true it is the duty of this Legislature to concern itself at once with the situation and to correct it as far as possible, for which purpose the information in possession of the Commission would be of great value, and

Whereas the citizens of the State of Pennsylvania who will be called upon on the 8th of November to express their judgment on the work of this Legislature, likewise should be in possession of the available information as to the effect upon the common welfare of the taxes imposed and continued by it:

Now be it resolved (if the Senate concur) that the Joint Legislative Tax Study Commission be directed to present to the House and to the Senate findings based upon the information collected by it and conclusions as to what, if any, action may be taken at this Special Session of the Legislature, and further that the testimony taken by the Commission shall be printed and made available for distribution to the members of the House and the Senate and the public.

SENATE MESSAGES

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 66.

A Supplement to the act approved the second day of July, one thousand nine hundred thirty-seven (Appropriation Acts page seventy-four) entitled "An act to provide for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven" providing for deficiencies in certain appropriations to the Department of Justice for the fiscal biennium ending May thirty-first, one thousand nine hundred thirty-nine.

With the information that the Senate has passed the same without amendment.

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, October 17, 1938

Whereas, Under the provisions of the Act of June 24, 1919, P. L. 579, as last amended by the Act of June 2, 1933, P. L. 1422, the salary of the members of the General Assembly is fixed at the amount of $500.00 for each special or extraordinary session; and

Whereas, Under Act No. 17 of the Extraordinary Session of 1938, approved September 22, 1938, moneys have been appropriated for the payment of such salaries; and

Whereas, Pursuant to the terms of Senate Concurrent Resolution, Serial No. 103, approved July 25, 1938, the sum of $250.00 has been paid to each member of the General Assembly for this Extraordinary Session; therefore, be it

Resolved (if the Senate concur), that the State Treasurer be, and he is hereby, authorized to pay, on warrant of the Auditor General, to each member of the General Assembly, the further sum of $125.00 on account of the balance due such member for salary, and the remainder, namely, $125.00, on the day of final adjournment of the Extraordinary Session of the General Assembly, convened on call of the Governor the twenty-fifth day of July, one thousand nine hundred thirty-eight.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 43.

An Act Making a deficiency appropriation to the Lieutenant Governor.

SENATE BILL No. 50.

An Act making a deficiency appropriation for the expenses of the Joint Legislative Commission investigating certain courts of this Commonwealth and created by Joint Resolution No. 11 approved the ninth day of March one thousand nine hundred and thirty-seven (Pamphlet Laws thirty-five)

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, October 11, 1938.

Whereas, the civilized world has witnessed for the past two decades the miraculous revival of the Holy land, the cradle of all faiths, by the return of the Jews to Palestine, and

Whereas, the American Government has by joint resolution of the Congress of the United States unanimously endorsed the action of Great Britain in accepting the Palestine Mandate to facilitate the establishment of the Jewish Home Land and

Whereas, this responsibility was accepted by Great Britain as a sacred trust in behalf of the civilized world, and

Whereas, under the provisions of the American British Palestine Manadate Convention, signed December 3, 1924, approved by the United States Senate February 20, 1925 and officially ratified by the President of the United States March 2, 1925, Great Britain agreed that nothing contained in the agreement shall be modified unless such modification shall have been assented to by the United States of America, and

Whereas, it is reported that the British Government is contemplating the abandonment of its pledge to the Jewish people made through the Balfour Declaration and embodied in the said Palestine Mandate, and

Whereas, people of all creeds and faiths are profoundly disturbed by these reports, and

Whereas, the magnificent accomplishments of the Jewish settlers in Palestine, spiritual and material, have won the high regard of the entire world

Whereas, the unsettled conditions in Europe and the continuous discrimination and persecution of minority groups compel Jews to look to Palestine as their chief haven of refuge, and

Whereas, it is the sense of the General Assembly of the Commonwealth of Pennsylvania that the abandonment by Great Britain of her pledges would leave no avenue of escape to Jews driven from many lands and that such a course would be regarded by all enlightened peoples as a surrender to the forces of violence and hatred.

Be it resolved, that the General Assembly of the Commonwealth of Pennsylvania memoralizes the President of the United States and the Secretary of State of the United States to make known to the British Government that this country looks to Great Britain to adhere to her commitments and to hold fast to the terms of the Palestine Mandate and to the spirit of the Balfour Declaration, and

Be it further resolved, that a copy of this resolution be transmitted to His Excellency, the President of the United States, and the Secretary of State of the United States by the Secretary of the Senate.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

Referred to the Committee on Rules.

COMMITTEE MEETING

The Committee on Rules will meet immediately in the Speaker's office.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess for fifteen minutes. Are there objections? The Chair hears none and declares a recess for fifteen minutes.

AFTER RECESS

The time of recess having expired the House was called to order.

The SPEAKER, (Roy E. Furman), in the Chair.

REPORTS FROM COMMITTEES

Mr. KILROY from the Committee on Cities reported as committed, House Bill No. 67, entitled:

An Act to amend section one of the act approved the fifth day of August, one thousand nine hundred and thirty-two, (P. L. 45), entitled "An act empowering cities of the first and second classes to levy, assess and collect, or to provide for the levying, assessment and collection of, certain taxes for general revenue purposes; authorizing the establishment of bureaus, and the appointment and compensation of officers and employes to assess and collect such taxes; and permitting penalties to be imposed and enforced," by prohibiting the passage of any sales tax ordinance by any city of the first class.

Mr. OMINSKY from the Committee on Rules reported as committed, House Resolution No. 20.

Mr. O'KEEFE from the Committee on Rules reported as committed House Resolution No. 21.

Mr. O'KEEFE from the Committee on Rules reported as committed, House Resolution No. 23.

Mr. SIMON from the Committee on Rules reported as committed, House Resolution No. 24.

Mr. OMINSKY, from the Committee on Rules, reported as committed, Senate Resolution Serial No. 21.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, October 11, 1938.

Whereas, the civilized world has witnessed for the past two decades the miraculous revival of the Holy land, the cradle of all faiths, by the return of the Jews to Palestine, and

Whereas, the American Government has by joint resolution of the Congress of the United States unanimously endorsed the action of Great Britain in accepting the Palestine Mandate to facilitate the establishment of the Jewish Home Land, and

Whereas, this responsibility was accepted by Great Britain as a sacred trust in behalf of the civilized world, and

Whereas, under the provisions of the American British Palestine Manadate Convention, signed December 3, 1924, approved by the United States Senate February 20, 1925 and officially ratified by the President of the United States March 2, 1925, Great Britain agreed that nothing contained in the agreement shall be modified unless such modification shall have been assented to by the United States of America, and

Whereas, it is reported that the British Government is contemplating the abandonment of its pledge to the Jewish people made through the Balfour Declaration and embodied in the said Palestine Mandate, and

Whereas, people of all creeds and faiths are profoundly disturbed by these reports, and

Whereas, the magnificent accomplishments of the Jewish Settlers in Palestine, spiritual and material, have won the high regard of the entire world

Whereas, the unsettled conditions in Europe and the continuous discrimination and persecution of minority groups compel Jews to look to Palestine as their chief haven of refuge, and

Whereas, it is the sense of the General Assembly of the Commonwealth of Pennsylvania that the abandonment by Great Britain of her pledges would leave no avenue of escape to Jews driven from any lands and that such a course would be regarded by all enlightened peoples as a surrender to the forces of violence and hatred.

Be it resolved, that the General Assembly of the Commonwealth of Pennsylvania memoralizes the President of the United States and the Secretary of State of the United States to make known to the British Government that this country looks to Great Britain to adhere to her commitments and to hold fast to the terms of the Palestine Mandate and to the spirit of the Balfour Declaration, and

Be it further resolved, that a copy of this resolution be transmitted to His Excellency, the President of the United States, and the Secretary of State of the United States by the Secretary of the Senate.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

QUESTION OF PARLIAMENTARY INQUIRY

Mr. TURNER. Mr. Speaker, I rise to a question of parilamentary inquiry.

The SPEAKER. The gentleman from Delaware will state his question of parliamentary inquiry.

Mr. TURNER. Mr. Speaker, Senate Resolution Serial No. 21 is not a concurrent resolution and I would like to ask the Chair how a Senate resolution, which is not a concurrent resolution, can come before the House. I point out to the Chair that the resolution appears on page 33 of the history of resolutions in the Senate, and is not printed among the Senate concurrent resolutions. I point out further that it does not contain the usual heading providing for presentation to the House, nor does it say, as is customary in all resolutions since I have been here of a concurrent nature, "Be it resolved if the House concur."

The SPEAKER. On the question of parliamentary inquiry raised by the gentleman from Delaware, the Chair wishes to state that the resolution is not in the exact form that most concurrent resolutions are, but the Chair believes that this resolution is a concurrent resolution, due to the fact that it says, "It is the sense of the General Assembly." The General Assembly is composed of the Senate and the House, and the Chair rules that the resolution is in proper order.

Mr. TURNER. Mr. Speaker, I fail to see the language which says that. I see only in the "Whereas" clause, "Be it resolved that the General Assembly of the Commonwealth of Pennsylvania memorialize the President," but that might be the expression of a desire on the part of the Senate without it being a concurrent resolution.

The SPEAKER. The Senate cannot speak for the whole of the General Assembly, and since the resolve clause says "The General Assembly of the Commonwealth of Pennsylvania," it would necessarily mean that it would be the thought and action of both houses. Therefore, the Chair rules that it is a concurrent resolution.

Mr. TURNER. Mr. Speaker, I will abide by the ruling in this instance, of the Chair. I do not desire to appeal from the ruling of the Chair, but it seems to me we cannot assume from the fact that the Senate has said "that the General Assembly memorialize," that from that you could understand they desired a concurrent resolution. The resolution has been up some time in the Senate. It was introduced on October 11th and has been printed in the history among the Senate resolutions and not among the concurrent resolutions, of which fact, it seems to me, the Chair ought to take notice in making its decision on the question of parliamentary inquiry.

The SPEAKER. Nevertheless the House has received the communication from the Senate, presenting this resolution and asking for the House to concur. That is the only official notice that the House has of the resolution.

Mr. TURNER. Mr. Speaker, of course, there might be an error on the part of the Senate in sending it over. The members of the Senate did not vote on the concurrent resolution. They voted on a Senate resolution and they may have desired to keep this an exclusive matter for themselves. I might say, however, Mr. Speaker, that I wish to raise no further objection, although it seems to me a very slipshod way of getting it across.

I understand it is agreed that the resolution which I introduced, which is similiar and which was introduced in the House because this was purely a Senate resolution will be reported from the Rules Committee and presented to the House, so that we have that which we were after, and although my resolution was held up at the time, I will not myself proceed in a small way to object further to the presentation, as long as in the end we accomplish the desired result, namely to petition that the United States Government do something about the question in Palestine.

On the question recurring,

Will the House adopt the resolution;

It was adopted.

Ordered, That the Clerk inform the Senate accordingly.

REPORT FROM COMMITTEE

Mr. BROWN, from the Committee on Cities, re-reported as amended, House Bill No. 79, (Senate Bill No. 20), entitled:

An Act abating certain tax penalties interest and costs on city and school taxes in cities of the first class and school districts of the first class.

BILL ON SECOND READING

Mr. BROWN asked and obtained unanimous consent to have House Bill No. 79, (Senate Bill No. 20) read the second time.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 79, (Senate Bill No. 20), as follows:

An Act abating certain tax penalties interest and costs on city and school taxes in cities of the first class and school districts of the first class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All unpaid penalties and interest and all costs imposed but not actually paid out on paid or unpaid delinquent city or school taxes in cities of the first class and in school districts of the first class for the tax year one thousand nine hundred and thirty-four and for all previous tax years and the unpaid penalties and all costs imposed but not actually paid out on such taxes for the tax year one thousand nine hundred and thirty-five on any parcel or parcels of real estate shall be abated without the necessity of further action on the part of the council of such city or by the board of public education of such school district as the case may be if the following provisions are complied with

(a) That all of the unpaid delinquent taxes are paid in four equal installments as follows One-fourth on or before the thirty-first day of December one thousand nine hundred and thirty-eight one-fourth on or before the thirty-first day of December one thousand nine hundred and thirty-nine one-fourth on or before the thirtieth day of June one thousand nine hundred and forty and the final one-fourth on or before the thirty-first day of December one thousand nine hundred and forty

(b) The taxes for the year one thousand nine hundred and thirty-eight shall be paid on or before the thirty-first day of December one thousand nine hundred and thirty-eight and the current taxes for all subsequent years during such installment period shall be paid before they become delinquent

(c) In case any taxpayer shall default in the payment of any installment of taxes or in the payment of current taxes as required by this act the penalties interest and costs on the installments of such delinquent taxes remaining unpaid shall not be abated but shall remain due and payable as provided by existing law

Section 2 Any taxpayer may on or before December thirty-first one thousand nine hundred and thirty-eight pay the entire amount of the unpaid delinquent taxes for the year one thousand nine hundred and thirty-five and all previous years whereupon the unpaid penalties and interest and all costs imposed but not actually paid out on such paid or unpaid delinquent taxes for the year one thousand nine hundred and thirty-four and previous years and all unpaid penalties and all costs imposed but not actually paid out on paid or unpaid delinquent taxes for the year one thousand nine hundred and thirty-five shall be abated and all liens filed for such delinquent taxes interest penalties or costs or any portion thereof shall be satisfied of record

Section 3 Any taxpayer may at any time during the installment period pay the balance due on said unpaid delinquent taxes provided for in this act Provided That at the time such payment is made the conditions of section one (a) have been complied with And further provided That the taxes for the then current year have been paid

Section 4 The benefits of this act shall extend and accrue to any successful bidder or purchaser at a sheriff's or other judicial sale grantee transferee mortgagee or other party in interest in the parcel or parcels of real estate against which the above-mentioned taxes have been assessed and levied

Section 5 Any taxpayer shall have the right to pay delinquent taxes assessed and levied against any parcel of real estate and receive the benefits of this act without being required to pay the delinquent taxes assessed and levied against any other parcel or parcels of real estate

Section 6 The abatement herein provided for shall be made whether or not liens for such taxes interest penalties or costs have been filed in the office of the prothonotary or proceedings for the collection of such taxes interest penalties or costs shall have been instituted in any court of such county and the taxpayer and the real estate shall not be liable for the payment of any costs incurred in filing such liens or in prosecuting such proceedings

Section 7 Any taxpayer who on the effective date of this act is making payments on delinquent taxes under the provisions of the act of July twenty-second one thousand nine hundred and thirty-six (Pamphlet Laws 67) or the act of May twenty-sixth one thousand nine hundred and thirty-seven (Pamphlet Laws 893) may secure the benefits of this act by making payments on the balance due on such delinquent taxes at the times and in the fractional parts prescribed herein

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

SENATE MESSAGES

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 56. (HOUSE BILL No. 89.)

An Act creating a joint legislative commission to study and report on the structure of insurance rates for workmen's compensation causes for rejection of the Workmen's Compensation Act by employers the structure of rates on Workmen's Compensation insurance and making an appropriation.

Referred to the Committee on Labor.

SENATE BILL No. 60. (HOUSE BILL No. 90.)

An Act to amend section two of the act, approved the twelfth day of August, one thousand nine hundred and thirty-eight (Act No. 5), entitled "An act authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry ir this Commonwealth with special reference to the adequate, efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth; conferring upon the commission full power to issue subpoenas and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued; requiring the commission to make a report of its findings and recommendations to the General Assembly or to the Governor; and authorizing the commission to employ counsel and employes, and making an appropriation," by changing the manner of appointment of the members of said commission.

Referred to the Committee on Judiciary Special.

SENATE BILL No. 49. (HOUSE BILL No. 91.)

An Act to prohibit the sale offering or exposing for sale of fireworks defining fireworks and authorizing cities boroughs towns and townships to regulate the manner of using fireworks therein and providing penalties.

Referred to the Committee on Public Health and Sanitation.

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, October 17, 1938.

Resolved (if the House of Representatives concur), That in any recess of the Senate and the House of Representatives during a regular or extraordinary session of the General Assembly, the President Pro Tempore of the Senate and the Speaker of the House of Representatives may jointly reconvene the Senate and the House of Representatives at a date prior to the date already fixed for reconvening.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

RESOLUTION LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that the Senate message be laid upon the table.

The motion was agreed to.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, October 17, 1938.

Resolved, (if the House of Representatives concur), That when the Senate adjourns this week it reconvne on Monday evening, November 14, 1938, at 9:00 o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, November 14, 1938, at 9:00 o'clock.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

RESOLUTION LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that the Senate message be laid upon the table.

The motion was agreed to.

COMMITTEE MEETINGS

A continuation of the hearing before the sub-committee on Mines and Mining on House Bills Nos. 43, 44, 45 and 46 will be held on Tuesday, October 18, 1938, at 1:00 p. m. in the Senate Caucus Room.

The Committee on Judiciary General will meet on Tuesday, October 18, 1938, immediately after the session, in the office of the Chief Clerk.

ADJOURNMENT

Mr. POWERS. Mr. Speaker, I move that this House do now adjourn until tomorrow at 12:00 noon.

The motion was agreed to, and (at 12:54 a. m.) the House adjourned until Tuesday, October 18, 1938, at 12:00 noon.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1938

Vol. 22 HARRISBURG, PA., TUESDAY, OCTOBER 18, 1938. No. 27.

SENATE

TUESDAY, OCTOBER 18, 1938.

The Senate met at 11:00 o'clock A. M.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, LL. D., offered the following prayer:

All-Wise Creator, we acclaim Thee today God of our beloved homeland. We gratefully acknowledge that mysterious providence whereby we are sometimes tempted to name ourselves Thy peculiar people. Yet perish the thought of our hearts, and deliver us from the dire temptation. Forbid that we forget that Thou art God of all the lands, Father of all the peoples. Save us from the sin of racial hatred and discrimination. We would ever cherish in our hearts a wholesome hospitality to Thy gracious Spirit of goodness and good will. In the poverty and distress of the weak, may we hear Thy challenge to the strong.

Purify our hearts. May we put our own house in order, that we may be Thy witnesses for righteousness, and justice, and peace among nations. To this end, bless us here and now, that we may glorify Thy name in all the earth, and all peoples may cry out, "The Lord, he is good! the Lord, he is good." Amen.

JOURNAL APPROVED

The PRESIDENT—A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. RICE, the further reading was dispensed with, and the Journal was approved.

COMMUNICATION THANKING SENATE FOR COMMENDING PRESIDENT ROOSEVELT ON HIS MESSAGE FOR PEACE

The Chair cleared his table and laid before the Senate the following communication.

DEPARTMENT OF STATE
WASHINGTON

(SEAL)

October 17, 1938.

My Dear Mr. Mulvihill:

The President has asked me to acknowledge the receipt of your letter of September 27, 1938, transmitting a copy of a resolution adopted by the Senate of Pennsylvania the same day, expressing approval of his efforts in the promotion of peace.

The action taken by the Senate of Pennsylvania is greatly appreciated.

Sincerely yours,

G. S. MESSERSMITH.
For the Secretary of State:
Assistant Secretary

Mr. Dennis J. Mulvihill,
Chief Clerk,
Senate of Pennsylvania.
Harrisburg.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations.

MEMBERS BOARD OF TRUSTEES SLIPPERY ROCK STATE TEACHERS COLLEGE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, October 18, 1938.

To the Honorable, The Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following members of the Board of Trustees of Slippery Rock State Teachers College:

Origen K. Bingham, Bridgeville, Allegheny County, for the term of four years and until his successor is qualified. (Re-appointment).

Mrs. Emma Guffey Miller, Wolf Creek Farm, Slippery Rock, Butler County, for the term of four years and until her successor is qualified. (Re-appointment).

GEORGE H. EARLE.

COMMUNICATION FROM THE GOVERNOR

NOMINATIONS RECALLED

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows and referred to the Committee on Executive Nominations:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, October 18, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nominations made to your Honorable Body for the appointment of the following persons who have subsequently resigned:

Mrs. Leanna Thomas, Sharpsburg, Allegheny, as a member of the Allegheny County Board of Assistance, from December 30, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

Mrs. Frances A. Rufe, Sellersville, Bucks County, as a member of the Bucks County Board of Assistance, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

Fred V. Brown, Clarion, Clarion County, as a member of the Clarion County Board of Assistance, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

Merrill C. Fisher, Bloomsburg, Columbia County, as a member of the Columbia County Board of Assistance, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

John M. Keichline, Huntingdon, Huntingdon County, as a member of the Huntingdon County Board of Assistance, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

Miss Fannie Henry, Bethlehem, Northampton County, as a member of the Northampton County Board of Assistance, from December 23, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

Miss Marian Stone, Coudersport, Potter County, as a member of the Potter County Board of Assistance, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

E. M. Fischler, Galeton, Potter County, as a member of the Potter County Board of Assistance, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

Ralph E. Page, Lewisburg, Union County, as a member of the Union County Board of Assistance, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

GEORGE H. EARLE.

HOUSE MESSAGE

MEMORIALIZING THE PRESIDENT AND THE SECRETARY OF STATE OF THE UNITED STATES TO APPEAL TO GREAT BRITAIN TO ADHERE TO THE TERMS OF THE PALESTINE MANDATE AND TO THE SPIRIT OF THE BALFOUR DECLARATION

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, October 11, 1938.

Whereas, the civilized world has witnessed for the past two decades the miraculous revival of the Holy land, the cradle of all faiths, by the return of the Jews to Palestine, and

Whereas, the American Government has by joint resolution of the Congress of the United States unanimously endorsed the action of Great Britain in accepting the Palestine Mandate to facilitate the establishment of the Jewish Homeland and

Whereas, this responsibility was accepted by Great Britain as a sacred trust in behalf of the civilized world, and

Whereas, under the provisions of the American British Palestine Mandate Convention, signed December 3, 1924, approved by the United States Senate February 20, 1925 and officially ratified by the President of the United States March 2, 1925, Great Britain agreed that nothing contained in the agreement shall be modified unless such modification shall have been assented to by the United States of America, and

Whereas, it is reported that the British Government is contemplating the abandonment of its pledge to the Jewish people made through the Balfour Declaration and embodied in the said Palestine Mandate, and

Whereas, people of all creeds and faiths are profoundly disturbed by these reports, and

Whereas, the magnificent accomplishments of the Jewish settlers in Palestine, spirtual and material, have won the high regard of the entire world

Whereas, the unsettled conditions in Europe and the continuous discrimination and persecution of minority groups compel Jews to look to Palestine as their chief haven of refuge, and

Whereas, it is the sense of the General Assembly of the Commonwealth of Pennsylvania that the abandonment by Great Britain of her pledges would leave no avenue of escape to Jews driven from many lands and that such a course would be regarded by all enlightened peoples as a surrender to the forces of violence and hatred.

Be it resolved, that the General Assembly of the Commonwealth of Pennsylvania memorializes the President of the United States and the Secretary of State of the United States to make known to the British Government that this country looks to Great Britain to adhere to her commitments and to hold fast to the terms of the Palestine Mandate and to the spirit of the Balfour Declaration, and

Be it further resolved, that a copy of this resolution be transmitted to His Excellency, the President of the United States, and the Secretary of State of the United States by the Secretary of the Senate.

BILL SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 66, entitled:

A Supplement to the act, approved the second day of July one thousand nine hundred thirty-seven (Appropriation Acts, page seventy-four), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven" providing for deficiencies in certain appropriations to the Department of Justice for the fiscal biennium ending May thirty-first, one thousand nine hundred thirty-nine.

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

REPORT FROM COMMITTEE

Mr. SHAPIRO. Mr. President, on behalf of the committee appointed to investigate the costs and functions of Civic Government in Philadelphia I should like to make the following report in the form of an accounting.

Balance as per First Accounting, $18,187.27. Expenses since the first accounting—Investigation of County Offices—William N. Martin, Stenographer, $5,976.67; Thomas Devine, Auditor, $700.00; W. A. Nemirow, Research, $150.00; Sergeant at Arms expense, $168.00; A. A. Chereshore, Investigator Expenses, $6.86; A. Pomerantz, Stationery, $45.99; Whiting Paper Company, paper, $151.00;

U. S. Typewriter Ribbon Company, $12.00; Carbon and Ribbon Service Company, $231.50; Barclay Brothers, Photostats, $57.40; Dictaphone Sales Corporation, records, $50.63; Traveling Exp. of Committee to Cincinnati, $145.35; Traveling Exp. of Committee to Harrisburg, $10.40 Telephone & Telegraph, $58.75; making a total of $7,764.55.

Secondly, Expense Investigating Byberry,—Wm. N. Martin, Stenographer, $3,090.26; B. Fox, Mimeograph, $163.75; Allen Reproduction Co., Photostats, $11.75; A. Pomerantz & Co., Stationery, $11.70; Marx Stationery Co., Paper, $79.67; Travel Exp. to Warren, Committee, $95.60; Travel. Exp. to Washington, Committee, $31.80; making a total of $3,484.53, or a grand total of $11,249.08.

There is now on hand in the treasury of the committee the sum, which bears interest—a check for the interest being sent to the treasurer regularly from the bank—of $6938.19, which sum will be turned back into the Treasury before the end of this session. In addition to that all of the second sheets and carbon papers and other supplies which are remaining and can be used were forwarded to the Secretary of the Senate some time ago so that they can be used again.

I make this report for the purpose of advising the Senate so that they may know we have not used any counsel, expended any money for counsel fees, and have not expended any money for traveling except those read to you, and we will for the first time have a balance which will be returned to the Treasury out of an appropriation of $25,000.

QUESTION OF PERSONAL PRIVILEGE

Mr. BUCKMAN. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Bucks, Mr. Buckman will state his question of personal privilege.

Mr. BUCKMAN. Mr. President, I suggest that the report be referred to Senator Thompson's Committee.

The PRESIDENT. The report will be received and made a matter of record in the Journal.

Mr. WOODWARD. Mr. President, this is a very delightful and refreshing report, especially in the balance, and perhaps the best explanation is that the chairman, Senator Shapiro, used to be a Republican.

Mr. SHAPIRO. Mr. President, I should like to answer the Senator and say that the Republicans could have had for a number of years before and since, the same service from me, and I offer them the same service in case they should be fortunate enough to win the election. I should be very glad to help them in this matter.

RESOLUTION REQUESTING INFORMATION ON THE COST TO MUNICIPALITIES OF SAFETY SERVICES ATTRIBUTABLE TO MOTOR VEHICLE USAGE OF HIGHWAYS

Mr. McGINNIS offered the following resolution which was twice read, as follows:

In the Senate, October 18, 1938.

Whereas, During the past two decades the automobile industry has developed rapidly with attendant reduction of prices to such an extent that the great majority of families and business firms now own and operate motor vehicles and

Whereas, The general use of the automobile and other motor vehicles created the demand for more improved streets and highways a portion of which cost is borne by the revenue procured from motor vehicle licenses and gasoline taxes while the real property owners have been required to maintain most of the city and borough streets for the benefit of such motor vehicles as well as to mortgage their properties through municipal bond issues by city county borough and township governments for further improvements of street alleys and for maintenance of the same in addition to supplying through direct taxation on such real properties including the homes and farms of this Commonwealth sufficient funds to provide the essential safety devices and motor patrols for the facilitation of motor vehicular traffic and

Whereas, The unfair tax burden placed upon realty owners for financing the expenses of traffic patrols traffic signal lights and their maintenance better traffic committees traffic planning commissions traffic courts with its attendant costs of magistrates etc stolen car division of detective forces and homicide squads and many other direct costs of a similar nature such as the civil and criminal divisions of the courts of common pleas and the municipal and county courts for the settlement of claims resulting from the popular use of the automobiles and trucks therefore be it

Resolved, That the Senate in Extraordinary Session assembled request and direct the State Highway Department to make a survey of the costs to the municipalities of the Commonwealth for all such traffic regulation and safety services attributable to the automobile and motor truck usage of the municipal streets and highways for the purpose of enabling the next general session of the Legislature to properly draft bills to relieve the real property owners of such municipalities of the entire cost of such services resulting from the popular use of automotive equipment and be it further

Resolved, That the Secretary of the State Highway Department shall present to the Senate at the next regular session a report of the facts obtained by the above specified survey.

Mr. McGINNIS. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee be suspended and the Senate proceed to the consideration of the foregoing resolution.

The PRESIDENT. Is there objection?

Mr. McGINNIS. Mr. President, during the past twenty years the motor traffic in our municipalities has reached an enormous pace and assumed a cost to the municipalities that is staggering. Our traffic lights, our extra police, our traffic courts, stolen car divisions, and all of these costs all over the State have been enormous.

Just take the city of Pittsburgh—it is costing over $1,000,000 a year just for the section of the costs that have been thrown on the real estate owners of the people of Pittsburgh. All I ask in this resolution is that the State Highway Department make a survey of these costs in municipalities and report back to the next session so that the Legislature may be in a position to devise legislation to relieve some of this taxation of real estate.

Mr. BUCKMAN. Mr. President, I object to immediate consideration.

POINT OF ORDER

Mr. McGINNIS. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Allegheny, Mr. McGinnis, will state his point of order.

Mr. McGINNIS. I understand that when this resolution was offered the Chair asked for any objections and no objections were made.

The PRESIDENT. That is true, but—.

Mr. BUCKMAN. Mr. President, I was waiting for an explanation from the Senator from Allegheny. I was

about to rise in objection but I saw him rising and he being the sponsor, I withheld any remarks or objections until I heard his reason. That is the reason I did not object immediately.

The PRESIDENT. The objection is valid any time before the vote.

Mr. SHAPIRO. Mr. President, if the objection arose as a result of a speech I would suggest that the speech be expunged from the records.

The PRESIDENT. Under the rules there is no alternative but to refer and the Chair refers the resolution to the Committee on Judiciary General.

Mr. WOODWARD. Mr. President, may I speak on the subject of the resolution?

The PRESIDENT. The resolution is not now before the Senate.

Mr. WOODWARD. Mr. President, that is too bad.

QUESTION OF PERSONAL PRIVILEGE

Mr. WOODWARD. Mr. President, I will rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Woodward will state his question of personal privilege.

Mr. WOODWARD. Mr. President, I was going to make a Republican speech and try to soften the heart of my colleague from Bucks County. I think he ought to allow this resolution to pass. It is a very meritorious resolution prepared by our distinguished Senator from Allegheny County. I am all for it and I want to give the reason.

The State has finally taken over 146 miles of highways in Philadelphia, but Philadelphia still has to police those streets, and this would open the door to a reform in that respect so that the State would police its own streets and not call upon our Treasury to police the streets.

I think that in these last days the Senator from Bucks might leave a fragrant memory with us and not always move to postpone indefinitely, and waive his objection to immediate consideration.

CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 15

Agreeably to order,

The Senate proceeded to the consideration of the report of the Committee of Conference on Senate Bill No. 15, entitled:

An Act abating certain tax penalties interest and costs on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes prohibiting the sale of real property for the nonpayment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof

The Report was read as follows:

REPORT OF THE COMMITTEE OF CONFERENCE ON SENATE BILL NO. 15

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 15, entitled: "An Act abating certain tax penalties interest and costs on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes prohibiting the sale of real property for the nonpayment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof" respectfully submit the following bill as our report:

C. GILBERT WOLFENDEN,
THOMAS E. KILGALLEN,
HARRY SHAPIRO,
(Committee on the part of the Senate.)

JAMES A. SMITH,
SAMUEL A. WEISS,
THOS. B. STOCKHAM,
(Committee on the Part of the House of Representatives.)

An Act abating certain tax penalties interest and costs on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes prohibiting the sale of real property for the non-payment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All unpaid penalties and interest imposed on paid or unpaid delinquent county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes for the tax year one thousand nine hundred and thirty-four and all previous years and all penalties imposed on such taxes for the tax years one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven assessed and levied against any parcel or parcels of real estate and on paid or unpaid delinquent poll taxes levied for any of such years are hereby abated without the necessity of future action by the authority levying the tax if the unpaid delinquent taxes are paid as hereinafter provided This section shall not be construed to abate the interest accrued on the taxes for the years of one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven but no further interest shall be imposed on such taxes after the payment of the first installment as hereafter provided so long as the taxpayer complies with the provisions of this act

In order to receive the benefits of the installment system of payment provided by this act twenty per centum of the delinquent taxes due for the tax year one thousand nine hundred and thirty-seven and for all previous years and of the accrued interest due on the one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven taxes shall be paid on or before the thirty-first day of December one thousand nine hundred and thirty-eight twenty per centum on or before the thirty-first day of December one thousand nine hundred and thirty-nine twenty per centum on or before the thirty- first day of December one thousand nine hundred and forty twenty per centum on or before the thirty-first day of December one thousand nine hundred and forty-one and the final twenty per centum on or before the thirty-first day of December one thousand nine hundred and forty-two And provided That the respective current taxes on such parcel or parcels of real estate levied for the year one thousand nine hundred and thirty-eight shall be paid on or before the thirty-first day of December one thousand nine hundred and thirty-eight and all such taxes for the years subsequent to the year one thousand nine hundred and thirty-eight during such installment periods assessed and levied by such taxing authority shall be paid before they become delinquent For the purposes of this act a tax shall be deemed to become delinquent on the date when a penalty attaches to the tax If and whenever any of the said current taxes or any of the said installments are not paid when due and payable as herein provided then and in that event there shall become due and payable for such a year a sum equal to one-fifth of the total amount of the abated penalties and interest in addition to the other payments required to be paid under this act during that year which said additional sum shall be payable and must be paid at the time the next succeeding installment payment becomes due under this act If such additional sum is not so paid then the total amount of the abated penalties and interest less the aggregate of any such additional sum theretofore paid

shall be revived and added to the unpaid taxes with the same force and effect as if such abated penalties and interest or portion thereof had never been abated and the taxpayer shall not thereafter be entitled to any further benefits or privileges under this act

Section 2 Any taxpayer or owner having the right of redemption may anticipate the payment of the unpaid delinquent taxes for the tax year one thousand nine hundred and thirty-seven and previous years at any time on or before December thirty-first one thousand nine hundred and thirty-eight by paying the entire amount of such unpaid delinquent taxes and interest due on the one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven taxes and receive the benefit of this act and in such cases payment of the taxes assessed and levied for the year one thousand nine hundred and thirty-eight shall not be required at the time of such payment

Section 3 This act shall be construed to apply to all such taxes penalties and interest whether or not such taxes have been returned or liens therefor have been filed in the office of the prothonotary of the county or proceedings for the collection thereof have been instituted in any court in said county or where real property has been sold to a county city borough town township school district or poor district at a tax sale or on a tax lien and the period of redemption has not expired but this act shall not be construed to apply to cases where real property has been sold other than to a county city borough town township school district or poor district at a tax sale or on a tax lien and where the period of redemption has not expired The taxpayer shall be liable for the payment of all costs incurred except the solicitor's fees where liens for such taxes have been returned for non-payment or have been filed in the office of the prothonotary or proceedings for the collection thereof have been instituted in any court

Section 4 The benefits of this act shall extend to and accrue to any successful bidder or purchaser at sheriff's or other judicial sale grantee transferee mortgagee or owner having the right of redemption under a tax sale or other party in interest in the parcel or parcels of real estate against which the above mentioned taxes have been assessed and levied whether separated or not

Section 5 Any taxpayer or owner having the right of redemption shall have the right to pay the unpaid delinquent taxes assessed and levied against any parcel or parcels of real estate without being required to pay the unpaid delinquent taxes assessed and levied against any other parcel or parcels of real estate in the same ward district or other municipal subdivision

The county commissioners of each county may at their discretion and at the cost of the county cause to be published two times in not more than two newspapers of general circulation throughout the county a notice to the taxpayers giving a synopsis of the terms of this act setting forth the benefits provided by the act and the necessary conditions required by the taxpayers in order to receive the same Upon application either in person or in writing by any taxpayer or owner the tax levying authorities the tax collector the receiver or receivers of taxes or the person or persons charged with the collection of such unpaid delinquent taxes or the person or persons in whose custody the records of such unpaid delinquent taxes are kept shall furnish to such delinquent taxpayer or owner a statement of the unpaid delinquent taxes owned by him to such municipal subdivision showing the face amount the penalty if any the interest if any and any costs or other charges in detail against such real property as shown by the records in his custody

Every collector of taxes whose duty it is to send to the respective taxpayers any notice or statement of their annual taxes shall include in each such notice or statement an additional notice of the date when the next installment payment is due under the provisions of this act

Section 6 In order to enable the taxpayer or owner having the right of redemption under a tax sale to receive the full benefits of this act no real property shall be sold for non-payment of taxes before December thirty-first one thousand nine hundred and thirty-eight and any tax sale shall be adjourned or readjourned or right of redemption extended as often as may be necessary for this purpose If any tax sale is adjourned or readjourned or right of redemption extended after advertisement or sale no additional advertisement or notice shall be necessary for the adjourned or readjourned sale or right of redemption No such adjournment or readjournment or redemption failure to advertise or hold any such tax sale shall invalidate the lien of any tax due and unpaid or sale had subject to redemption but the lien of all such taxes shall be fully preserved during the entire installment period herein provided for if the taxpayer avails himself of the privileges or benefits of this act Provided however That in every case where a taxpayer avails himself of the privileges or benefits of this act the period during which payment of said unpaid delinquent taxes is postponed or continued under this act shall not be included in computing and determining whether or not any right of the tax assessing and levying authority has been barred or lost by reason of the provisions of any statute now existing or hereafter enacted limiting the right of the said tax levying and assessing auhorities to file preserve or maintain the lien of the said taxes

Section 7 The provisions of this act are severable and if any of the provisions hereof are held to be unconstitutional the decision shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included herein

Section 8 The act approved the first day of May one thousand nine hundred and thirty-five (Pamphlet Laws one hundred twenty-nine) as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred forty-four) the act approved the fourth day of June one thousand nine hundred and thirty-six (Pamphlet Laws ten) and the act approved the fourteenth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws three hundred two) shall continue in full force and effect as to any and all taxpayers who have taken advantage of and are not in default in the provisions thereof All other acts and parts of acts general local or special inconsistent herewith be and the same are hereby suspended during the time this act shall be in effect

Sction 9 Nothing in this act shall be so construed as to prevent any taxpayer who has heretofore taken advantage and accepted the benefits of any of the acts referred to in section eight and who has lost or who prior to the thirty-first day of December one thousand nine hundred and thirty-eight may lose the rights benefits privileges and opportunities under such act from taking advantage and receiving the benefits of this act

On the question,

Will the Senate agree to the report?

Mr. EALY. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Shapiro, as a member of this committee.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, yes.

Mr. EALY. Mr. President, the situation has arisen in some of the counties that tax sales have been held by the treasurers of the various counties, and the purchasers of the properties sold have paid the penalties and interest on the various tracts. There is also the question of commissions to the purchaser of the land.

I desire to ask the Senator from Philadelphia as to what effect this act would have on such situations. I understand he has taken the matter up with the Attorney General's department.

Mr. SHAPIRO. Mr. President, I was of the opinion at the time the act was drawn that that situation would not raise a conflict. But as the Senator from Somerset raised

the question I tried to fortify myself with an opinion by the Attorney General. The Attorney General, or at least his department, stated that if a purchaser at sheriff's sales bought a property which was sold subject to legal taxes, he had paid the taxes in full; the owner who had the right of redemption under this act could not of course take advantage of the act because if the taxes were paid therefore there was no delinquency. But if the purchaser at the sheriff's sale, against whom the right of redemption would be exercised, took advantage of the act and paid only in installments then all that would be required of the purchaser from the person who had the right of redemption would be to pay the installments.

We went into that very carefully because we had prepared an amendment which used the following words: "To take care of the natural right of the owner in redemption, it should only exist if the purchaser at sheriff's sale should take advantage of the act," which we were passing. The Attorney General's department said that would be redundant and unnecessary.

Mr. EALY. Mr. President, the explanation given by the Attorney General's department is not very convincing to me and it does not take care of the question of the commission of 15 per cent which a purchaser at a sale is entitled to if the land is condemned. I also find that Sections Three and Four of this act, in my opinion are directly contradictory. I am sorry that this is the best tax abatement Act that we can secure and I certainly wish that we could have some legislation not so slovenly drawn; but I intend to vote for it as it appears as it is the best we can get at this session.

And the question recurring,

Will the Senate agree to the report?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Barthold,	Gelder,	Lanius,	Rice,
Buckman,	Gilson,	Law,	Rodgers,
Cavalcante,	Haluska,	Mallery,	Ruth,
Dando,	Henney,	McCreesh,	Shapiro,
Deitrick,	Heyburn,	McGinnis,	Sipe,
Dent,	Howell,	Owlett,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Wolfenden,
Eroe,	Kilgallen,	Reed,	Woodward,
Frey,	Kunkel,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 61, entitled:

An Act to ratify confirm and make valid the joint legislative committee created by Senate Concurrent Resolution Serial Number 106 approved March sixteenth one thousand nine hundred and thirty-seven and authorized thereby to make an investigation of the tax burdens placed upon industries in Pennsylvania and other industrial and mining states together with its actions proceedings expenses and expenditures and the appropriation made to said committee and making a further appropriation

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS— 36

Barthold,	Gelder,	Lanius,	Rice,
Buckman,	Gilson,	Law,	Rodgers,
Cavalcante,	Henney,	Mallery,	Ruth,
Dando,	Heyburn,	McCreesh,	Shapiro,
Deitrick,	Howell,	McGinnis,	Sipe,
Dent,	Jacobs,	Owlett,	Sones,
Ealy,	Jaspan,	Pytko,	Stiefel,
Eroe,	Kilgallen,	Rankin,	Wolfenden,
Frey,	Kunkel,	Reed,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 64, (House Bill No. 72), entitled:

A Supplement to the act approved the second day of July one thousand nine hundred thirty-seven (Appropriation Acts page seventy-four) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" making a deficiency appropriation to the Department of Property and Supplies for the payment of certain expenses for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. RICE. Mr. President, I move that Senate Bill No. 64 (House Bill No. 72), the bill just read, be recommitted to the Committee on Appropriations, for the purpose of further study.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 65, (House Bill No. 82), entitled:

An Act to amend section two hundred two four hundred one and two thousand three hundred eighteen of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act pro-

viding for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by creating as departmental administrative boards in the Department of Welfare and conferring powers and duties upon boards of trustees for the respective institutions acquired by the Commonwealth from counties cities and institution districts for use as State mental hospitals

The first section of the bill was read as follows:

Section 1 Section 202 of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as last amended by the act approved the twenty-first day of June one thousand nine hundred thirty-seven (Pamphlet Laws one thousand eight hundred sixty-five) and the act approved the twenty-fourth day of June one thousand nine hundred thirty-seven (Pamphlet Laws two thousand three) is hereby further amended to read as follows

Section 202 Departmental Administrative Boards Commissions and Offices The following boards commissions and offices are hereby placed and made departmental administrative boards commissions or offices as the case may be in the respective administrative departments mentioned in the preceding section as follows

In the Department of Justice
Board of Pardons
Board of Commissions on Uniform State Laws
In the Treasury Department
Board of Finance and Revenue
State Employes' Retirement Board
In the Department of Internal Affairs
Board of Property
In the Department of Public Instruction
State Council of Education
Pennsylvania State Board of Censors
Public School Employes' Retirement Board
Pennsylvania Historical Commission
Board of Trustees of Thaddeus Stevens Industrial School
Board of Trustees of Pennsylvania State Oral School for the Deaf
Board of Trustees of Pennsylvania Soldiers' Orphan School
Board of Trustees of West Chester State Teachers' College
Board of Trustees of Millersville State Teachers' College
Board of Trustees of Kutztown State Teachers' College
Board of Trustees of East Stroudsburg State Teachers' College
Board of Trustees of Mansfield State Teachers' College
Board of Trustees of Bloomsburg State Teachers' College
Board of Trustees of Shippensburg State Teachers' College
Board of Trustees of Lock Haven State Teachers' College
Board of Trustees of Indiana State Teachers' College
Board of Trustees of California State Teachers' College
Board of Trustees of Slippery Rock State Teachers' College
Board of Trustees of Edinboro State Teachers' College
Board of Trustees of Clarion State Teachers' College
Board of Trustees of Cheyney Training School for Teachers
State Board of Medical Education and Licensure
State Board of Pharmacy
State Dental Council and Examining Board
State Board of Optometrical Examiners
State Board of Osteopathic Examiners
Osteopathic Surgeons' Examining Board
State Board of Examiners for the Registration of Nurses
State Board of Veterinary Medical Examiners
State Board of the Examination of Public Accountants
State Board of Examiners and Architects
Anthracite Mine Inspectors' Examining Board
Mine Inspector's Examining Board for the Bituminous Coal Mines of Pennsylvania
State Registration Board for Professional Engineers
In the Department of Military Affairs
Armory Board of the State of Pennsylvania
Board of Trustees of Pennsylvania Soldiers' and Sailors' Home
In the Department of Banking
Board to License Private Bankers
Pennsylvania Securities Commission
In the Department of Agriculture
State Farm Products Show Commission
In the Department of Forests and Waters
Water and Power Resources Board
Geographic Board
Lake Erie and Ohio River Canal Board
Pennsylvania State Park and Harbor Commission of Erie
Washington Crossing Park Commission
Valley Forge Park Commission
Fort Washington Park Commission
In the Department of Mines
Anthracite Mine Inspectors
Bituminous Mine Inspectors
In the Department of Highways
State Bridge Commission
In the Department of Health
Sanitary Water Board
State Board of Undertakers
In the Department of Labor and Industry
Workmen's Compensation Board
Workmen's Compensation Referees
State Workmen's Insurance Board
The Industrial Board
In the Department of Welfare
State Council for the Blind
Board of Trustees of Eastern State Penitentiary
Board of Trustees of Western State Penitentiary
Board of Trustees of Pennsylvania Industrial School which upon the completion of the present Pennsylvania Industrial School at Huntingdon for the reception care maintenance detention employment and training of defective delinquents shall thereafter be

known as the Board of Trustees of Pennsylvania Institution for Defective Delinquents
Board of Trustees of State Industrial Home for Women
Board of Trustees of Pennsylvania Training School
Board of Trustees of Allentown State Hospital
Board of Trustees of Danville State Hospital
Board of Trustees of Farview State Hospital
Board of Trustees of Harrisburg State Hospital
Board of Trustees of Norristown State Hospital
Board of Trustees of Warren State Hospital
Board of Trustees of Wernersville State Hospital
Board of Trustees of Torrance State Hospital
Board of Trustees of Ashland State Hospital
Board of Trustees of Blossburg State Hospital
Board of Trustees of Coaldale State Hospital
Board of Trustees of Connellsville State Hospital
Board of Trustees of Hazleton State Hospital
Board of Trustees of Locust Mountain State Hospital
Board of Trustees of Nanticoke State Hospital
Board of Trustees of Philipsburg State Hospital
Board of Trustees of Scranton State Hospital
Board of Trustees of Shamokin State Hospital
Board of Trustees of Laurelton State Village
Board of Trustees of Pennhurst State School
Board of Trustees of Polk State School
Board of Trustees of Selinsgrove State Colony for Epileptics

In addition to the foregoing there are hereby created as departmental administrative boards in the Department of Welfare boards of trustees for the respective institutions which are acquired by the Commonwealth from counties cities or institution districts for actual use as State mental hospitals under the provisions of Act Number twenty-one approved the twenty-eighth day of September one thousand nine hundred thirty-eight Each respective board of trustees shall be known as the Board of Trustees of the

.....

((description name of political subdivision in which institution is located)

State Hospital

In the Department of Property and Supplies
Board of Commissioners of Public Grounds and Buildings
State Art Commission

In the Department of Revenue
State Athletic Commission

In the Department of Public Assistance
State Board of Public Assistance

All of the foregoing departmental administrative boards and commissions shall be organized or reorganized as provided in this act

On the question,

Will the Senate agree to the section?

Mr. SHAPIRO. Mr. President, I move to amend section 1, page 8, line 7 by striking out after the word "the" and before the word "day" the following: "[twenty-eighth]" and inserting in lieu thereof the following: "twenty-ninth"

Mr. DiSILVESTRO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows:

Section 2 Sections four hundred one and two thousand three hundred eighteen of the said act as last amended by the act approved the twenty-first day of June one thousand nine hundred thirty-seven (Pamphlet Laws one thousand eight hundred sixty-five) are hereby further amended to read as follows

Section 401 Boards of Trustees of State Institutions The Board of trustees of each of the State instituions hereinafter mentioned shall consist of nine members and the head of the department having supervision over the institution ex officio

The terms of the members of each such board shall be four years and until their successors are qualified

Five members of any such board shall constitute a quorum

Each such board shall annually elect a president and vice-president from among its members and a secretary and treasurer who need not be members of the board The secretary and treasurer may be the same person

This section shall apply to
Board of Trustees of Thaddeus Stevens Industrial School
Board of Trustees of Pennsylvania State Oral School for the Deaf
Board of Trustees of Pennsylvania Soldiers' Orphan School
Board of Trustees of West Chester State Teachers' College
Board of Trustees of Millersville State Teachers' College
Board of Trustees of Kutztown State Teachers' College
Board of Trustees of East Stroudsburg State Teachers" College
Board of Trustees of Mansfield State Teachers' College
Board of Trustees of Bloomsburg State Teachers' College
Board of Trustees of Shippensburg State Teachers' College
Board of Trustees of Lock Haven State Teachers' College
Board of Trustees of Indiana State Teachers' College
Board of Trustees of California State Teachers' College
Board of Trustees of Slippery Rock State Teachers' College
Board of Trustees of Edinboro State Teachers' College
Board of Trustees of Clarion State Teachers' College
Board of Trustees of Cheyney Training School for Teachers
Board of Trustees of Pennsylvania Soldiers' and Sailors' Home
Board of Trustees of Eastern State Penitentiary
Board of Trustees of Western State Penitentiary
Board of Trustees of Pennsylvania Industrial School which upon the completion of the present Pennsylvania Industrial School at Huntingdon for the reception care maintenance detention employment and training of defective delinquents shall thereafter be known as the Board of Trustees of Pennsylvania Institution for Defective Delinquents
Board of Trustees of State Industrial Home for Women
Board of Trustees of Pennsylvania Training School
Board of Trustees of Allentown State Hospital
Board of Trustees of Danville State Hospital
Board of Trustees of Farview State Hospital
Board of Trustees of Harrisburg State Hospital
Board of Trustees of Norristown State Hospital
Board of Trustees of Warren State Hospital
Board of Trustees of Wernersville State Hospital
Board of Trustees of Torrence State Hospital
Board of Trustees of Ashland State Hospital
Board of Trustees of Blossburg State Hospital
Board of Trustees of Coaldale State Hospital
Board of Trustees of Connellsville State Hospital
Board of Trustees of Hazleton State Hospital
Board of Trustees of Locust Mountain State Hospital
Board of Trustees of Nanticoke State Hospital
Board of Trustees of Philipsburg State Hospital
Board of Trustees of Scranton State Hospital
Board of Trustees of Shamokin State Hospital
Board of Trustees of Laurelton State Village
Board of Trustees of Pennhurst State School
Board of Trustees of Polk State School
Board of Trustees of Selinsgrove State Colony for Epileptics

Boards of trustees of such institutions as are acquired by the Commonwealth from any county city or institution

district and are used as State mental hospitals under the provisions of Act Number twenty-one approved the twenty-eighth day of September one thousand nine hundred thirty-eight

Section 2318 Boards of Trustees of State Institutions The boards of trustees of each State institution within the Department of Welfare shall have general direction and control of the property and management of such institution It shall have the power and its duty shall be

(a) Subject to the approval of the Governor to elect a superintendent or warden of the institution who shall subject to the authority of the board administer the institution in all its departments

(b) On nomination by the superintendent or warden from time to time to appoint such officers and employes as may be necessary

(c) To fix the salaries of its employes in conformity with the standards established by the Executive Board

(d) Subject to the approval of the Secretary of Welfare to make such by-laws rules and regulations for the management of the institution as it may deem wise

The boards of trustees of the several State institutions shall exercise the foregoing powers in the management of the following institutions

Board of Trustees of Eastern State Penitentiary of Eastern State Penitentiary at Philadelphia

Board of Trustees of Western State Penitentiary of Western State Penitentiary at Pittsburgh and of the State Penitentiary at Rockview

Board of Trustees of Pennsylvania Industrial School of Pennsylvania Industrial Reformatory to be known as Pennsylvania Industrial School at Huntingdon until its completion as an institution for the reception care maintenance detention employment and training of defective delinquents and thereafter to be known as the Pennsylvania Institution for Defective Delinquent

Board of Trustees of State Industrial Home fc Women of State Industrial Home for Women at Muncy

Board of Trustees of Pennsylvania Training School of Pennsylvania Training School at Morganza

Board of Trustees of Allentown State Hospital of Homeopathic State Hospital for the Insane at Allentown

Board of Trustees of Danville State Hospital of State Hospital for the Insane at Danville Pennsylvania

Board of Trustees of Farview State Hospital of State Hospital for the Criminal Insane at Farview

Board of Trustees of Harrisburg State Hospital of Harrisburg State Hospital at Harrisburg

Board of Trustees of Norristown State Hospital of State Hospital for the Insane of the Southeastern District of Pennsylvania at Norristown

Board of Trustees of Warren State Hospital of State Hospital for the Insane at Warren Pennsylvania

Board of Trustees of Wernersville State Hospital of State Asylum for the Chronic Insane of Pennsylvania at South Mountain

Board of Trustees of Torrance State Hospital of Western State Hospital for the Insane Torrance

Board of Trustees of Ashland State Hospital of State Hospital for Injured Persons of the Anthracite Coal Regions of Pennsylvania at Ashland

Board of Trustees of Blossburg State Hospital at Cottage State Hospital for Injured Persons in the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania at Blossburg

Board of Trustees of Coaldale State Hospital of State Hospital of Coaldale Schuylkill County

Board of Trustees of Connellsville State Hospital of Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania at Connellsville

Board of Trustees of Hazleton State Hospital of State Hospital of the Middle Coal Field of Pennsylvania at Hazleton

Board of Trustees of Nanticoke State Hospital of State Hospital of Luzerne County at Nanticoke

Board of Trustees of Philipsburg State Hospital of Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania at Philipsburg

Board of Trustees of Scranton State Hospital of State Hospital of the Northern Anthracite Coal Region of Pennsylvania at Scranton

Board of Trustees of Shamokin State Hospital of State Hospital of the Trevorton Shamokin and Mount Carmel Coal Fields of Pennsylvania at Shamokin

Board of Trustees of Locust Mountain State Hospital of Locust Mountain State Hospital at Shenandoah

Board of Trustees of Laurelton State Village of Pennsylvania Village of Feeble-Minded Women at Laurelton

Board of Trustees of Pennhurst State School of State Institution for the Feeble-Minded and Epileptic of Eastern Pennsylvania at Pennhurst

Board of Trustees of Polk State School of State Institution for the Feeble-Minded of Western Pennsylvania at Polk

Board of Trustees of Selinsgrove State Colony for Epileptics of the State Colony for Epileptics at Selinsgrove

The foregoing powers shall also be exercised by the respective boards of trustees of institutions acquired by the Commonwealth from any county city or institution district for use as State mental hospitals under the provisions of Act Number twenty-one approved the twenty-eighth day of September one thousand nine hundred thirty-eight

On the question,

Will the Senate agree to the section?

Mr. SHAPIRO. Mr. President, I move to

Amend section 2, page 11, line 19 by striking out after the word "the" and before the word "day" the following: "[twenty-eighth]"; and inserting in lieu thereof the following: "twenty-ninth"; amend section 2, page 15, line 5 by striking out at the end of the line the following: "[twenty-eighth]" and inserting in lieu thereof the following: "twenty-ninth".

Mr. DiSILVESTRO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third section of the bill was read as follows:

Section 3 Upon the appointment of a board of trustees for any institution district under the provisions of Act Number approved the day of September one thousand nine hundred thirty-eight the existing employes of the institution shall acquire the same status as that of employes in State institutions under the supervision of the Department of Welfare and the management of a board of trustees

On the question,

Will the Senate agree to the section?

Mr. SHAPIRO. Mr. President, I move to

Amend section 3, page 15, line 9 by striking out after the word "number" and before the word "approved" the following: "[twenty-one]"; amend section 3, page 15, line 9 by inserting after the word "the" and before the word "day" the following: "twenty-ninth".

Mr. DiSILVESTRO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fourth section of the bill was read as follows:

Section 4 In so far as the provisions of Act Number

twenty-one approved the twenty-eighth day of September one thousand nine hundred thirty-eight entitled "An act relating to institutions of counties cities and institution districts for the care maintenance and treatment of mental patients providing for the transfer of such institutions to the Commonwealth providing for the management and operation or closing and abandonment thereof and the maintenance of mental patients therein including the collection of maintenance in certain cases providing for the retransfer of certain property to institution districts under certain circumstances conferring and imposing upon the Governor the Department of Welfare the courts of common pleas and counties cities and institution districts certain powers and duties prohibiting cities counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients and repealing inconsistent laws" are inconsistent with the provisions of this act they are hereby repealed

On the question,

Will the Senate agree to the section?

Mr. SHAPIRO. Mr. President, I move to

Amend section 4, page 15, line 16 by striking out after the word "the" and before the word "day" the following: "[twenty-eighth]" and inserting in lieu thereof the following: "twenty-ninth".

Mr. DiSILVESTRO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fifth section of the bill was read as follows and agreed to.

Section 5 This act shall become effective immediately upon final enactment

The title of the bill was read as follows and agreed to.

An Act to amend sections two hundred two four hundred one and two thousand three hundred eighteen of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by creating as departmental administrative boards in the Department of Welfare and conferring powers and duties upon boards of trustees for the respective institutions acquired by the Commonwealth from counties cities and institution districts for use as State mental hospitals.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. SHAPIRO. Mr. President, this bill was reported from committee last night as amended. The amendment was to insert in certain of the blank spaces of the bill the date of the approval of Senate Bill No. 28, to which this bill refers. In the History of the Senate, this bill is referred to as having been approved on the 28th of September. As a matter of fact an examination of the records indicates that the bill was approved on the 29th of September. I therefore offered the foregoing amendments to the bill to make it conform to the act.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. RICE. Mr. President, I move that the Senate do now proceed to the consideration of Nominations for appointment as Notaries Public, sent to the Senate, October 11, 17 and 18, 1938, by His Excellency, the Governor of the Commonwealth.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

The Nominations were read as follows:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, October 11, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for appointment as a Notary Public, for a term of four years to compute from the date of confirmation:

PHILADELPHIA COUNTY

Miss Sara A. Horton, 2123-25 Christian St., Phila.

GEORGE H. EARLE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, October 11, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for appointment as a Notary Public, for a term of four years to compute from the date of confirmation:

BUTLER COUNTY

Ray C. Nesbitt, 124 E. Diamond St., Butler.

GEORGE H. EARLE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, October 17, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Ralph C. Chandler, 452 Union Trust Building, Pittsburgh.

Charles S. Limbaugh, Jr., Crafton (Pittsburgh P. O.).

F. H. Lindsey, Neville Twp., 4201 Grand Ave., Neville Island, Pittsburgh.

Mrs. Marion E. Sappington, 2167 Wylie Ave., Pittsburgh.

George Smoley, Homestead

Miss Ruth Wandless, 717 Liberty Ave., Pittsburgh.

Miss Grace E. Weber, 618 Frick Bldg., Grant Street, Pittsburgh.

CLEARFIELD COUNTY

Mrs. Nadine McLaughlin, Clearfield.

DAUPHIN COUNTY

Miss Ruth A. Mills, Harrisburg.
Harry M. Welch, Harrisburg.

FAYETTE COUNTY

William N. Hirleman, Connellsville.

LACKAWANNA COUNTY

Earl W. Kase, Carbondale.
Theodore P. Potter, Scranton.

LANCASTER COUNTY

Robt. E. Bowers, Manheim Twp., Manheim Pike, Lancaster.

LAWRENCE COUNTY

Alvan H. Fisher, New Castle.

McKEAN COUNTY

Miss Florence H. Scott, Bradford.

NORTHAMPTON COUNTY

Carl W. Fisher, Palmer Twp., Box 550, Easton.

PHILADELPHIA COUNTY

Nelson A. Boutilier, 4700 Wissahickon Ave., Phila.
Benjamin C. Draper, 1220 Spring Garden St., Phila.
Clarence L. Nichols, 1327 Porter Street, Phila.
Barnet Rogers, 5900 Malvern Ave., Phila.
Miss Ruth F. Wilson, 1018 Real Estate Trust Building, Phila.
Henry W. Winter, 1425 Arch Street, Phila.

WASHINGTON COUNTY

Harold G. Whitaker, Washington.

GEORGE H. EARLE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, October 18, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Z. A. Wenslovas, 1921 Carson St., Pittsburgh.

BERKS COUNTY

Miss Anna F. Hinterleiter, Reading.

CAMBRIA COUNTY

Miss E. W. Allen, Johnstown.

GEORGE H. EARLE

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. RICE and Mr. McCREESH.

That Rule 38, which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. RICE and Mr. McCREESH.

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Barthold,	Frey,	Kunkel,	Reed,
Buckman,	Gelder,	Lanius,	Rice,
Cavalcante,	Gilson,	Law,	Rodgers,
Dando,	Haluska,	Mallery,	Rupp,
Deitrick,	Henney,	McCreesh,	Ruth,
Dent,	Heyburn,	McGinnis,	Shapiro,
DiSilvestro,	Jacobs,	Owlett,	Sipe,
Ealy,	Jaspan,	Pytko,	Stietel,
Eroe,	Kilgallen,	Rankin,	Wolfenden,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. RICE. Mr. President, I move that the Executive Session do now rise.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

RECESS

Mr. RICE. Mr. President, I move than the Senate do now take a recess for fifteen minutes.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

ANNOUNCEMENTS BY THE SECRETARY

The Committee on Executive Nominations will meet immediately in room 265.

The Committee on Judiciary Special will meet in the office of the President Pro Tempore during the recess.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORT OF COMMITTEE

RESOLUTION REQUESTING INFORMATION ON THE COST TO MUNICIPALITIES OF SAFETY SERVICES ATTRIBUTABLE TO MOTOR VEHICLE USAGE OF HIGHWAYS

Mr. CAVALCANTE. Mr. President, I am directed by the Committee on Judiciary Special to report out this resolution and to announce in reporting it, that it is the direction of the Committee that the Department of Highways refrain from taking any action on the matter involved in this resolution, until after the election.

The resolution was read as follows:

In the Senate, October 18, 1938.

Whereas, During the past two decades the automobile industry has developed rapidly with attendant reduction of prices to such an extent that the great majority of families and business firms now own and operate motor vehicles and

Whereas, The general use of the automobile and other motor vehicles created the demand for more improved streets and highways a portion of which cost is borne by the revenue procured from motor vehicle licenses and gasoline taxes while the real property owners have been

required to maintain most of the city and borough streets for the benefit of such motor vehicles as well as to mortgage their properties through municipal bond issues by city county borough and township governments for further improvements of streets alleys and for maintenance of the same in addition to supplying through direct taxation on such real properties including the homes and farms of this Commonwealth sufficient funds to provide the essential safety devices and motor patrols for the facilitation of motor vehicular traffic and

Whereas, The unfair tax burden placed upon realty owners for financing the expenses of traffic patrols traffic signal lights and their maintenance better traffic committees traffic planning commissions traffic courts with its attendant costs of magistrates etc stolen car division of detective force and homicide squads and many other direct costs of a similar nature such as the civil and criminal divisions of the courts of common pleas and the municipal and county courts for the settlement of claims resulting from the popular use of the automobile and trucks therefore be it

Resolved, That the Senate in Extraordinary Session assembled request and direct the State Highway Department to make a survey of the costs to the municipalities of the Commonwealth for all such traffic regulation and safety services attributable to the automobile and motor truck usage of the municipal streets and highways for the purpose of enabling the next general session of the Legislature to properly draft bills to relieve the real property owners of such municipalities of the entire cost of such services resulting from the popular use of automotive equipment and be it further

Resolved, That the Secretary of the State Highway Department shall present to the Senate at the next regular session a report of the facts obtained by the above specified survey.

Mr. CAVALCANTE. Mr. President, I ask unanimous consent that rule 39, which requires resolutions reported from committee to lie over for one day be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

Which was agreed to.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

HOUSE MESSAGES

RESOLUTION AUTHORIZING PENNSYLVANIA MOTOR POLICE TO INVESTIGATE HEAVY TRUCK TRAFFIC ON SUNDAYS AND HOLIDAYS

The Clerk of the House of Representatives being introduced presented extract from the Journal of the House which was twice read as follows:

In the House of Representatives, October 11, 1938.

Whereas, The Governor's Highway Safety Council has made great strides in curbing accidents upon the Highways; and

Whereas, It is believed that these accidents could be further substantially reduced by the adoption and enforcement of regulations under which would divert heavy truck traffic upon certain highways on Sundays and holidays, because on such days certain highways are overcrowded with passenger cars; resulting in many accidents through tie-ups, delays and attempts to pass, and other traffic hazards.

Whereas, From time to time various bills have been introduced into the General Assembly to promote safety upon the highways through the regulation and control of truck traffic, and up until the present time no effective action has been taken to relieve this continuing dangerous situation which has resulted in so many needless deaths and injuries; therefore be it

Resolved, (if the Senate concur), That the Pennsylvania Motor Police are hereby authorized and directed to conduct an investigation and survey concerning the controlling of heavy truck traffic on Sundays and holidays to determine the number of such accidents occurring on Sundays and holidays, the number of persons killed and injured, the reasons therefor, the advisability of diverting such truck traffic upon certain highways on Sundays and Holidays and to report to the next Regular Session of the General Assembly their findings and recommendations.

Mr. RICE. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection?

The Chair hears none.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 20 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 20, entitled:

An Act to ratify confirm and make valid the joint legislative committee created by Senate Concurrent Resolution Serial Number 106 approved March sixteenth one thousand nine hundred and thirty-seven and authorized thereby to make an investigation of the tax burden placed upon industries in Pennsylvania and other industrial and mining states together with its actions proceedings expenses and expenditures and the appropriation made to said committee and making a further appropriation

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

Mr. LAW. Mr. President, I move that Rule 21, which requires amended bills to be noted on the calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

Said amendments having been twice read and printed as required by the Constitution.

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Barthold,	Frey,	Kunkel,	Rice,
Buckman,	Gelder,	Lanius,	Rodgers,
Cavalcante,	Haluska,	Law,	Rupp,
Dando,	Henney,	McCreesh,	Ruth,
Deitrick,	Heyburn,	McGinnis,	Shapiro,
DiSilvestro,	Jacobs,	Owlett,	Sones,
Ealy,	Jaspan,	Pytko,	Stiefel,
Eroe,	Kilgallen,	Rankin,	Wolfenden,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

SENATE BILL No. 20, entitled:

An Act abating certain tax penalties interest and costs on city and school taxes in cities of the first class and school districts of the first class.

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

EMPLOYE OF THE SENATE

Mr. LAW. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LAW, offered the following resolution which was twice read, considered and agreed to:

In the Senate, October 18, 1938.

Resolved, That Robert Savard, Titusville, be elected Paster and Folder in the Senate, vice James M. Weyer, resigned.

HOUSE MESSAGE

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL NO. 15

The Clerk of the House of Representatives being introduced presented communication from the House informing the Senate that the House had adopted the report of the Committee of Conference on Senate Bill No. 15, entitled:

An Act abating certain tax penalties interest and costs on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes prohibiting the sale of real property for the nonpayment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof

BILL SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

SENATE BILL No. 15, entitled:

An Act abating certain tax penalties, interest and costs on county, city (except city of the first class), borough, town, township, school district (except school district of the first class), and poor district taxes; prohibiting the sale of real property for the non-payment of any such taxes for a certain period; and preserving certain tax liens, and providing for the extension thereof.

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

HOUSE MESSAGE

RESOLUTION EXTENDING SYMPATHY TO FAMILIES OF THE LATE JOSEPH R. WILLIAMS AND CHARLES CRAVEN OF THE PENNSYLVANIA MOTOR POLICE KILLED AT GETTYSBURG

The Clerk of the House of Representatives being introduced presented an extract from the Journal of the House which was twice read as follows:

In the House of Representatives, October 18, 1938.

Whereas, Joseph R. Williams and Charles Craven, members of the Pennsylvania Motor Police, while in the performance of their duties, were killed at Gettysburg; and

Whereas, The two officers in carrying out their daily duties to promote the safety of motorists and pedestrians upon the highways, were called upon to make the supreme sacrifice of giving their lives to the Commonwealth of Pennsylvania as did those men who lie nearby, the shadows of whose tombstones mark the Valley of Death for these two members of the Pennsylvania Motor Police. In one case the men fought for the freedom from oppression; in the other case the men were fighting for the termination of death and injuries upon the highways. Honor may well be paid to them; therefore be it

Resolved, (if the Senate concur), That the General Assembly of Pennsylvania hereby marks the memory of their honorable death; and pays to them the highest tribute within the range of man, it is that unexpressible emotion of deepest pride and respect for those who have died honorable deaths: and be it further

Resolved, That the General Assembly hereby express its sincere sympathy to the families of the late Joseph R. Williams and Charles Craven; and be it further

Resolved, That copies of this resolution shall be transmitted to the families of the late Joseph R. Williams and Charles Craven, by the Chief Clerk of this House.

Mr. RICE. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection?

The Chair hears none.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

The PRESIDENT. The only remaining business is to await messages from the House of Representatives. I must return to a meeting of the Board of Pardons and I designate the Senator from Adams, Mr. Rice, to preside during the remainder of the day's session.

The PRESIDENT. (JOHN S. RICE, President Pro Tempore, acting) in the Chair.

HOUSE MESSAGE

RESOLUTION RELATIVE TO RECONVENING THE GENERAL ASSEMBLY

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, October 17, 1938.

Resolved (if the House of Representatives concur) That in any recess of the Senate and the House of Representatives during a Regular or Extraordinary Session of the General Assembly, the President Pro Tempore of the

Senate and the Speaker of the House of Representatives may jointly reconvene the Senate and the House of Representatives at a date prior to the date already fixed for reconvening.

TIME OF NEXT MEETING

He also informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, October 17, 1938.

Resolved (if the House of Representatives concur) That when the Senate adjourns this week it reconvene on Monday evening, November 14. 1938, at 9 P. M., and when the House of Representatives adjourns this week it reconvene on Monday evening, November 14, 1938, at 9 P. M.

COMMUNICATION FROM THE GOVERNOR

NOMINATION RECALLED

The Secretary to the Governor being introduced presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, October 18, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination made by your Honorable Body on July 25, 1938, for the appointment of Mrs. Marjorie B. Briggs, Warren, Warren County, as a member of the Warren County Board of Assistance, from December 21, 1937, until December 31, 1939, and until her successor is duly appointed and qualified,—Mrs. Briggs having subsequently resigned.

GEORGE H. EARLE

NOMINATION BY THE GOVERNOR

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations.

MEMBER WARREN COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, October 18, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

Mrs. Nelle G. Walker, Warren, Warren County, for appointment as a member of the Warren County Board of Assistance, for the term ending December 31, 1939, vice Mrs. Marjorie B. Briggs, resigned. (Democrat)

GEORGE H. EARLE

ADJOURNMENT

Mr. LAW. Mr. President, I move that the Senate do now adjourn until Monday, November 14, 1938, at 9:00 o'clock P. M.

Mr. RUTH. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 4:55 o'clock P. M. until Monday, November 14, 1938, at 9:00 o'clock P. M.

HOUSE OF REPRESENTATIVES

TUESDAY, OCTOBER 18, 1938

The House met at 12:00 o'clock noon.

The SPEAKER, (Roy E. Furman), in the Chair.

PRAYER

The Chaplain, Rev. EPHRAIM Z. GALLAHER, offered the following prayer:

Tell me not in mournful numbers,
Life is but an empty dream,
The soul is dead that slumbers,
And things are not what they seem.

Lives of great men all remind us
We can make our lives sublime,
And departing leave behind us,
Foot-prints on the sands of time.

Foot-prints that perhaps another,
Sailing o'er Life's solemn main,
A forlorn shipwrecked brother,
Seeing, shall take heart again.

This our petition unto Thee, O Lord. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. SHEA, the further reading was dispensed with and the Journal approved.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 66.

A Supplement to the act approved the second day of July one thousand nine hundred thirty-seven (Appropriation Acts page seventy-four) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" providing for the deficiencies in certain appropriations to the Department of Justice for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

LEAVES OF ABSENCE

Mr. HIRSCH asked and obtained leave of absence for himself for the remainder of the week after today's session.

Mr. HUNTLEY asked and obtained leave of absence for himself for the remainder of the week after 3:00 p. m.

Mr. ECKELS asked and obtained leave of absence for himself for the remainder of the week after today's session.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 67, entitled:

An Act to amend section one of the act approved the fifth day of August one thousand nine hundred and thirty-two (Pamphlet Laws forty-five) entitled "An act empowering cities of the first and second classes to levy assess and collect or to provide for the levying assessment and collection of certain additional taxes for general revenue purposes authorizing the establishment of bureaus and the appointment and compensation of officers and employes to assess and collect such taxes and permitting penalties to be imposed and enforced" by prohibiting the passage of any sales tax ordinance by any city of the first class

And said bill having been read at length the first time.

Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 83, (Senate Bill No. 39), entitled:

An Act to amend and re-enact section five hundred and twenty-four of an act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by limiting and prescribing the method of fixing the levy of school taxes in school districts of the first class

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 50, as follows:

An Act making an appropriation to the Department of Property and Supplies for preliminary expenses in proposed acquisitions of real property from housing authorities

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of fifty thousand dollars ($50,000) or so much thereof as is necessary is hereby appropriated to the Department of Property and Supplies for the purpose of paying the expenses of making preliminary surveys title searches and other preliminary expenses in connection with any proposed acquisition of real property from any housing authority under the provisions of law including the compensation and expenses of attorneys-at-law engineers experts clerks and assistants

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 88, (Senate Bill No. 40), entitled:

An Act to amend sections one hundred eight five hundred six five hundred seven eight hundred thirteen eight hundred fourteen and one thousand one hundred thirty-three of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penauties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by providing for the merger of certain school districts with other districts redefining indebtedness of school districts empowering the county boards of school directors to employ an attorney and fix his compensation increasing the salaries of membrs of the county board of school directors and providing for limitations on the appointment of district superintendents

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sub-section (b) of scetion one hundred and eight of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" a samended by section one of the act approved the thirteenth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws six hundred five) is hereby further amended to read as follows

[(b) From and after the first day of July one thousand nine hundred and thirty-eight all school districts now existing in which no teacher has been employed prior to the first day of January one thousnad nine hundred and thirty-seven for the school year one thousand nine hundred thirty-six one thousand nine hundred thirty-seven 1936-1937) shall be merged with other districts and the lands comprising the same together with any property or equipment owned by any such district shall become a part of and belong to such district or districts as the court of common pleas of the county in which the property is located shall determine I tshall be the duty of the county board of school directors to prepare and present petitions for such mergers in accordance with standards and regulations set up by the State Council of Education In like manner all school districts employing prior to the first day of January one thousand nine hundred and thirty--seven for the school year one thousand nine hundred thirty-six one thousand nine hundred thirty-seven (1936-1937) ten teachers or less shall be merged with other districts on and after the first day of July one thousand nine hundred and forty-one if the electors of any such school district shall first have consented to such merger The question of such merger shall be submitted to the electors at the municipal election in the year one thousand nine hundred and thirty-nine and at least ninety (90) days previous to such election the court of common pleas shall have determined the district with which such district shall merge upon petition of the county board of school directors as hereinbefore provided for districts now having no teachers The question to be submitted to the electors shall be framed by the court and be by it certified

to the county commissioners for submission to the electors of the district s oproposed to be merged Such submission shall be in accordnace with the laws of this Commonwealth relating to such question In any such instance in which a school district is merged with another district or districts by the terms of this act each school director of the district which is discontinued shall automatically become a member of the board of school directors within the district to which the territory in which he resides has been annexed and he shall continue to serve as a member of the said board until his term of office has expired]

(b) On or before the first day of January, one thousand nine hundred and thirty-nine, each county board of school directors, with the advice of the county superintendent, and pursuant to standards and regulations promulgated by the State Council of Education, shall prepare and submit to said council a plan for the merger of school districts or parts of school districts and for the reorganization of attendance areas and administrative units.

The said standards and regulations prescribed by the State Council of Education pertaining to attendance areas and administrative units shall take into consideration the following facors Topography density of population community interests facility of transportation financial ability and existing school plants.

Upon the approval of said plans for the merger of school districts or parts of school districts by the State Council of Education, it shall be the duty of the county board of school directors to prepare and present petitions for such mergers to the court of common pleas of the county wherein such district or parts of districts lie. The petition for any such merger shall request the submission of the question of such merger to the electors of all the districts or parts of districts proposed to be merged at the next general or municipal election to be held at least ninety (90) days after the presentation of said petition. The question to be submitted to the electors shall be framed by the court and be by it certified to the county commissioners for submission to the electors of the districts or parts of districts so proposed to be merged. Such submission shall be in accordance with the laws of this Commonwealth relating to the submission of similar questions. If a majority of the electors of each school district or part of a school district, voting at said election shall be in favor of said merger as shown by the returns of said election, a certificate of the returns shall be filed with the Superintendent of Public Instruction, the prothonotary of the court of common pleas, the county board of school directors and the board of school directors of each of said school districts.

No such merger shall be effective unless the majority of the electors of the districts or parts of districts proposed to be merged shall have first assented to said merger in accordance with the question submitted: Provided, That whenever such assent shall have been given by the electors, said merger shall become effective on the first Monday in July next succeeding said election.

In any instance in which a school district is merged with another district or districts by the terms of this act, the directors then in office in each of said districts shall continue in office until the expiration of their respective terms, and shall jointly constitute the board of school directors of the resulting merged school district. At the first municipal election after such merged school district is created and at each subsequent municipal election, there shall be elected in such resulting merged school district the same number of school directors, and for like terms, as is provided by law for school districts of the class to which such resulting merged school district belongs, so that, upon the expiration of the terms of the directors of the former districts which were merged, the board of school directors of such resulting merged district shall be composed of the same number as in other districts in said class.

Whenever any school district or part of any school district shall be merged with any other district or districts the lands comprising the same together with any property or equipment owned by any such district shall become a part of and belong to such other district or districts, and the debts and liabilities of any such district shall become the debts and liabilities of such other district or districts in the same manner as is provided by law in the creation of union school districts.

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend bill, Section 1, page 6, line 8, by striking out with light faced brackets the word "each" and inserting in lieu thereof the words "and thereafter at such times as the"

Amend bill, Section 1, page 6, line 9, by inserting after the word "directors" the words "shall deem advisable, said board"

Amend bill, Section 1, page 6, line 19, by inserting after the word "ability" the following words "school organization"

Amend bill, Section 1, page 7, line 17, by inserting after the word "effective" the words "in any district or part of a district voting thereon"

Amend bill, Section 1, page 7, line 18, by striking out with light faced brackets the words "districts or parts of districts" and inserting in lieu thereof the words "district or part of the district"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agreed to the section as amended?

It was agreed to.

The second to the fifth sections inclusive were separately read and agreed to as follows:

Section 2 Sub-section (c) of section one hundred eight of said act is hereby amended to read as follows

[(c) The provisions of clause (b) of this section and of clause (c) of section eight hundred fourteen shall not apply in the case of any school district affected if the district has since the first day of January one thousand nine hundred and thirty-seven and not later than the first day of July one thousand nine hundred and thirty-seven obtained from the State Council of Education the approval of a plan of consolidation of two or more districts as a union district and has actually accomplished and completed such a consolidation before the effective dates set forth in clause (b) of this section]

(c) The merger of any school district prior to the effective date of this act is hereby ratified and confirmed and is a valid merger under the terms of this act Provided That the provisions of this subsection shall not apply to any such merger which has been made the subject of litigation in any court of the Commonwealth instituted prior to the passage of this act and still pending and undetermined

Section 3 The third paragraph of section five hundred and six of the said act as last amended by section one of the act approved the second day of July one thousand nine hundred and thirty-seven (P. L. 2860) is hereby further amended to read as follows

In school districts of the second third and fourth class the indebtedness of any such school district including the bonded indebtedness [together with the temporary indebtedness] shall never exceed seven (7) per centum of the last assessed valuation of the taxable property for school purposes therein

Section 4 The fourth paragraph of section five hundred and seven of the said act as last amended by section two of the act approved the second day of July one thousand nine hundred and thirty-seven (P. L. 2860) is hereby further amended to read as follows

The assent of the electors shall be required in all school districts of the second third and fourth class in

this Commonwealth to issue bonds which will incur any new debt or increase the indebtedness [including the bonded indebtedness together with temporary indebtedness] to an amount in excess of two per centum of the assessed value of the taxable property for school purposes therein Provided That the indebtedness of any such school district shall never exceed seven (7) per centum of the last assessed valuation of taxable property for school purposes therein provided further that the board of school dircetors of any first second third or fourth class school district shall have authority without the assent of the electors to issue bonds to incur upon its own authority any amount of such indebtedness not in excess of two (2) per centum of the last assessed valuation of taxable property for school purposes therein Provided further That the board of school directors in any school district may issue all refunding bonds as herein provided upon its own authority without submitting any such refunding bond issue to a vote of the electors

Section 5 Section eight hundred and thirteen of the said act as added by section five of the act approved the thirteenth day of May one thousand nine hundred and thirty-seven (P. L. 605) is hereby amended to read as follows

Each member of the county board of school directors shall receive a salary which shall equal five dollars for each meeting attended but shall not exceed [sixty dollars ($60 00)] ninety dollars ($90.00) per annum which shall be paid monthly by the State from appropriations made for this purpose or from appropriations for the public schools The county board of school directors shall be provided at the expense of the county with such telephone typewriter and stenographic services as may be needed which services may if adequate be the same as those furnished to the county superintendent

The sixth section was read as follows:

Section 6 Section eight hundred and fourteen of the said act as added by section five of the act approved the thirteenth day of May one thousand nine hundred and thirty-seven (P. L. 605) is hereby amended to read as follows

Section 814 The county board of school directors shall have power and its duty shall be

(a) To inspect all budgets and annual financial reports and shall render such advice and assistance regarding the same as may seem proper before such budgets or reports are transmitted to the Department of Public Instruction

(b) To advise local boards and make recommendations to them regarding all free transportation routes and contracts to be used after the first day of July one thousand nine hundred thirty-eight

(c) Subject to the approval of the State Council of Education to apportion the cost of free transportation among school districts in all cases where after the first day of July one thousand nine hundred thirty-eight such districts jointly use the same transportation facilities

(d) To recommend the approval or disapproval of school sites and buildings by the State Council of Education

(e) In accordance with standards and regulations set up by the State Council of Education and subject to the provisions of this act to prepare plans and to present the same in a petition to the court of common pleas of the county whereby all school districts which employ no teacher [for the school year one thousand nine hundred thirty-six one thousand nine hundred thirty-seven (1936-1937)] shall be immediately merged with other districts and all school districts which employ ten teachers or less [for the school year one thousand nine hundred thirty-six one thousand nine hundred thirty-seven] shall [subject to the provisions set forth in clause (b) of section one hundred and eight of this act] be merged with other districts on and after July first one thousand nine hundred forty-one also to prepare and submit to the State Council of Education plans for such additional re-organization of school districts and attendance areas [the first draft of which plans shall be submitted on orbefore the first day of January one thousand nine hundred thirty-nine and supplemental drafts of plans shall thereafter be submitted at such intervals as requested by the said council] as the county board of school directors may deem advisable

(f) To advise local boards and make recommendations to them for the collection of current and delinquent taxes

(g) To establish a uniform and simple system of accounting under the direction of the county superintendent and the Department of Public Instruction

(h) To advise local boards and make recommendations to them for the enforcement of the attendance law

(i) To make such studies and reports as may be suggested by the State Council of Education

(j) To employ an attorney for such purposes as may be required and to fix his compensation which shall not exceed one hundred dollars ($100.00) per annum except upon the approval of the court of common pleas of the county The compensation herein provided for shall be paid by the Commonwealth from appropriations for this purpose or from the appropriations for the public schools

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend bill, Section 6, page 12, line 3, by striking out with light faced brackets the word "Subject" and inserting in lieu thereof the following words: "To apportion, subpect"

Amend bill, Section 6, page 12, line 4, by striking out with light faced brackets the words "to apportion"

Amend bill, Section 6, page 12, lines 10 to 29 inclusive, by striking out with bold faced brackets all of said lines.

Amend bill, Section 6, page 13, lines 1 and 2 by striking ont with bold faced brackets all of said lines and inserting in lieu thereof the following words: "to prepare plans for the merger of school districts or parts of school districts and for the reorganizations of attendance areas and administrative units and to submit the same to the court of common pleas in accordance with the provisions of this act"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The seventh section was read and agreed to as follows:

Section 7 Section one thousand one hundred and thirty-three of said act is hereby amended to read as follows

Section 1133 The board of school directors in every school district of the first and second class shall and in every district of the third class may by a majority vote of all the members thereof elect a properly qualified person as district superintendent together with such properly qualified assistant district superintendents as it deems wise The directors of any school district required or electing to have a district superintendent of schools shall not participate in the election of a county superintendent and the public schools of any district which has a district superintendent shall not be subjected to the superintendence or supervision of a county or an assistant county superintendent but shall all be under the supervision of the district superintendent

After the first day of July one thousand nine hundred and forty the board of school directors of any school district not employing a district superintendent at the effective date of this act shall before creating the office of district superintendent obtain the approval of the county board of school directors

The title was read as follows:

An Act to amend sections one hundred eight five hundred six five hundred seven eight hundred thirteen eight hundred fourteen and one thousand one hundred thirty-three of the act approved the eighteenth day of May one

thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by providing for the merger of certain school districts with other districts redefining indebtedness of school districts empowering the county boards of school directors to employ an attorney and fix his compensation increasing the salaries of members of the county board of school directors and providing for limitations on the appointment of district superintendents

On the question,

Will the House agree to the title?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Title, page 2, second line, by inserting after the word "districts" and before the word "redefining" the following: "validating the merger of certain school districts"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 79, (Senate Bill No. 20), entitled:

An Act abating certain tax penalties interest and costs on city and school taxes in cities of the first class and school districts of the first class

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—181

Achterman,	Flanagan,	McArdle,	Serrill,
Alexander,	Flannery,	McCullough,	Shaw,
Allen,	Flinchbaugh,	McDermott,	Shea,
Allmond,	Ganser,	McDevitt,	Shepard,
Arnold,	Gerard,	McElroy,	Shoemaker,
Aukerman,	Gillette,	McFall,	Shugarts,
Baine	Habbyshaw,	McGee,	Siegel,
Baker,	Haberlen,	McKinney,	Simon,
Balthaser	Hagerty,	Melchiorre,	Skale,
Bierly,	Hall,	Mellott,	Sloan,
Blank,	Hamilton, F. P.,	Mihm,	Smith, James A.,
Bohn,	Hamilton, R. S.,	Moomaw,	Smith, John A.,
Boles,	Harkins,	Mooney,	Sollenberger,
Boltz,	Harmuth,	Moran,	Spengler,
Boose,	Hays,	Moul,	Sproul,
Boyer,	Hering,	Muir	Stank,
Bradley	Hess,	Murrin,	Stewart,
Brancato,	Hetrick,	Nagel,	Stockham,
Broad,	Hindman,	O'Brien,	Strode,
Brown,	Hirsch,	O'Connor,	Thompson,
Burrows,	Holland,	O'Keefe,	Tronzo,
Cadwalader,	Holmes,	Ominsky,	Trout,
Caesar,	Holstrom,	O'Neill,	Tumelty,
Caputo,	Hontz,	Ostroff,	Turner,
Chervenak,	Horting,	Patterson, C. S.,	Valibus,
Coakley,	Huntley,	Patterson, J. W.	VanSickle,
Cohen, H. B.,	Imbrie,	Peale,	Wagner,
Cohen, R. E.,	Jirolanio,	Pearson,	Wall,
Coleman,	Kane,	Perry,	Watkins,
Coolahan,	Keenan,	Piole,	Webster,
Corrigan,	Kelso,	Powers,	Weiss, D. H.,
Costanzo,	Kilroy,	Preston,	Weiss, S. A.,
Davies,	Kline,	Readinger,	Welliver,
Decker,	Kroll,	Reese,	Welsh,
DeNote,	LaRue,	Reising,	Westrick,
Dickinson,	Leisey,	Robinson,	Whalen,
Donohoe,	Levy,	Rothenberger	Whitenight,
Dougherty,	Lewis,	Royer,	Wilson,
Downey,	Long,	Ruffennach,	Wood,
Dubbs,	Lopresti,	Rush,	Woodside,
Eckels,	Lovett,	Sarraf,	Wright,
Elpern,	Lyons,	Scanlon,	Yanoshat,
Falkenstein,	Mallen,	Schor,	Yeakel,
Finnerty,	Marino,	Schrock,	Yourishin,
Fiss,	Matthews, J. F.	Schrope,	Zappala,
			Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

BILL DROPPED FROM CALENDAR

Mr. SAMUEL A. WEISS. Mr. Speaker, I move that House Bill No. 26, Printer's No. 60, entitled:

An Act authorizing the abatement of certain tax penalties and interest on county city (except city of the first class) borough town township school district (except school disrict of the first class) and poor district taxes prohibiting the sale of real property for the nonpayment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof

on page 2 of today's calendar, bills on final passage postponed, be dropped from the clanedar.

The motion was agreed to.

RESOLUTION No. 20.

Mr. TUMELTY. Mr. Speaker, I desire to call up at this time Resolution No. 20, Printer's No. 71, on page 3 of today's calendar.

The resolution was read by the Clerk as follows:

In the House of Representatives, October 11, 1938.

Whereas, The present Constitution of the Commonwealth of Pennsylvania was adopted in 1874; and

Whereas, The public may be called upon in the future to vote upon an amendment calling for a Constitutional Convention; and

Whereas, The purpose of the convention would be to offer to the public a new and up-to-date Constitution for them to vote upon; and

Whereas, It is highly desirable that the knowledge of the public be increased in regard to the Constitution and the provisions thereof; therefore be it

Resolved, That the Department of Public Instruction is hereby requested to require every school district in this Commonwealth to include in their required instruction, "A graded course of studies on the Constitution of the Commonwealth of Pennsylvania" so that the provisions of the constitution may be introduced and incorporated in the work of each grade from the fifth to the last grade of the public school system of this Commonwealth, and be it further

Resolved, That a copy of this resolution be transmitted to the Secretary of Public Instruction.

On the question,

Will the House adopt the resolution?

It was adopted.

RESOLUTION No. 21.

Mr. HOLLAND. Mr. Speaker, I desire to call up at this time Resolution No. 21, Printer's No. 72, on page 3 of today's calendar.

The resolution was read by the Clerk as follows:

In the House of Representatives, October 11, 1938.

Whereas, The Governor's Highway Safety Council has made great strides in curbing accidents upon the Highways; and

Whereas, It is believed that these accidents could be further substantially reduced by the adoption and enforcement of regulations under which would divert heavy traffic upon certain highways on Sundays and holidays, because on such days certain highways are overcrowded with passenger cars; resulting in many accidents through tie-ups, delays and attempts to pass, and other traffic hazards.

Whereas, From time to time various bills have been introduced in the General Assembly to promote safety upon the highways through the regulation and control of truck traffic, and up until the present time no effective action has been taken to relieve this continuing dangerous situation, which has resulted in so many needless deaths and injuries; therefore be it

Resolved, (if the Senate concur), That the Pennsylvania Motor Police are hereby authorized and directed to conduct an investigation and survey concerning the controlling of heavy truck traffic on Sundays and holidays on certain highways to determine the number of such accidents occurring on Sundays and holidays, the number of persons killed and injured, the reasons therefor, the advisability of diverting such truck traffic upon certain highways on Sundays and holidays and to report to the next Regular Session of the General Assembly their findings and recommendations.

On the question,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTION No. 24.

Mr. FINNERTY. Mr. Speaker, I desire to call up at this time Resolution No. 24, Printer's No. 74, on page 3 of today's calendar.

The resolution was read by the Clerk as follows:

In the House of Representatives, October 17, 1938.

Whereas, Article VI Section 1 of the Constitution of the Commonwealth of Pennsylvani aprovides that the House of Representatives shall have the sole power of impeachment and

Whereas, Article VI Section 3 of the Constitution of the Commonwealth of Pennsylvania provides that the Governor and all other civil officers shall be liable to impeachment fo rany misdemeanor in office and

Whereas, Article VI Section 4 of the Constitution of the Commonwealth of Pennsylvania provides that all officers elected by hte people except Governor Lieutenant Governor Members of the General Assembly and Judges of Courts of Record learned in the la wshall be removed by the Governor for reasonable cause after due notice and full hearing on the address of two-thirds of the Senate and

Whereas, John J. O'Malley was duly elected to the office of magistrate and began his term of office on the first Monday of January 1, 1936 and was subsequently elected Chief Magistrate and

Whereas, The said John J. O'Malley, Chief Magistrate of the City of Philadelphia has persistently violated both constitutional and statutory provisions of this Commonwealth regulating and prescribing the powrs and duties of magistrates and

Whereas, The said magisrate John J. O'Malley has repeatedly and admittedly violated the provisions of the "Bail Approval Commissioner Act" Act No. 446 1937 P. L. 2326 an act that was designed to terminate "straw bail" irregularities and

Whereas, The said magistrate John J. O'Malley has from time to time suspended the right of certain magistrates to preside in the various magistrates courts of Philadelphia and

Whereas, The said John J. O'Malley while presiding as a magistrate has repeatedly made partisan disposal of the cases heard before him therefore be it

Resolved, By the House of Representatives of the Commonwealth of Pennsylvania that pursuant to the provisions of Act No. 2 of this extraordinary session of 1938 approved the thirtieth day of July 1938 and in pursuance of the constitutional powers and duties of the House of Representatives is hereby authorized and directed to appoint a special committee consisting of seven members of the House of Representatives one of whom shall be designated as chairman which committee shall inquire into and concerning the official conduct of John J. O'Malley touching his conduct in regard to the manner in which he has and is conducting the office of magistrate and Chief Magistrate and shall inquire into the allegations set forth above and any other charges which may come to the attention of the said committee and be it further

Resolved, That the said committee through the chairman or the member designated by him shall have the power to issue subpoenas under the hand and seal of its chiarman or the member so designated by him requiring and demanding any proper person or persons to appear before it and answer such questions touching matters properly being inquired into by the committee and to produce such books papers records and documents relating to the subject of inquiry as the committee may deem necessary The chairman or the member designated by him shall have power to administer oaths and affirmations to witnesses appearing before the committee Any person who shall wilfully refuse to appear and testify before said committee or to produce any books papers records or documents aforesaid shall be subject to the penalties provided by the laws of the Commonwealth in such cases and be it further

Resolved, That the committee shall report to the House of Representatives its conclusions in respect thereto together with its recommendations to the end that the House of Representatives may take appropriate action thereon

On the question,

Will the House adopt the resolution?

MOTION TO RECOMMIT

Mr. TURNER. Mr. Speaker, I move that this resolution be recommitted to the Committee on Judiciary General for the purpose of study.

On the question,

Will the House agree to the motion?

Mr. TURNER. Mr. Speaker, in all probability, the House is going to recess, either during the day or some time later, so that we can have another legislative day, until after the election. I understand that the date is, possibly, the fourteenth of November, and that will mean that there will probably be only two or three weeks, with the Thanksgiving Holidays intervening, in which this House could sit. Now, to undertake another impeachment proceeding, such as the one that is before this

House, it would take a considerable amount of time and expense to start such impeachment proceedings at this time in a special session, with the short time remaining that this House can sit, because we cannot sit beyond December first, and it seems to me that such a proceeding would impose a very foolish burden.

The procedure outlined in Act No. 2, we have found in the investigation of the charges against the Governor, makes for a very cumbersome and a very difficult proceeding, and one that could not be accomplished in a very short space of time, if justice is to be done all the way around, and therefore, it seems to me that this matter should be submitted to the Committee on Judiciary General, which Committee could study the situation and ascertain what are the facts, so that at least a prima facie case could be made out, to determine whether such a proceeding could be instituted and carried through before the first of December.

Therefore, in order that there may not be further expense involved, and in order that we may not get into a complicated situation that could not be terminated before the first of December, and we would have an impeachment proceeding hanging fire, and the House would have to adjourn and such impeachment proceeding could not go on after that date, I feel that the sensible way to approach this would be to commit it to the Judiciary General for study by that Committee and to report to the House on the fourteenth day of November.

Mr. OMINSKY. Mr. Speaker, I ask this House to vote down the motion of the gentleman from Delaware, Mr. Turner, to send this resolution back to the Judiciary General Committee.

I want to say this: One of the purposes of the resolution taking the form it did rather than having it sent to the Judiciary General Committee, was to have the Committee investigate the charges so that a report could be made to this special session, or to the general session, at which time impeachment proceedings might be brought. Perhaps, if the Committee deems it advisable, it will hold meetings immediately, possibly two or three times a week, and since there is only one man being investigated, they might possibly start impeachment proceedings on the fourteenth of November, when we reconvene. If the Committee finds that it has not sufficient information, it will go on with the investigation until the end of this session and then file a report for the next Legislature to take action. Therefore, this resolution took the form of the resolution under which a special committee is now functioning, investigating the other civil officers of this Commonwealth, in that we have obtained the power, under our Special Act No. 2, which was passed by this session. I shall therefore ask this membership to vote down the motion and to give this special committee power to investigate the charges, because just this morning, if some of you have read the Philadelphia Record, you will find more evidence concerning this Chief Magistrate in the City of Philadelphia, who by his actions is disgracing the minor judiciary of Philadelphia, and it is about high time that something be done, and this resolution should be passed at once.

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Ominsky.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. OMINSKY. Yes, I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, as I understand the gentleman from Philadelphia, he said that this special committee could make a report and that it could be taken up at the next general session, is that correct?

Mr. OMINSKY. That is correct, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I ask the gentleman whether he understands that one legislative session could begin an impeachment proceeding, and that the report of the special committee appointed at this time could be received by the next session of the Legislature.

Mr. OMINSKY. Mr. Speaker, in answer to the question just propounded by the gentleman from Delaware, Mr. Turner, I would say the answer would be no, but this is not an impeachment proceeding as yet.

Mr. TURNER. Mr. Speaker, did I understand the gentleman to say that this resolution is not a part of an impeachment proceeding?

Mr. OMINSKY. Mr. Speaker, it is a step forward toward that end.

Mr. TURNER. Mr. Speaker, the resolution is based upon Act No. 2 passed at this special session, and Act No. 2 pertains to a procedure for impeachment proceedings. Of course, this resolution is a part of an impeachment proceeding, and the committee appointed under Act No. 2, would be appointed pursuant to this resolution, and would be a committee of the House to conduct these impeachment proceedings. In other words under the law, the House practically is a grand jury; the special committee investigates and makes its report to the House, and upon that report the House can then determine whether the matter shall be sent to the Senate for trial. This whole proceeding would have to be conducted and completed, insofar as this resolution is concerned, before the first day of December; and it would be a physical impossibility to have an impeachment proceeding before this House and to have it certified to the Senate for trial, and have it completed before the first day of December. The proceeding would entail expense, there would be an appropriation to this committee, there would be counsel employed to conduct the investigation, there would be testimony to be presented before the Committee, and if I recall rightly from the experience of the present Committee, the testimony is costing the State from $3 to $5 a page. I do not know how many thousand pages of testimony would be introduced in a proceeding of this kind, but undoubtedly there would be all kinds of cases of people with grievances against the magistrates; political considerations would be dragged in, and it would probably be a very long record. Therefore this House would be called upon to expend money which would be a useless gesture at this time and would serve no other purpose than a political purpose, if any. It would not serve any useful purpose, because, as I said before, you could not complete the investigation and have a meeting of the House at which it could be determined whether we would certify it to the Senate for impeachment, and if certified to the Senate you could not complete the trial before December first. If not completed before December first, the entire proceeding would have to fall, and the new legislature would not be bound by any report from this Committee, it would not be bound by any determination of the House in this respect. If the proceeding were in progress or on its way through the Senate and the first of December came, it would fall; it would have to be taken up de novo by the new legislature beginning January

first. Therefore it seems to me that before we rush into an impeachment proceeding on the basis of the resolution presented, which was submitted in the House last night, rushed to the Rules Committee and out of the Rules Committee and is here for the consideration of the House without any opportunity given to the members of the House to know anything about the foundation or the charges, or whether they are well founded or what should be done, it seems to me that the sensible procedure would be to send this to the Judiciary General Committee where it can be given the proper consideration.

Mr. OMINSKY. Mr. Speaker and members of the House, it is not my intention to prolong this debate. but I believe every member of this House can realize why the minority floor leader is strenuously opposing this resolution against the Chief Magistrate of the City of Philadelphia. If he had listened to one of the speakers last night, the remarks made by the gentleman from Philadelphia, Mr. Finnerty, he would have ascertained that the Chief Magistrate of Philadelphia today is discriminating against prisoners, asking them whether they are registered Democratic or Republican, and if they are registered Republican, by his actions, he has discharged them, and if they are registered Democratic, he has committed them for thirty days. If he had listened to the gentleman from Philadelphia, Mr. Finnerty, he would have remembered that on August 2nd, we called to the attention of this House the actions of this Chief Magistrate of Philadelphia, and if he remembers, we passed a resolution requesting the Board of Judges of the City of Philadelphia to take appropriate action, and they, in their wisdom, passed the buck back to this House. We feel that this resolution on the attitude of the gentleman who is now acting as Chief Magistrate of Philadelphia, warrants immediate action. In this resolution, we have not asked for any appropriation.

Now, the gentleman from Delaware knows we cannot get a bill through at this time for an appropriation to the committee, but we must have the regulating legislation itself, and when, and if a bill of that sort is introduced, then we can have argument as to wether or not an appropriation should be made, but if this committee, whoevere it may be, is willing to proceed immediately without an appropriation, and spend their time and perhaps their money to find out what injustices are being done in Philadelphia by the Chief Magistrate, I don't see how anyone can possibly object, except on a partisan basis, and, therefore, I ask that this motion be voted down and the resolution be passed at this time.

Mr. TURNER. I think the gentleman from Philadelphia has stated it very frankly. There is a reason why I am objecting at the present time, and that reason, as I have stated, is that I do not believe, if there is a real and earnest desire to enter into an investigation that will properly determine the issue, that there can be any reason for objecting to sending it to the Judiciary General Committee. If you are going to appoint an investigating committee and intend to have a real investigation you have to give that committee money, but if you do not intend to do anything else but to fish around and perhaps bring out a few glaring charges that may have some political effect at the present time, then you might just as well send it to the Judiciary General Committee, because they can. without money. do the same thing that the special committee could do, but there is not that intent and the desire is to put this in a place where it can be used within the next two or three weeks, and possibly smear the record with some charges which will have no opportunity to be answered. You will have no money with which to bring witnesses here, you will only have to bring those witnesses who will voluntarily come, because they have complaints to make, and the whole matter will be only a one-sided trial between now and election day. If we are in earnest about this, if we are as sincere as the gentleman from Philadelphia wants to be, then we ought to do it in the proper way and we ought to have this measure tried out first. Let us see what is in it before we spend the money and before we spend the time in a fruitless chase which we know in the end cannot lead us any place toward an impeachment proceeding, because of the time element.

Mr. SHEPARD. Mr. Speaker and members of the House, I rise to oppose the motion of the gentleman from Delaware, because I know that our people have suffered under the illegal acts of this Chief Magistrate and some others just like him. They have intimidated the negro citizens of Philadelphia, they have tried to terrorize them, take away from them their freedom of ballot and registration in many ways. Magistrate O'Malley, particularly, has picked on negroes who were registered Democrats and has tried to terrorize them and intimidate them in the exercise of their franchise. Now, of course, it may cost some money, but why should the gentleman, representing the great Republican party quibble over a little cost, when a matter of justice is involved? We ought to be concerned about these poor people who have been suffering under such despotic rule as O'Malley has represented, we ought to be concerned about giving justice to the people of the Commonwealth of Pennsylvania and the City of Philadelphia, who suffer most and who have no opportunity whatsoever to defend themselves. We ought to rid ourselves and rid the Commonwealth of Pennsylvania of partial magistrates like O'Malley and if this House can go into this matter and bring some measure of relief to those poor people who are trying to do a good job and follow the dictates of their consciences, then no amount of money should be spared. I am surprised at a member of the party, who is supposed to stand for what the Republican party used to stand for, quibbling in an hour like this, when justice is at stake, and I ask you to oppose the motion of the gentleman from Delaware, Mr. Turner, and pass this resolution and give relief to these people suffering under such despotic rule.

Mr. TURNER. Mr. Speaker, I ask the indulgence of the House to speak more than my alloted number of times on this question, but the gentleman from Philadelphia has raised an issue that I cannot allow to pass by.

I cannot quite grasp the fact that the gentleman from Philadelphia, with all of the knowledge that he has of the present conditions and the things that are being done in reference to coercion, as far as suffrage is concerned, would have the effrontery to stand on the floor of this House and to question the motives of the Republican Floor Leader in this instance.

It is and has been the common practice of some of those on the other side of this House to infer time and time again, when the occasion arises, to impugn the motives of those who are trying to ask for something logical

and sensible, to arise and shake the flag to make the voters tremble with the injustice that is being done to them, and yet as I sit in my office, day after day, during this investigation, and I have sat on this bench during this investigation and have pleaded with my colleagues to undertake the investigation of certain accusation against people high in office as to practices that are going on in this Commonwealth, and they have not raised one word, not in any instance have they raised their voices one bit to try to change the conditions of which I have knowledge and which are coming to me daily.

Just yesterday I received a letter from a man who said that he was an employe of the Public Assistance Department, and he told of the coercion that was being exercised upon those in the Public Assistance Department to make them contribute to the Democratic party and to make them go out and vote the Democratic ticket, and we all know that every employe on Capitol Hill—

POINT OF ORDER

Mr. TUMELTY. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. TUMELTY. Mr. Speaker, the gentleman is not speaking on the motion. The Speaker has been very lenient and allowed him to step away from the motion, and as long as he stuck to the subject matter I didn't think the point of order was necessary, but the gentleman is now far out of order and far away from the subject matter.

The SPEAKER. The point of order of the gentleman from Philadelphia is well taken; the Chair has allowed the speakers to get away from the subject to a certain extent, but there are certain limits beyond which they should not go.

QUESTION OF PERSONAL PRIVILEGE

Mr. TURNER. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. TURNER. The gentleman from Philadelphia, in his remarks in reference to this magistrate, stated that he was amazed that the Republican Floor Leader should arise and quibble over a picayune amount of money, when an injustice was being done to a lot of voters in the city of Philadelphia, who wanted to exercise their franchise. I therefore consider it and conceive it to be my right, and I feel that I should answer the gentleman from Philadelphia in a proper manner, but if the Chair desires to rule that I am not in order in that instance, I then conceive it to be my proper right and within my right, under a question of personal privilege, to answer the gentleman from Philadelphia in the manner in which I have answered him. I would like to continue and say to the gentleman from Philadelphia that we all know that every member of every department on this Capitol Hill has been required to secure 25 postal cards and address them to Republicans and other voters in the Commonwealth of Pennsylvania asking them to vote the Democratic ticket—

POINT OF ORDER

Mr. HERBERT B. COHEN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. HERBERT B. COHEN. Mr. Speaker, I rise to the point of order that it is not proper to speak upon a question of personal privilege when there is a motion before the House.

Mr. WOODSIDE. Mr. Speaker, I would like to make a statement on the point of order.

The SPEAKER. The Chair is ready to rule on the point of order of the gentleman from York, Mr. Cohen.

Mr. WOODSIDE. Mr. Speaker, I want to make a suggestion to the Chair on the point of order before the Chair rules.

The SPEAKER. The Chair will be glad to hear the suggestion of the gentleman from Dauphin, Mr. Woodside.

Mr. WOODSIDE. Mr. Speaker, on the point of order raised by the gentleman from York, Mr. Cohen, as to whether or not a question of personal privilege is in order, I submit that the original purpose and the real purpose of a question of personal privilege was for immediate attention. For example, if there is a draft in the room or if there is a bad light or anything of that kind, which is disturbing a member, his only course is to appeal to the Chair for attention on a question of personal privilege. Therefore, a question of personal privilege is always in order.

The SPEAKER. The Chair is ready to rule on the point raised by the gentleman from York, Mr. Cohen.

The business before the House was consideration of House Resolution No. 24, Printer's No. 74. During its consideration a motion was made to recommit the resolution to the Committee on Judiciary General. This is a privileged question, and the Chair wishes to read Rule No. 15 applying to privileged questions:

"No business regularly before the House shall be interrupted, except by motion—

For Adjournment.

For the previous question, namely, "Shall the main question be now put?"

For postponement.

For commitment.

For amendment.

To lay on the table."

A question of personal privilege is not a privileged question, and the Chair wishes to read Rule No. 67 —

Mr. TURNER. Mr. Speaker, will the Chair permit me to interrupt to make one suggestion to the Chair as to the parliamentary question involved?

The SPEAKER. The gentleman from Delaware will proceed.

Mr. TURNER. Mr. Speaker, I had asked for personal privilege. The Chair had ruled that I could have it. I had undertaken to speak on it and I was speaking on it. The point of order should have been raised at the time I requested personal privilege, upon which the Chair ruled.

The SPEAKER. The Chair feels that the gentleman was out of order in discussing a question of personal privilege while there was a question pending before the House. The Chair has previously stated that the question of personal privilege is not a privileged question. The Chair wishes to read Rule No. 67 as follows:

"Any member may rise and explain a matter personal

to himself by leave of the Speaker, but he shall not discuss any pending question in such explanation. Question of personal privilege shall be limited to questions affecting the rights reputation and conduct of members of the House in their representative capacity."

The question before the House was a privileged question, as stated in Rule No. 15 of this House. Therefore, the only question before the House is the motion to recommit the resolution to the Committee on Judiciary General.

Mr. TURNER. Mr. Speaker, I move the previous question.

The motion was seconded by Messrs. Schrock, Yeakel, McDevitt, Sproul, Serrill, McKinney, Muir, Trout, Stewart, Wood, Davies, Stockham, Robert S. Hamilton, Boyer, Royer, Boose, Kline, Kane, Perry, Wilson and others.

On the question,

Shall the main question be not put?

It was agreed to.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Messrs. TURNER, SCHROCK and SPROUL and were as follows:

YEAS—33

Boose,	Huntley,	McKinney,	Stewart,
Boyer,	Imbrie,	Muir,	Stockham,
Caputo,	Kane,	Peale,	Trout,
Davies,	Kline,	Perry,	Turner,
Echels,	Leisey,	Royer,	Wilson,
Gillette,	Matthews, J. F.	Schrock,	Wood,
Hobbyshaw,	McArdle,	Serrill,	Woodside,
Hall,	McDevitt,	Sproul,	Yeakel,
Hamilton, R. S.			

NAYS—114

Achterman,	Falkenstein,	Lovett,	Ruffennach,
Alexander,	Finnerty,	Marino,	Rush,
Allen,	Flanagan,	McCullough,	Sarraf,
Allmond,	Flannery,	McDermott,	Scanlon,
Arnold,	Flinchbaugh,	McElroy,	Schor,
Aukerman,	Ganser,	McFall,	Shea,
Baine,	Gerard,	McGee,	Shepard,
Balthaser,	Haberlen,	Melchiorre,	Shoemaker,
Bierly,	Hagerty,	Mellott,	Shugarts,
Blank,	Hamilton, F. P.,	Mihm,	Siegel,
Bohn,	Harmuth,	Moomaw,	Simon,
Boltz,	Hays,	Moran,	Smith, John A.,
Bradley,	Hering,	Murrin,	Thompson,
Brancato,	Hess,	Nagel,	Tronzo,
Broad,	Hindman,	O'Brien,	Tumelty,
Chervenak,	Hirsch,	O'Connor,	VanSickle,
Coakley,	Holland,	Ominsky,	Wagner,
Cohen, R. E.,	Holmes,	O'Neill,	Weiss, D. H.,
Coleman,	Holstrom,	Ostroff,	Weiss, S. A.,
Coolahan,	Hontz,	Patterson, J. W.,	Weliver,
Corrigan,	Horting,	Pearson,	Welsh,
Costanzo,	Jirolanio,	Piole,	Westrick,
Decker,	Keenan,	Powers,	Whalen,
DeNote,	Kilroy,	Preston,	Whitenight,
Dickinson,	LaRue,	Readinger,	Wright,
Donohoe,	Levy,	Reese,	Yanoshat,
Downey,	Lewis,	Reising,	Zappala,
Dubbs,	Long,	Robinson,	Furman,
Elpern,	Lopresti,		

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House adopt the resolution?

Mr. McDEVITT. Mr. Speaker, we undersigned, hereby challenge the constitutionality of House Resolution No. 24. Signed by Yeakel, Schrock, McDevitt, Sproul and Stewart.

The SPEAKER. The gentleman from Philadelphia, Mr. McDevitt, together with the gentleman from Bucks, Mr. Yeakel, the gentleman from Somerset, Mr. Schrock, the gentleman from Delaware, Mr. Sproul, and the gentleman from Indiana, Mr. Stewart, raise the question of the constitutionality of House Resolution No. 24. The Chair submits the question to the House.

On the question,

Will the House sustain the constitutional point of order?

Mr. McDEVITT. Mr. Speaker and members of the House, it is not my intention to go into any lengthy argument on this resolution. After all none of us could be very well prepared unless we had done some research and preparation after the original act was presented when we first went into session.

One point I wish to raise is that this resolution does not come within the call issued by the Governor. A reference to the whereas clauses in his proclamation will show some six in number. They are as follows:

"Whereas, Grave charges have been made against the Governor of the Commonwealth and other civil officers involving the administration of their high offices; and

"Whereas, The constitutional rights of the legislative and executive branches of the government are in danger of being invaded; and

"Whereas, It is imperative that charges against high public officers be heard publicly and as expeditiously as possible, to the end that the innocent should be vindicated and the guilty exposed nad punished; and

"Whereas, The General Assembly alone is empowered openly and publicly to conduct an investigation of such charges; and

"Whereas, The appropriations heretofore made by the General Assembly in relief of the unemployed will be exhausted before the convening of the General Assembly in regular session, thereby necessitating further appropriations for the purpose aforesaid; and

"Whereas, Other conditions have arisen in the Commonwealth requiring remedial or enabling legislation appropriate thereto."

Now, without going into any extended discussion there are two things which appear to be clear on the face of the proclamation. In the first place, we all know that there were charges made against some thirteen of the civil officers of the Commonwealth. Certainly when the special session was called there was no intention of investigating magistrates or going into the fitness for office of any particular man.

It is contended that this resolution is covered by the statement "and other civil officers." I wish to say, without any further discussion on the matter, I do not believe that this House is exercising its best judgment or that any court is going to say that the resolution comes within either the spirit or the specific purpose of the call.

The second point would be, this resolution is based on the formula outlined by Act No. 2. The constitutionality of Act No. 2 has not so far been questioned, and of course, therefore, its constitutionality has not been ruled upon by any court. Many of the members of the House, when that act was passed, thought it was invalid, that it was not a proper proceeding. That the proper proceeding was the time honored and accepted proceeding as provided for by the Constitution and by precedents in the House itself. I feel that Act No. 2 is invalid because it takes away from this House its sole right of impeachment. Act No. 2 would limit and prescribe the way in

when impeachment proceedings should be conducted. Instead of leaving the whole question to the House, this will take into consideration any restrictions or orders that the Senate might impose, and also make it subject to approval by the Governor. I do not believe that this Legislature can pass an act of Assembly of this kind, which would bind future legislatures in their procedure, should they wish to institute impeachment proceedings.

Therefore, I ask the members of the House to support the challenge of the constitutionality and vote that this proposed resolution is unconstitutional.

Mr. HERBERT B. COHEN. Mr. Speaker, I am quite astonished to see that the member from Philadelphia has usurped the judicial prerogative in attempting to decide the constitutionality of an act that the House of Representatives has already passed, that has been passed by the Senate and has been signed by the Governor. I am a great believer in the tri-party distinctions of government, and I feel that this House at no time should indulge in questioning the constitutionality of any act. That function is one that entirely belongs to the judiciary. I am sure in speaking for the majority of this House, that should we enter into any deliberations in this House, that would be in any way impinge upon the judiciary, is an unconstitutional act itself. However, I might say, that the learned gentleman from Philadelphia has had occasion to read the recent Supreme Court ennunciations on Acts No. 1 and 4, and he also had occasion to read the opinion of Judge Schaeffer, especially presiding in Dauphin county, who handed down his verbal opinion upon the constitutionality of Act No. 2, and since both the Supreme Court of this Commonwealth and the Judge especially presiding in Dauphin County Court, have by dicta indicated that Act No. 2 is constitutional, far be it from the membership of this House to in any way try to circumvent that judicial expression. The constitutionality of this resolution, however, is properly raised when we are questioning the constitutionality of an act or proceeding in which we are to indulge. It is improperly raised when we question the constitutionality of an act or proceeding that has already been—

Mr. TURNER. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Delaware will state his point of order.

Mr. TURNER. Mr. Speaker, the gentleman is not speaking on the question before the House.

For the information of the Speaker, might I say that the question before the House is a question involving the constitutionality of a resolution providing for an impeachment proceeding, which is based upon Act No. 2, and the question has been raised as to the constitutionality, first, of the resolution, and, second, as t the act upon which it is based.

The arguments of the gentleman from York should be confined to the question before the House, as to the constitutionality, and he should not wander off into the realms of surmise as to what the Supreme Court might or might not have done, or what Judge Schaeffer has said, and what his feelings are on the tri-party system,—which is not exactly the right word or right definition, because this is not a tri-party government, it is a government composed of three branches, and a branch is not a party, except that occasionally the Democratic Party—

The SPEAKER. The gentleman from Delaware has clearly explained to the Chair the question before the House. The Chair wishes to thank the gentleman from Delaware because the Chair did not know what the question was.

The point of order raised is well taken, and the Chair asks the gentleman from York, Mr. Cohen, to confine himself to the question before the House.

Mr. HERBERT B. COHEN. Mr. Speaker, as I understand from the gentleman from Delaware, I understand that the gentleman from Philadelphia has raised two questions, one the constitutionality of the resolution, which carries with it the attendant question of the constitutionality of Act No. 2, upon which the resolution was based. I did not have time to prepare my legal brief on this matter, nor have I had the time to make the intensive research that is necessary in order to adequately discuss this problem. However, I believe that we could easily brush aside the question of the constitutionality of Act No. 2, which was the second point raised, by calling to the attention of the membership of this House that in our system of government, composed of three specific branches—

POINT OF ORDER

Mr. TURNER. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Delaware will state his point of order.

Mr. TURNER. Mr. Speaker, it is quite apparent that the gentleman from York had no opportunity to prepare himself as to the kind or manner of argument he should make, and I therefore ask the Chair to rule him out of order.

The SPEAKER. The Chair not being a constitutional lawyer, is in a dilemma. The Chair again asks the gentleman to confine his remarks to the subject before the House.

Mr. HERBERT B. COHEN. Mr. Speaker, I will be glad to do so. The gentleman from Philadelphia has raised a further question, that this particular resolution is not within the call. If the members of the House will refer to the Governor's Proclamation in calling this General Assembly into session, they will see that the call specifically provides for the investigation of charges of or involving misdemeanor in office on the part of any person holding any civil office in the Commonwealth of Pennsylvania, with such further proceedings as may be necessary and proper and the appropriation of the necessary funds to conduct such an investigation and proceeding.

I submit to the membership of the House, and I feel sure that the gentleman from Philadelphia, as well as the learned Justice from Delaware, will concur when I indicate to the membership of the House that the "whereas" clauses which preceded the first call of the session had nothing whatsoever to do with the context of the proclamation calling the session itself. The whereas clauses are only an indication of the policy, just as the whereas clauses in this particular resolution have nothing to do with the resolution itself. The important legislation with which we are concerned comes directly under the first call of the Governor, and on that point the unconstitutionality of our action cannot be challenged.

The second point or question raised by the gentleman from Philadelphia indicates that this proceeding is unconstitutional, due to the fact that the constitutionality of Act No. 2 passed by this session, has not been determined. I say to the membership of this House that it is

not our function to question the constitutionality of Act No. 2. I submit to the membership of this House that our action in the introduction of this resolution and our proposed action by the enactment of the resolution is entirely constitutional, and constitutional for the further reason that the enactment of the resolution by the membership of the House, or a concurrent resolution, enacted by the membership of the House and the membership of the Senate, is not legislation, and therefore, even though we did not have the call of the Governor's Proclamation specifically set forth, this House would have the power to indulge in any investigation whatsoever, to appoint any committee that is deemed desirable and to indulge in any activities properly belonging to the General Assembly, as long as we do not legislate outside of the call of the Governor. In this opinion I have the great honor to say that this opinion is concurred in by the Democratic members of the House, and I would ask the learned Justices on the other side of the House to join in that concurrence.

I further say to the members of the House, on the question of the constitutionality raised it should be determined in the affirmative, namely, that a resolution about to be enacted, and our action taken thereunder, is constitutional.

On the question recurring,

Will the House sustain the constitutional point of order?

It was not sustained.

On the question recurring,

Will the House adopt the resolution?

It was adopted.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. SAMUEL A. WEISS asked and obtained permission for the Committee on Municipal Corporations to meet during the session of the House.

SECOND ACCOUNT OF COMMITTEE TO INVESTIGATE COSTS AND FUNCTIONS OF GOVERNMENT OF THE CITY OF PHILADELPHIA

Mr. LEWIS. Mr. Speaker, I am instructed by the chairman of the joint legislative committee, under concurrent Resolution No. 2 of the session of 1937, to file with this House the second account and report of the expenditures of that committee.

The SPEAKER. The report will be noted in the Journal of the House and printed in full in the Appendix to the Legislative Journal.

STATEMENT BY Mr. KANE

Mr. KANE asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, in this statement I want first to thank the membership of the House and Speaker for the courtesy that has been shown me and other Republican members. As a liberal or rather perhaps a progressive. I have a great liking for you as individuals but I am seriously disappointed in the principles of the Democratic Party. Let me say that when we have a Republican majority in this House, if I am present, I will fight to the last ditch to assure you the courtesies you have extended to me.

I have been asked by so many members of this House where I and other Pinchot leaders would stand since ex-Governor Pinchot's statement that I am going to give a public answer.

We who captained the Pinchot candidacy in the Republican Primary have been asked where we stand today. Here is our answer:

We believe the primary is to select the best candidate, the fall election to support the best party. We now intend to give our party the same loyal support we gave our former leader, Mr. Pinchot, in the spring primary.

We intend rather to sustain the progressive and liberal spirit within a party of honesty and integrity than to lend aid and comfort to Pennsylvania's democratic machine, which stands today convicted in the eyes of honest men of corruption and waste and whose leaders are practically at present fugitives from justice,—men who find it easier to attack our courts than to undertake to prove their own innocence. They stand convicted in the eyes of every liberal as the assassins of freedom. The unfortunates whose votes they can not buy they have tried to intimidate and coerce.

They have squandered public money for personal prestige. They have fanned the flames of class hatred and sectional prejudice. They have created a race problem in formerly free Pennsylvania by emphasizing all differences that exist between man and man, whether by reason of race, color or religion. They have enslaved democracy in order to establish a dynasty of political bosses.

They have increased the distress of our peopl by attacking every institution, every business, every individual which has managed to sustain independence of thought and action through six long years of dictatorial government.

As a State, Pennsylvania stands today substantially where we stood when Roosevelt took office. He has failed to meet any real needs of labor, business or agriculture. We believe recovery can only be gained by higher wages for labor in which we include white collared men, government employes and W. P. A. workers.

We demand that the expense of foolish experiments be stopped and that the American people be allowed to go back to work at American wages. We demand that business be freed of the mass of government regulations and its army regulators. We believe that unless and until private business once more becomes reasonably safe and reasonably profitable, there can be no sound or lasting recovery.

We have had an opportunity to meet Arthur James. We have known James J. Davis for years. They are fighting the good fight. They will keep the faith. They will acquit themselves like men.

We admire good sportsmanship, stout fighting hearts and frank, plain-spoken declarations.

We have chosen our candidates and are pleased with our platform. We will fight to the finish for the complete victory of the new united and progressive Republican party. We fight not for a man but for a principle, to save honest government in Pennsylvania.

We will fight the fight of freedom and we will do it under the banner of the party of Abraham Lincoln. We will prevent the new deal from establishing political slavery in Pennsylvania.

The SPEAKER. The remarks of the gentleman will be spread upon the Legislative Journal.

STATEMENT BY Mr. MARINO

Mr. MARINO asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, I believe that the statement of the previous gentleman will be better understood by those who read the proceedings of this House in the Legislative Journal, if the statement issued by the former Governor of this Commonwealth also be included in the record, and I desire to read the former Governor's statement The text of Governor Pinchot's statement is as follows:

"I'm a Republican, but I take no order from any boss. I'm an Independent Progressive Republican. That is

where I always have stood. That is where I stand today.

"Like so many other Progressive Republicans throughout the State I am taking no part on a campaign run by and for Annenberg and Pew and their subordinates.

"I hate to think of what that pair would do to the church people, organized labor and to those who depend on different kinds of relief, if they got the chance.

"I hate to think of what would happen to the farmers, workers, small business men and the clean and decent people of this State, if Annenberg and Pew should succeed in getting control of Pennsylvania or even the Government of the United States."

The SPEAKER. The remarks of the gentleman will be spread upon the Legislative Journal.

STATEMENT BY Mr. WOODSIDE.

Mr. WOODSIDE asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, the Highways of Pennsylvania belong to the motorists and people of this State. Not even the few miles built during the Democratic Administration belong to that Party. But the New Dealers do not distinguish between that which is theirs and that which is the peoples.

Bill boards are expensive; so the Democrats have now resorted to the use of the roadbeds of this Commonwealth on which they are painting "Vote Democratic", "Vote Democrat" and "Democrat vote". I have here a picture of one of the many painted on the highway between Dalmatia and Sunbury in Northumberland County. I think it demonstrates to the people of Pennsylvania, not only the impropriety of the Democratic Party but is a typical example of its abuse of power and position.

There seems to be no limit to the extent to which they will go in this campaign. I would not be surprised if the next step would be to sell advertisements to be painted on the highway in order to raise additional millions for the Democratic Campaign Fund.

I think that the people of Pennsylvania are entitled to know more about the painting of these signs on the highways.

I should therefore like to publicly ask David Lawrence as State Chairman of the Democratic Party, whether he intends to have such signs painted on the State Highways in other counties of the Commonwealth or whether it is to be confined to Northumberland County.

I should like to publicly ask Mr. Brownmiller as Secretary of the State Highways to tell us why and upon what authority he permits the use of the State highways for political advertising.

I should also like to know from him whether it is true as rumored that these signs were painted on the roadbeds by highway employes, whether State equipment including the "caution", "men working" and "resume speed" signs were used, whether the work was done on State time and whether State highway paint was used.

I should like to publicly ask the Superintendent of the Pennsylvania Motor Police whether the use of the highways for advertising purposes has been reported to him by his men who have driven over these signs scores of times. I should like to know what he has done about this illegal use of the highways; or if he is just now learning about it, what he proposes to do.

I think that the people of Pennsylvania are entitled to a report from these three officials concerning this very flagrant misuse of power by those in control of our State Government.

The SPEAKER. The remarks of the gentleman will be spread upon the Legislative Journal.

INTERROGATION

Mr. SHEA. Mr. Speaker, I would like to interrogate the gentleman from McKean, Mr. Kane.

The SPEAKER. Will the gentleman from McKean permit himself to be interrogated?

Mr. KANE. If he is sure he wants to interrogate me, I will, Mr. Speaker.

Mr. SHEA. Mr. Speaker, may I ask the gentleman from McKean, Mr. Kane, his opinion of Governor Pinchot's attitude and whether he is deserting him because he is not mentally sound, or not physically sound, or any other trouble, that he cannot support him. The answer is merely yes or no.

Mr. KANE. Mr. Speaker, I don't quite understand the gentleman's question.

Mr. SHEA. The question is, is Mr. Pinchot of equal poise and position in society to receive from you the plaudits that he did just a short while ago, or are you deserting him for his attitude through any physical or mental disability on his part; just simply answer yes or no.

Mr. KANE. Mr. Speaker, I guess the answer to that will have to be yes and no or both, or either, or which.

Mr. SHEA. Mr. Speaker and members of the House, I am looking back a few years, when I first saw Mr. Pinchot launch forth upon Summit Hill, before Davis' Drug Store—

Mr. KANE. Mr. Speaker, I would like to know if he is interrogating me, or if he is making a speech.

The SPEAKER. For what purpose now does the gentleman rise?

Mr. SHEA. Personal privilege, Mr. Speaker.

The SPEAKER. The Chair would suggest that the gentleman ask for unanimous consent to address the House.

Mr. SHEA. Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER. Will the House give its unanimous consent? Is there objection?

Mr. TURNER. Mr. Speaker, before giving my unanimous consent to address the House on the part of the gentleman from Philadelphia, I would like to have an offer of proof.

Mr. SHEA. What do you mean, an order of proof?

Mr. TURNER. Mr. Speaker, I merely wish to explain to the gentleman from Philadelphia, Doctor Shea, that by an offer of proof I mean what the doctor means when he says there should be a free diagnosis of the case.

STATEMENT BY Mr. SHEA

Mr. SHEA asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, I am harkening back to the time I first saw Governor Pinchot, then, Mr. Pinchot launch his campaign, as I said, in the little town of Summit Hill, before Davis' Drug Store. There were only eight of us there, and I saw the launching forward of a great career. I saw the launching forward of a career of liberality, and, thank God, that liberality still stands;

that liberality has stood through the years and through the days, and when I think of his wonderful achievements, and when I saw Governor Pinchot go out and launch the great forestry projects and the great care he gave to those rural communities, and the great acts that he did in his career, and when I recall his association with the great Theodore Roosevelt, and when the call for duty came, no more acclaim was given to anybody than was given to Governor Pinchot, and, ladies and gentlemen, he has maintained that liberality through the years, and when I heard him say that the stench of Annenberg and the dirty work of others brought great disgrace to the decent people of the Commonwealth, I couldn't stand it; I don't care how anybody else expressed themselves, but the honest people of the State of Pennsylvania understand.

The SPEAKER. The remarks of the gentleman will be spread upon the Legislative Journal.

QUESTION OF INFORMATION

Mr. KILROY. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman from Philadelphia will state his question of information.

Mr. KILROY. Mr. Speaker, a lot of us boys are trying to catch the train. Can you tell me what time this political rally will be finished?

The SPEAKER. About six o'clock.

STATEMENT BY Mr. JOHN A. SMITH

Mr. JOHN A. SMITH asked and obtained unanimous consent to address the House.

Mr. Speaker, I would like to suggest to the gentleman from Dauphin, Mr. Woodside, that when he refers the various questions to Secretary Brownmiller, et al, he also request Secretary Brownmiller to dig into the files of the Department of Highways on the official publication of years ago, in which a full page was given gratis to the Gulf Refining Company, then the property of the Republican State Chairman.

The SPEAKER. The remarks of the gentleman will be spread upon the Legislative Journal.

RESOLUTION

SYMPATHY EXTENDED

Mr. DAVID H. WEISS. Mr. Speaker, I desire to offer a resolution.

The resolution was read by the Clerk as follows:

In the House of Representatives, October 18, 1938

Whereas, Joseph R. Williams and Charles Craven, members of the Pennsylvania Motor Police, while in the performance of their duties, were killed at Gettysburg; and

Whereas, These two men in carrying out their daily duties to promote the safety of motorists and pedestrians upon the highways, were called upon to make the supreme sacrifice of giving their lives to the Commonwealth of Pennsylvania as did those men who lie nearby, the shadows of whose tombstones mark the Valley of Death for these two members of the Pennsylvania Motor Police. In one case the men fought for the freedom from oppression; in the other case the men were fighting for the termination of death and injuries upon the highways. Honor may well be paid to them; therefore be it

Resolved, (if the Senate concur), That the General Assembly of Pennsylvania hereby marks the memory of their honorable death; and pays to them the highest tribute within the range of man, it is that unexpressible emotion of deepest pride and respect for those who have died honorable deaths; and be it further

Rsolved, That the General Assembly hereby expresses its sincere sympathy to the members of the deceased families of Joseph R. Williams and Charles Craven; and be it further

Resolved, That copies of this resolution shall be transmitted to the families of the deceased by the Chief Clerk of this House.

On the question,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

SYMPATHY EXTENDED

Messrs. McDEVITT, ROBERT S. HAMILTON, MALLEN and BLANK offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, October 17, 1938.

Whereas, Word having been received of the death of former Mayor Harry A. Mackey of the City of Philadelphia, it is fitting that this Body pause from its labor and pay respect to his memory.

Harry A. Mackey was born at Susquehanna, Pennsylvania, on June 28, 1869 and, like his father, the late George W. Mackey, entered the practice of law. At the same time he commenced a political career, which gained him high honor and continued until the time of his death.

He attended the University of Pennsylvania and was captain of its football team in 1893 and won distinguished honors in the field of athletics. In his chosen profession of the law his career was marked with outstanding success. He made an intensive study of the law of negligence and in 1915 was appointed Chairman of the Commonwealth's first Workmen's Compensation Board.

Mr. Mackey was elected Treasurer of the City of Philadelphia and in November, 1927 was elected to the high office of Mayor of that city. His administration was noted for the splendid civic improvements accomplished during his tenure of office.

Upon retirement from the Mayoralty he traveled abroad and resumed his law practice in the City of Philadelphia, where he was greatly renowned for his ability and learning in law.

Mayor Mackey was actively affiliated with many fraternal, communal, civic and charitable organizations not only in the City of Philadelphia, but in the state and nation as well.

His loss is felt, not only by his widow and immediate family, but by his many friends and associates, therefore be it

Resolved, That the House of Representatives of Pennsylvania mourn the passing of an outstanding Pennsylvania citizen, Harry A. Mackey; and be it further

Resolved, That a copy of this Resolution be sent to his widow and surviving children with the deep sympathy of the members of this House.

SENATE MESSAGE

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON SENATE BILL No. 15.

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on Senate Bill numbered and entitled as follows:

SENATE BILL No. 15.

An Act abating certain tax penalties and interest and costs on county, city (except city of the first class), borough, town, township, school district, (except school district of the first class), and poor district taxes; prohibiting the sale of real property for the nonpayment of any such taxes for a certain period; and preserving certain tax liens, and providing for the extension thereof.

CONFERENCE COMMITTEE REPORT ON SENATE BILL No. 15.

Mr. SAMUEL A. WEISS. Mr. Speaker, I desire to call up at this time the report of the Committee of Conference on Senate Bill No. 15, Printer's No. 65.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Represntatives for the purpose of considering Senate Bill No. 15, entitled: "An Act abating certain tax penalties, interest and costs on county, city (except city of the first class), borough, town, township, school district (except school district of the first class), and poor district taxes, prohibiting the sale of real property for the nonpayment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof," respectfully submit the following bill as our report:

C. GILBERT WOLFENDEN,
THOMAS E. KILGALLEN,
HARRY SHAPIRO,
(Committee on the part of the Senate.)

JOHN A. SMITH,
SAMUEL A. WEISS,
THOS. B. STOCKHAM,
(Committee on the Part of the House of Representatives.)

An Act abating certain tax penalties interest and costs on county, city (except city of the first class) borough town township school district (except school district of the first class), and poor district taxes; prohibiting the sale of real property for the non-payment of any such taxes for a certain period; and preserving certain tax liens, and providing for the extension thereof.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All unpaid penalties and interest imposed on paid or unpaid delinquent county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes for the tax year one thousand nine hundred and thirty-four and all previous years and all penalties imposed on such taxes for the tax years one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven assessed and levied against any parcel o parcels of real estate and on paid or unpaid delinquent poll taxes levied for any of such years are hereby abated without the necessity of further action by the authority levying the tax if the unpaid delinquent taxes are paid as hereinafter provided This section shall not be construed to abate the interest accrued on the taxes for the years of one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven but no further interest shall be imposed on such taxes after the payment of the first installment as hereafter provided so long as the taxpayer complies with the provisions of this act.

In order to receive the benefits of the installment system of payment provided by this act twenty per centum of the delinquent taxes due for the tax year one thousand nine hundred and thirty-seven and for all previous years and of the accrued interest due on the one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven taxes shall be paid on or before the thirty-first day of December one thousand nine hundred and thirty-eight twenty per centum on or before the thirty-first day of December one thousand nine hundred and thirty-nine twenty per centum on or before the thirty-first day of December one thousand nine hundred and forty twenty per centum on or before the thirty-first day of December one thousand nine hundred and forty-one and the final twenty per centum on or before the thirty-first day of December one thousand nine hundred and forty-two And provided That the respective current taxes (the institution district taxes in lieu of the poor taxes) on such parcel or parcels of real estate and on delinquent poll taxes levied for the years subsequent to the year one thousand nine hundred and thirty-eight during such installment periods assessed and levied by such taxing authority shall be paid before they become delinquent For the purposes of this act a tax shall be deemed to become delinquent on the date when a penalty attaches to the tax If and whenever any of the said current taxes or any of the said installments are not paid when due and payable as herein provided then and in that event there shall become due and payable for such year a sum equal to one-fifth of the total amount of the abated penalties and interest in addition to the other payments required to be paid under this act during that year which said additional sum shall be payable and must be paid at the time the next succeeding installment payment becomes due under this act If such additional sum is not so paid then the total amount of the abated penalties and interest less the aggregate of any such additional sum theretofore paid shall be revived and added to the unpaid taxes with the same force and effect as if such abated penalties and interest or portion thereof had never been abated and the taxpayer shall not thereafter be entitled to any further benefits or privileges under this act.

Section 2 Any taxpayer or owner having the right of redemption may anticipate the payment of the unpaid delinquent taxes for the tax year one thousand nine hundred and thirty-seven and previous years at any time on or before December thirty-first one thousand nine hundred and thirty-eight by paying the entire amount of such unpaid delinquent taxes and interest due on the one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven taxes and receive the benefit of this act and in such cases payment of the taxes assessed and levied for the year one thousand nine hundred and thirty-eight shall not be required at the time of such payment

Section 3 This act shall be construed to apply to all such taxes penalties and interest whether or not liens therefor had been returned for non-payment or have been filed in the office of the prothonotary of the county or proceedings for the collection thereof have been instituted in any court in said county or where real property has been sold to a county city borough town township school district or poor district at a tax sale or on a tax lien and the period of redemption has not expired but this act shall not be construed to apply to cases where real property has been sold other than to a county city borough town township school district or poor district at a tax sale or on a tax lien and where the period of redemption has not expired. The taxpayer shall be liable for the payment of all costs incurred except the solicitor's fees where liens for such taxes have been returned for non-payment or have been filed in the office of the prothonotary or proceedings for the collection thereof have been instituted in any court

Section 4 The benefits of this act shall extend to and accrue to any successful bidder or purchaser at sheriff's or other judicial sale grantee transferee mortgagee or owner having the right of redemption under a tax sale or other party in interest in the parcel or parcels of real estate against which the above mentioned taxes have been assessed and levied whether separated or not

Section 5 Any taxpayer or owner having the right of redemption shall have the right to pay the unpaid delinquent taxes assessed and levied against any parcel or parcels of real estate without being required to pay the unpaid delinquent taxes assessed and levied against any other parcel or parcels of real estate in the same ward district or other municipal subdivision

The county commissioners of each county may at their discretion and at the cost of the county cause to be published two times in not more than two newspapers of general circulation throughout the county a notice to the taxpayers giving a synopsis of the terms of this act setting forth the benefits provided by the act and the necessary conditions required by the taxpayers in order to receive the same Upon application either in person or in writing by any taxpayer or owner the tax levying authorities the tax collector the receiver or receivers of taxes or the person or persons charged with the collection of

such unpaid delinquent taxes or the person or persons in whose custody the records of such unpaid delinquent taxes are kept shall furnish to such delinquent taxpayer or owner a statement of the unpaid delinquent taxes owed by him to such municipal subdivision showing the face amount the penalty if any the interest if any and any costs or other charges in detail against such real property as shown by the records in his custody

Every collector of taxes whose duty it is to send to the respective taxpayers any notice or statement of their annual taxes shall include in each such notice or statement an additional notice of the date when the next installment payment is due under the provisions of this act

Section 6 In order to enable the taxpayer or owner having the right of redemption under a tax sale to receive the full benefits of this act no real property shall be sold for non-payment of taxes before December thirty-first one thousand nine hundred and thirty-eight and any tax sale shall be adjourned or readjourned or right of redemption extended as often as may be necessary for this purpose If any tax sale is adjourned or readjourned or right of redemption extended after advertisement or sale no additional advertisement or notice shall be necessary for the adjourned or readjourned sale or right of redemption No such adjournment or readjournment or redemption failure to advertise or hold any such tax sale shall invalidate the lien of any tax due and unpaid or sale had subject to redemption but the lien of all such taxes shall be fully preserved during the entire installment period herein provided for if the taxpayer avails himself of the privileges or benefits of this act Provided however That in every case where a taxpayer avails himself of the privileges or benefits of this act the period during which payment of said unpaid delinquent taxes is postponed or continued under this act shall not be included in computing and determining whether or not any right of the tax assessing and levying authority has been barred or lost by reason of the provisions of any statute now existing or hereafter enacted limiting the right of the said tax levying and assessing authorities to file preserve or maintain the lien of the said taxes

Section 7 The provisions of this act are severable and if any of the provisions hereof are held to be unconstitutional the decision shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included herein

Section 8 The act approved the first day of May one thousand nine hundred and thirty-five (Pamphlet Laws one hundred twenty-nine) as amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred forty-four) the act approved the fourth day of June one thousand nine hundred and thirty-six (Pamphlet Laws ten) and the act approved the fourteenth day of April one thousand nine hundred and thirty-seven (Pamphlet Laws three hundred two) shall continue in full force and effect as to any and all taxpayers who have taken advantage of and are not in default in the provisions thereof All other acts and parts of acts general local or special inconsistent herewith be and the same are hereby suspended during the time this act shall be in effect

Section 9 Nothing in this act shall be so construed as to prevent any taxpayer who has heretofore taken advantage and accepted the benefits of any of the acts referred to in section eight and who has lost or who prior to the thirty-first day of December one thousand nine hundred and thirty-eight may lose the rights benefits privileges and opportunities under such act from taking advantages and receiving the benefits of this act

On the question,

Will the House adopt the report of the Committee of Conference?

Mr. WOODSIDE. Mr. Speaker, I do not propose to debate at any length the report of the Committee on Conference on Senate Bill No. 15. I do think, however, that the record should be corrected as to some statements concerning it. During the passage through the House figures were submitted to the House by several of its members for the purpose of proving that tax delinquency has decreased under the present program of tax abatement. In doing that the speakers have made it appear that the total delinquency for taxes by these various counties was reduced year after year under the present plan of tax abatement bills. I believed at the time, although I did not have any figures available and had not looked into the matter, that that was an impossibility. I based that upon my personal knowledge of the various municipalities that I represent and about whose financial conditions I knew something.

Upon further investigation I find that what they were doing was to submit the delinquent taxes for a particular year and in that manner it appeared to this House that the total delinquency was decreasing year after year under these tax abatement bills. Now, as a matter of fact, not only on account of the bills but on account of the continuation of the sales which have been carried on year after year, the total amount of delinquency has continually increased, so that in Dauphin County, and I think that is probably true of all of the counties of this Commonwealth, the total tax delinquency today is larger than it has ever been in the history of the Commonwealth. I think that that correction on the record should be made so that the people will not be misled by the figures that were used by some of the members of the House, including the gentleman from Cumberland, Mr. Smith, during the passage of this bill through the House.

On the question recurring,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—154

Achterman,	Falkenstein,	Marino,	Ruffennach,
Alexander,	Finnerty,	Matthews, J. F.,	Rush,
Allen,	Flanagan,	McArdle,	Sarraf,
Allmond,	Flannery,	McCullough,	Scanlon,
Arnold,	Flinchbaugh,	McDermott,	Schor,
Aukerman,	Ganser,	McDevitt,	Schrock,
Baine,	Gerard,	McElroy,	Schrope,
Baker,	Gillette,	McFall,	Shaw,
Balthaser,	Haberlen,	McGee,	Shea,
Bierly,	Hagerty,	Melchiorre,	Shepard,
Blank,	Hall,	Mellott,	Shoemaker,
Bohn,	Hamilton, F. P.,	Mihm,	Shugarts,
Boies,	Hamilton, R. S.,	Moomaw,	Siegel,
Boltz,	Harkins,	Mooney,	Simon,
Boose,	Harmuth,	Moran,	Skale,
Boyer,	Hays,	Moul,	Smith, James A.,
Bradley,	Hering,	Muir,	Smith, John A.,
Brancato,	Hess,	Murrin,	Spengler,
Broad,	Hetrick,	Nagel,	Stank,
Brown,	Hindman,	O'Brien,	Thompson,
Burrows,	Hirsch,	O'Connor,	Tronzo,
Caesar,	Holland,	O'Keefe,	Tumelty,
Caputo,	Holmes,	Ominsky,	Valibus,
Chervenak,	Holstrom,	O'Neill,	Van Sickle,
Coakley,	Hontz,	Ostroff,	Vogt,
Cohen, H. B.,	Horting,	Patterson, C. S.,	Wagner,
Cohen, R. E.,	Huntley,	Patterson, J. W.,	Walsh,
Coleman,	Imbrie,	Peale,	Weiss, D. H.,
Coolahan,	Jirolanio,	Pearson,	Weiss, S. A.,
Corrigan,	Keenan,	Perry,	Welliver,
Costanzo,	Kelso,	Pershing,	Welsh,
Davies,	Kilroy,	Piole,	Westrick,
Decker,	LaRue,	Powers,	Whalen,
DeNote,	Leisey,	Preston,	Whitenight
Dickinson,	Levy,	Readinger,	Wright,
Donohoe,	Lewis,	Reese,	Yanoshat,
Dougherty,	Long,	Reising,	Yourishin,
Downey,	Lopresti,	Robinson,	Zappala,
Dubbs,	Lovett	Rothenberger,	Furman,
Elpern,			

NAYS—12

Eckels,	McKinney,	Stockham,	Wood,
Habbyshaw,	Serrill,	Trout,	Woodside,
Kane,	Sproul,	Turner,	Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the report of the Committee of Conference was adopted.

Ordered, that the Clerk inform the Senate accordingly.

STATEMENT BY Mr. ECKELS.

Mr. ECKELS asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, several weeks ago the press carried a news item that the Communists and their party had endorsed the candidacies of Governor George H. Earle and Charles Alvin Jones for the offices of United States Senator and Governor of Pennsylvania.

Mr. Jones issued a statement in which he neither accepted nor repudiated this proffered support, but so far I have watched the papers in vain for any statement from Governor Earle regarding the matter.

Candidates for high office in other states have been prompt in their repudiation of such support, and I believe that it is a question of whether or not high officials and candidates shall by their silence lend encouragement to such undemocratic organizations, and that this House is entitled to know the attitude of Governor Earle on this question and to have an unequivocal statement from Mr. Jones.

I therefore desire to introduce the following resolution and ask that it be read for the information of the House.

RESOLUTION

Mr. ECKELS. Mr. Speaker, I desire to offer a resolution and ask the unanimous consent of the House that it be read.

The SPEAKER. Will the House give its unanimous consent to have the resolution read for the information of the House? Are there objections?

Mr. COHEN. Mr. Speaker and members of the House, in view of the fact that the resolution does not also contain an inquiry as to the Fascists affiliation between the Republican chairman, Mr. Fletcher and the Republican Party, I am constrained to refuse my consent to this resolution, and I ask that it be referred to the committee in the usual order.

The SPEAKER. The Chair hears objection and consent is not granted.

The resolution will be filed with the Clerk under the rules.

STATEMENT BY Mr. LONG

Mr. LONG asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, my attention has been called to a statement released to the Press yesterday by the Hon. James J. Davis, United States Senator from Pennsylvania and a candidate for reelection to that office. The Senator says:

"It is never pleasant to bring to the attention of your committee (the Shepard Committee in Washington) "and the Nation the disgraceful conduct of officials of the State wherein I reside, but in view of the facts set forth in the enclosed papers, I am constrained to bury the State pride and request your committee to investigate in behalf of thousands of Philadelphians who have or will be disfranchised".

Enclosed with this statement is a letter of the Committee of Seventy, which states that the members of the Registration Commission have discriminated in certain groups of voters and have purposely intimidated or harrassed them. This political release was timed to beat the gun on a constructive and non-political report of the Committee to investigate the alleged disfranchisement of voters in the city of Philadelphia by a Committee appointed by Governor Earle, on which equal representation of both parties was given. This Committee has sat for the last two months and has at all times been available to everyone including the Committee of Seventy and the Republican City Committee of the City of Philadelphia, to hear any and all charges concerning disfranchisement, including any charges of intimidation or discrimination on the part of the Registration Commission or of anyone else. During all that time no evidence of any kind was presented to the Governor's Committee which would substantiate any charge of discrimination, harrassment or intimidation of voters on the part of the Registration Committee. Furthermore, no evidence of any kind that would substantiate any charge of disgraceful conduct on the part of the Commission was disclosed or presented, either by the Committee of Seventy or by the Republican City Committee of Philadelphia. Such political releases are unworthy of belief and serve no constructive purpose, either politically or in preventing the disfranchisement of voters in Philadelphia. It is my opinion that the Senator's pride has been buried in vain.

The SPEAKER. The remarks of the gentleman will be spread upon the Legislative Journal.

SENATE MESSAGE TAKEN FROM TABLE.

Mr. ACHTERMAN. Mr. Speaker, I move that the Senate message which was laid on the table on Monday, October 17, 1938, be taken from the table.

On the question,

Will the House agree to the motion?

Mr. TURNER. Mr. Speaker, I desire to oppose the motion of the gentleman from Monroe, Mr. Achterman, and I ask for a roll call.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. TURNER. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Delaware will state his question of parliamentary inquiry.

Mr. TURNER. Mr. Speaker, does it require a constitutional majority to take the Senate message from the table?

The SPEAKER. No. Only a majority of those voting.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Messrs. TURNER, McDEVITT and WOOD, and were as follows:

YEAS—96

Achterman,	Dickinson,	Levy,	Powers,
Alexander,	Donohoe,	Lewis,	Preston,
Allen,	Dougherty,	Long,	Readinger
Arnold,	Elpern,	Lopresti,	Reising,
Baine,	Finnerty,	Marino,	Robinson,
Baker,	Flanagan,	McCullough,	Rush,
Balthaser,	Flannery,	McDermott,	Sarraf,

Bierly,	Ganser,	McElroy,	Schor,
Blank,	Gerard,	McFall,	Schrope,
Bohn,	Hagerty,	McGee,	Shoemaker,
Boles,	Hamilton, F. P.,	Mellott,	Shugarts,
Boltz,	Hays,	Mihm,	Siegel,
Bradley,	Hering,	Moomaw,	Simon,
Brancato,	Hess,	Mooney,	Smith, John A.,
Broad,	Hindman,	Moran,	Spengler,
Caesar,	Hirsch,	Murrin,	Tronzo,
Chervenak,	Holland,	O'Brien,	Vallbus,
Coakley,	Holmes,	O'Connor,	Weiss, D. H.,
Cohen, H. B.,	Holstrom,	O'Keefe,	Weiss, S. A.,
Cohen, R. E.,	Horting,	Ominsky,	Welliver,
Coolahan,	Jirolanio,	O'Neill,	Westrick,
Costanzo,	Keenan,	Patterson, J. W.,	Whalen,
Decker,	Kelso,	Pearson,	Wright,
DeNote,	Kilroy,	Piole,	Furman,

NAYS—24

Boose,	Leisey,	Perry,	Trout,
Boyer,	Matthews, H. T.,	Royer,	Turner,
Davies,	McDevitt,	Schrock,	Wilson,
Gillette,	McKinney,	Serrill,	Wood,
Habbyshaw,	Muir,	Sproul,	Woodside,
Kane,	Peale,	Stewart,	Yeakel,

So the question was determined in the affirmative and the motion was agreed to.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, October 17, 1938.

Resolved, (if the House of Representatives concur), That in any recess of the Senate and the House of Representatives during a Regular or Extraordinary Session of the General Assembly, the President pro tempore of the Senate and the Speaker of the House of Representatives may jointly reconvene the Senate and the House of Representatives at a date prior to the date already fixed for reconvening.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

Mr. TURNER. Mr. Speaker, I have refrained from presenting the usual motion to place the question of the constitutionality of this resolution before the House, feeling that no greater purpose could be served by that than by raising the question in reference to concurrence by the House in the Senate resolution.

I wonder whether all the members of the House really understand exactly what this resolution does. I do not believe that there are many more important questions which have come before any legislative session than this one before us now. We are setting a precedent; we are setting what appears to me and a great many others to be something that is a very dangerous precedent. The question before us does not have anything to do with the matter as to whether we are Republicans or whether we are Democrats. It is a matter that pertains very vitally to the entire procedure of this House. It is a delegation of the authority or power of the House to the President pro tempore of the Senate and the Speaker of the House to call us back into session at any time they may desire between now and the fourteenth day of November, which is the date in another resolution which I believe will follow and which this House will be asked to adopt. In other words, we are on the point of a recess from this date until the fourteenth of November. With that I have no quarrel. I think that a recess is necessary. I think we have wasted a tremendous amount of time and a tremendous amount of money during the weeks that we have dragged out this special session. I do not want to go into that because I might get over-zealous on a question that might raise partisan issues, and this issue would be beclouded, and it is too important to be beclouded by any question of politics or what has happened here. I am in accord with the idea that it is necessary for this House to recess. The desire evidently on the part of those in the majority, as expressed by the Rules Committee, is that they want to recess until the fourteenth day of November, but they are afraid that something may transpire in the meantime and some contingency might arise where they might want to call us back, so they have devised this scheme by which the President pro tempore of the Senate and the Speaker of the House can call us back. The Constitution merely says that we cannot adjourn either House for more than three days without the consent of the other, and it carries with it a provision that you have got to have a date set to which you adjourn. Now, it is the duty of the two Houses to set a specific date upon which we shall reconvene, but if we are going to say to the President pro tempore of the Senate and the Speaker of the House, that the date set is certain, but you may want to call us back, it seems to me that then we are violating the Constitution; we are making that date uncertain, we are making the date subject to the decision of the two presiding officers, which is uncertain.

I believe that no question which may arise in the two or three weeks intervening during the recess will be of such vital importance that it would lead you, my Democratic colleagues, to take a step in that direction, which is extremely dangerous. One of the great things that has always appealed to me, and I think has appealed to students of political government in many other states, is the fact that in the Legislature of Pennsylvania, both through the Constitution and through our rules and through our customs and procedure, we have thrown many safeguards around our proceedings. We have provisions that make it certain that the people shall have an opportunity to know about legislation; that legislation shall not be passed without the members having on their desks the bill or bills so that they may have an opportunity to see and read what is being proposed in the Legislature. Our Constitution provides about the reading of a bill on three separate days, which is a great safeguard and a great protection to the people of Pennsylvania. That is true in order that we may not have hasty and ill conceived or ill considered action before the people shall have an opportunity to speak thereon, and to say now that we can delegate to the two presiding officers the power to call us at any time after the members of the legislature know the exact date to which the House is adjourned, so that he may know on what date he is required to be there, to make it possible for them to call us at any time is establishing a precedent that is taking away from us our safeguards. I am firmly convinced that if this resolution is passed, and if the President pro tempore of the Senate and the Speaker of the House should recall us, that any member of the House would be perfectly justified in absenting himself from such a session, and the proceedings of that session would be open to attack in the courts, and therefore, you might get us into an involved or entangled position which might lead to litigation and which might

interfere with some of the things we are here to do. Merely for the sake of what may by the leader of the Democratic side be conceived to be a condition that might possibly arise, to take a step away from all of the procedure that we have had over all of the background of this Legislature, and to take the risk of being unconstitutional, or the session being unconstitutional, or the things done here unconstitutional, and also to lay down a practice for the future that might be said to be a precedent in the future, to control some legislature, I feel you ought not to do it. I tried to have this measure kept on the table in order that we would not have to debate it, but as it has come up before us, I ask you to vote "no" on the adoption of this resolution.

On the question recurring,

Will the House adopt the resolution?

The SPEAKER. The Clerk will call the roll.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. TURNER. Mr. Speaker, may I ask that you rescind your order for a roll call. I would like to rise to a question of parliamentary inquiry.

The SPEAKER. If there are no objections, the Chair will rescind its order for a roll call. The Chair hears no objection.

The gentleman from Delaware will state his question of parliamentary inquiry.

Mr. TURNER. Mr. Speaker, as a resolution, it would only take a majority of this House to concur in this resolution, would it not?

The SPEAKER. That is correct.

Mr. TURNER. Mr. Speaker, a majority of those voting?

The SPEAKER. That is correct.

Mr. TURNER. Mr. Speaker, not a constitutional majority?

The SPEAKER. A constitutional majority is not required for concurrence in this resolution.

Mr. TURNER. Mr. Speaker, as the resolution is setting up a procedure and deals with the question of adjournment, should it not require a constitutional majority?

The SPEAKER. In reply to the question raised by the gentleman from Delaware, Mr. Turner, the only constitutional majorities that are required are those set up in the Constitution, that is, for the passage of legislation. It does not require constitutional majority for concurrence in a Senate Resolution.

Mr. TURNER. Mr. Speaker, I would point out to you that this resolution is enactment of legislation in the same sense as a bill. It is a delegation of authority and power of the House. That delegation cannot take place without a measure being placed before both Houses and sent to the Governor for his signature. The mere fact that it is in the form of a resolution, not in the form of a bill, does not seem to me to change it in substance. The fact is that it is legislative action. I do not believe that the House or the Senate can by the ordinary resolution, as we usually conceive a resolution, delegate the power which is here given to the President pro tem and the Speaker, to reconvene the Legislature. There is no power given under the Constitution to convene the Legislature except by—

The SPEAKER. Does the gentleman propose to raise a constitutional question on the matter now before the House?

Mr. TURNER. No, I am raising the question with the Speaker.

The SPEAKER. The Chair has already ruled that only a majority of those voting is required to concur in the resolution.

Mr. TURNER. Mr. Speaker, I am renewing my inquiry with the Speaker, believing that the Speaker might, like he did a little while ago, reverse himself, if he comes to a conclusion after having received additional information which he had not had an opportunity to consider. When we speak of resolutions, when we speak of ordinances in some municipalities, we have two different kinds of resolutions. We have those that are commonly understood to be resolutions and we have those which are merely motions. We have resolutions which are by way of legislative enactment. The Constitution of Pennsylvania says that the Governor is the only one under the Constitution of Pennsylvania who is given the right to convene the Legislature. The Legislature itself is given no power to convene. It is given the power to adjourn from time to time. It may not delegate that power. It seems to me if this resolution is giving the power of the Legislature to the President pro tem and the Speaker of the House, that this resolution loses its form as an ordinary resolution, as we understand it, and takes on the nature of a bill, because it must go to the Governor for signature; it has passed the Senate and it is now passing the House, and would therefore require a constitutional majority of 105.

The SPEAKER. The Chair adheres to its original ruling that it requires only a majority of those present and voting to concur.

The yeas and nays were required by Messrs. TURNER, SCHROCK and WOOD, and were as follows:

YEAS—102

Achterman,	Dougherty,	Marino,	Robinson,
Alexander,	Elpern,	McArdle,	Rush,
Allen,	Falkenstein,	McCullough,	Sarraf,
Arnold,	Finnerty,	McDermott,	Schor,
Baine,	Flanagan,	McElroy,	Schrope,
Baker,	Flannery,	McFall,	Shea,
Balthaser,	Flinchbaugh,	McGee,	Shoemaker,
Bierly,	Ganser,	Melchiorre,	Shugarts,
Bohn,	Gerard,	Mellott,	Siegel,
Bois,	Hagerty,	Mihm,	Smith, John A.,
Boltz,	Hamilton, F. P.,	Mooney,	Spengler,
Bradley	Hays,	Moran,	Thompson,
Brancato,	Hering,	Murrin,	Tronzo,
Broad,	Hess,	O'Brien,	Tumelty,
Caesar,	Hindman,	O'Connor,	Valibus,
Coakley,	Hirsch,	O'Keefe,	Wagner,
Cohen, H. B.,	Holland,	Ominsky,	Weiss, D. H.,
Cohen, R. E.,	Holmes,	O'Neill,	Weiss, S. A.,
Coleman,	Holstrom,	Patterson, J. W.,	Welliver,
Coolahan,	Horting,	Pearson,	Westrick,
Corrigan,	Keenan,	Piole,	Whalen,
Costanzo,	Kelso,	Powers,	Wright,
Decker,	Kilroy,	Preston,	Yanoshat,
DeNote,	Lewis,	Readinger,	Yourishin
Dickinson,	Long,	Reising,	Furman,
Donohoe,	Lopresti,		

NAYS—23

Boose,	McKinney,	Serrill,	Turner,
Boyer	Muir,	Simon,	Wilson,
Davies,	Peale,	Sproul,	Wood,
Habbyshaw,	Perry,	Stewart,	Woodside,
Leisey,	Royer,	Stockham,	Yeakel,
McDevitt,	Schrock,	Trout,	

So the question was determined in the affirmative and the resolution was concurred in.

Ordered, That Clerk inform the Senate accordingly.

SENATE MESSAGE TAKEN FROM TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that the Senate

message which was laid on the table on Monday, October 17, 1938, be taken from the table.

The motion was agreed to.

The message was read by the Clerk as follows:

SENATE MESSAGES

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, October 17, 1938.

Resolved, (if the House of Representatives concur), that when the Senate adjourns this week it reconvene on Monday evening, November 14, 1938, at 9 P. M. and when the House of Representatives adjourns this week it reconvene on Monday evening, November 14, 1938, at 9 P. M.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE BILL FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 61. (House Bill No. 92.)

An Act to ratify, confirm and make valid the joint legislative committee created by Senate Concurrent Resolution, Serial Number 106, approved March sixteenth, one thousand nine hundred and thirty-seven, and authorized thereby to make an investigation of the tax burdens placed upon industries in Pennsylvania and other industrial and mining states, together with its actions, proceedings, expenses and expenditures and the appropriation made to said committee and making a further appropriation.

Referred to the Committee on Appropriations.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. BLANK. (Concurrent) Resolution No. 26.

In the House of Representatives, October 18, 1938.

Whereas The taxing power of the City of Philadelphia is derived from the Legislature of the Commonwealth of Pennsylvania; and

Whereas The Council of the City of Philadelphia has, by ordinance enacted, imposed a tax on sales in the City of Philadelphia which has directly resulted in a precipitous drop in sales of between twenty per centum and thirty per centum and has seriously and adversely affected the best interests of the merchants of Philadelphia; and

Whereas A sales tax directly taxes that section of our population that can least afford to be taxed; and

Whereas Despite the expressed and overwhelming objection of the people of the said City of Philadelphia, said City Council has enacted such a sales tax; therefore be it

Resolved, (if the Senate concur), That it is the sense of the General Assembly of the Commonwealth of Pennsylvania that a sales tax by the Commonwealth of Pennsylvania or by any political subdivision thereof shall be illegal; and be it further

Resolved That it is the intention of the General Assembly to enact, by legislation, a prohibition of said sales tax at the next regular session of the Legislature; and be it further

Resolved That the Council of the City of Philadelphia be advised not to extend the sales tax ordinance beyond December 31, 1938, the date of its expiration and that said Council of the City of Philadelphia shall omit from its calculations the estimated receipts to be derived from the continued imposition of a sales tax; and be it further

Resolved That a copy of this Resolution be sent to the President of the City Council of Philadelphia and to the Mayor and Controller of said city.

Referred to the Committee on Rules.

By Mr. ECKELS. Resolution No. 27.

In The House of Representatives, October 15, 1938.

Whereas, it is common knowledge that numerous isms consisting of Nazism, Fascism and Communism have infected the American systems of Government and organizations have set themselves up advocating the change in our present system of Government.

Whereas, various investigations and reports have proved that they are undermining our Democratic form of Government and there is danger that unless public officials and persons running for public office express their disapproval of such un-American and un-Democratic ideas and propaganda, encouragement will be given to the spread of these dangerous views breeding class hatred and race hatred in which this American form of Government has been unaccustomed until recent times, and,

Whereas, candidates for public offices in various states have refused to accept the endorsement and support of such un-American and un-Democratic organizations advocating Communism, Nazism and Fascism, and,

Whereas, the public press carried a statement that the Communist Party has endorsed the candidacy of Governor George H. Earle, III, for the United States Senate and Charles Alvin Jones for Governor of the Commonwealth of Pennsylvania, and,

Whereas, the said candidates for public office have until this date neither accepted, approved, rejected or repudiated the support, endorsements, and cooperations of the Communists and its party, now therefore be it,

Resolved: That the House of Representatives of the Commonwealth of Pennsylvania address a communication to the said Governor George H. Earle, III, and Charles Alvin Jones requesting them as candidates for public office to state promptly and publicly whether either of them individually or jointly accept, reject or repudiate the endorsement or the offer of support and aid of the Communists and their party to further their candidacy for the offices of United States Senator and Governor of the Commonwealth of Pennsylvania respectively and be it further,

Resolved: That the Chief Clerk of the House of Representatives be directed to forward a certified copy of this resolution immediately upon its passage to the said Governor George H. Earle, III, and Charles Alvin Jones requesting that they reply immediately to the House of Representatives and by public statement to the inquiry herein.

Referred to the Committee on Rules.

SENATE MESSAGES

RESOLUTIONS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, October 18, 1938.

Whereas, Joseph R. Williams and Charles Craven, members of the Pennsylvania Motor Police, while in the performance of their duties, were killed at Gettysburg; and

Whereas, These two men in carrying out their daily duties to promote the safety of motorists and pedestrians upon the highways, were called upon to make the supreme sacrifice of giving their lives to the Commonwealth of Pennsylvania as did those men who lie nearby, the shadows of whose tombstones mark the Valley of Death for these two members of the Pennsylvania Motor Police. In one case the men fought for the freedom from oppression; in the other case the men were fighting for the termination of death and injuries upon the highways. Honor may well be paid to them; therefore be it

Resolved, (if the Senate concur), That the General As-

sembly of Pennsylvania hereby marks the memory of their honorable death; and pays to them the highest tribute within the range of man, it is that unexpressible emotion of deepest pride and respect for those who have died honorable deaths; and be it further

Resolved, That the General Assembly hereby expresses its sincere sympathy to the members of the deceased families of Joseph R. Williams and Charles Craven; and be it further

Resolved, That copies of this resolution shall be transmitted to the families of the deceased by the Chief Clerk of this House.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, October 11, 1938.

Whereas, The Governor's Highway Safety Council has made great strides in curbing accidents upon the Highways and

Whereas It is believed that these accidents could be further substantially reduced by the adoption and enforcement of regulations under which would divert heavy truck traffic upon certain highways on Sundays and holidays because on such days certain highways are overcrowded with passenger cars resulting in many accidents through tie-ups delays and attempts to pass and other traffic hazards

Whereas From time to time various bills have been introduced in the General Assembly to promote safety upon the highways through the regulation and control of truck traffic and up until the present time no effective action has been taken to relieve this continuing dangerous situation which has resulted in so many needless deaths and injuries therefore be it

Resolved (if the Senate concur) That the Pennsylvania Motor Police are hereby authorized and directed to conduct an investigation and survey concerning the controlling of heavy truck traffic on Sundays and holidays on certain highways to determine the number of such accidents occurring on Sundays and Holidays the number of persons killed and injured the reasons therefore the advisability of diverting such truck traffic upon certain highways on Sundays and Holidays and to report to the next Regular Session of the General Assembly their findings and recommendations.

AMENDED SENATE BILL CONCURRED IN BY SENATE.

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representativs to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 20.

An Act abating certain tax penalties interest and costs on city and school taxes in cities of the first class and school districts of the first class.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 20.

An Act abating certain tax penalties interest and costs on city and school taxes in cities of the first class and school districts of the first class

SENATE BILL No. 15.

An Act abating certain tax penalties and interest and costs on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes prohibiting the sale of real property for the nonpayment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof

Whereupon, the Speaker, in the presence of the House, signed the same.

The SPEAKER laid before the House a communication which was read by the Clerk as follows:

DEPARTMENT OF STATE
WASHINGTON

October 17, 1938.

My Dear Mr. Callahan:

The President has asked me to acknowledge the receipt of a copy of a resolution adopted by the House of Representatives of the Commonwealth of Pennsylvania on September 26, 1938, expressing approval of his efforts in the promotion of peace.

The action taken by the House of Representatives is very much appreciated.

Sincerely yours,

For the Secretary of State:
G. MESSERSMITH
Assistant Secretary.

Mr. Thomas J. Callahan, Chief Clerk,
House of Representatives,
Commonwealth of Pennsylvania, Harrisburg.

REPORT FROM COMMITTEE

Mr. HESS, from the Committee on Municipal Corporations, reported as committed, House Bill No. 86, (Senate Bill No. 30), entitled:

An Act authorizing the compromise of delinquent taxes on real property and the penalties interest and costs due thereon before a tax sale of such real property and providing the procedure in such case.

BILL ON FIRST READING

Mr. HESS asked and obtained unanimous consent to have House Bill No. 86, (Senate Bill No. 30), read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 86, (Senate Bill No. 30), entitled:

An Act authorizing the compromise of delinquent taxes on real property and the penalties interest and costs due thereon before a tax sale of such real property and providing the procedure in such case.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

QUESTION OF PERSONAL PRIVILEGE

Mr. KANE. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. KANE. Mr. Speaker and members of the House, the question involved is simply this: some little time ago, and I do not wish to take the time of the House too long, Dr. Shea of Philadelphia, a good friend of mine, asked me some questions that were difficult for me to understand. Now, that some of the members have made clear to me what he asked, I would like to answer one of the questions which I think reflects on my personal character. I

believe he asked the question whether I had deserted Mr. Pinchot or if Mr. Pinchot had deserted me—

The SPEAKER. Is Doctor Shea present?

Mr. KANE. Mr. Speaker, I am very glad that the gentleman has come back because we are good friends and I would like to clear up this point.

Mr. Speaker, I do not feel that there is any necessity for a charge of desertion among the members of the House, for example, if people disagree as to the methods to be pursued on a given question or in pursuit of a common purpose nor do I feel that the Doctor, if he were in the full possession of the facts in this case, would feel the necessity for asking such a question. I am sure that he and the other members on the Democratic side would have the utmost confidence that if I were among their friends and supporters they would have no need to fear that there would be any desertion on the eve of election day. I feel that some of the Democratic members, the members of the Democratic party, are under a misapprehension as to the cause of the statement of my friend, Mr. Pinchot, and I am very glad indeed to hear the very laudatory remarks of Dr. Shea with regard to Governor Pinchot and his past record. I am heartily in accord with that.

I wish to say this: I called Governor Pinchot on the telephone last night and had quite an extended conversation with him in regard to remarks made in his statement, which is being construed by the Democratic leaders and by a good many of his old friends, as a left-handed endorsement of the Democratic ticket. He stated most emphatically that any such construction was unwarranted and incorrect, and that his statement included, among other things, the definite statement that he would abide by the Republican primary. Furthermore, he was going to support the Republican ticket in his own county, and, dealing specifically with the question of any personal desertion, the Governor assured me that if he were in my county he would give me every possible support this Fall.

I want to say before we part on this recess, I believe that all true liberals reserve to themselves the right to criticize the methods, both of the leadership and the candidate of any party, without feeling that there is any necessity for any tirade or invective against them, and I do not believe that any of us think that all of our associates are necessarily one hundred per cent perfect. I believe that every man who considers his opinion worthy of his own respect reserves to himself the right to change his course of action if he is subjected to any unnecessary torment, abuse and insult. I do not think there is anything wrong about that. I reserve that right to myself and I believe that most of you do. I am sure that Doctor Shea will be clear on the point when I say that Governor Pinchot has not, in any sense of the word, deserted me, and as far as I am concerned, he is not an issue in the campaign. It should be clear that Governor Pinchot has assured me personally that he intends to abide by the result of the Republican primary, and that any construction of his statement to be that he has endorsed the Democratic ticket is not warranted by the statement and is not true in fact. I wanted to clear that point up before we adjourned.

STATEMENT BY Mr. SHEA

Mr. SHEA asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, just a statement to the House, if you will permit me. Not only do I have the utmost regard for Mr. Pinchot, but I have the utmost regard for the Kane family, whom I have known for many years. I taught in the Jefferson Medical College across the street from where his cousin, Francis Fisher Kane lived. I knew his family, and I knew them day in and day out for the last thirty-two years. All I can say is that my feeling toward you is one hundred per-cent, and is one of the utmost respect, and I still think that Mr. Kane is one of the greatest Liberals we have in the State of Pennsylvania.

INTERROGATION

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Shea.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. SHEA. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like to ask the Doctor from Philadelphia whether Mr. Pinchot was one of the greatest liberals in Pennsylvania when he said "I can't stand Guffey."

Mr. SHEA. Mr. Speaker, who does the gentleman mean by Guffey?

Mr. TURNER. I do not wonder that the gentleman does not know.

Mr. SHEA. Mr. Speaker, I think that Mr. Pinchot probably has gotten better acquainted with Mr. Guffey.

COMMITTEE MEETING

The Special Investigating Committee of the House will resume their hearing at eight o'clock this evening in the Hall of the House.

ADJOURNMENT

Mr. SARRAF. Mr. Speaker, I move that this House do now adjourn until Monday, November 14, 1938, at 9:00 p. m.

The motion was agreed to, and (at 4:54 p. m.) the House adjourned until Monday, November 14, 1938, at 9:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1938

Vol. 22 HARRISBURG, PA., MONDAY, NOVEMBER 14, 1938. No. 28.

SENATE

MONDAY, NOVEMBER 14, 1938.

The Senate met at 9:00 o'clock P. M.

The PRESIDENT PRO TEMPORE (Mr. Harvey Huffman) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, LL.D., offered the following prayer:

Our Father who art in heaven, hallowed be Thy name; Thy Kingdom come, Thy will be done, on earth as it is in heaven. As we reassemble tonight, approaching the final hours of this fellowship of service, bless every one of these Senators and those who labor here in earnest and conscientious endeavor.

We thank Thee, that although by reason of diverse perspective and divergent paths, there may be variance of alignment, yet there has been manifested that fine spirit of personal good will, of friendship and mutual respect. Bestow Thy blessing upon him who tonight enters upon his duties as a member of this Body, taking the place of an honored and worthy sire. May he ever be inspired by the high ideals of him whose name he bears.

So near to time and place, and looking upon our transactions here through the defective lens of human imperfection, for right appraisement we must look to the future and to Thee. But we know that

"Truth, crushed to earth, shall rise again,
Thine own eternal years are hers;
But Error, wounded, writhes in pain,
And dies amidst his worshippers."

We would here and now dedicate ourselves to our beloved Commonwealth, that in these remaining days, we may devote our best in mind and heart and life to those whom we represent. Amen.

JOURNAL APPROVED

The PRESIDENT—A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. HEYBURN, the further reading was dispensed with, and the Journal was approved.

SPECIAL ELECTION FOR SENATOR IN THE THIRTEENTH SENATORIAL DISTRICT

The PRESIDENT. As directed by the Constitution and the laws of this Commonwealth a Writ was issued on September 21, 1938, for a special election to be held on November 8, 1938 for Senator in the Thirteenth Senatorial District to fill the vacancy caused by the death of Honorable John G. Homsher on September 13, 1938.

The writ was read as follows:

COMMONWEALTH OF PENNSYLVANIA: ss

To the County Board of Elections of Lancaster County:

Greetings: Whereas a vacancy exists in the office of Senator of the State of Pennsylvania, for the THIRTEENTH SENATORIAL DISTRICT, composed of part of the County of Lancaster, by reason of the death on September 13, 1938, of Honorable John G. Homsher, Senator from said Senatorial District.

Now, therefore, I, Thomas Kennedy, President of the Senate, by virtue of the authority vested in me by the Constitution of the State of Pennsylvania, and by the Act of Assembly, in such case made and provided, do hereby command you: That you cause an election to be held in the said Thirteenth Senatorial District of the State of Pennsylvania, on TUESDAY, EIGHTH DAY of NOVEMBER, A. D. One Thousand Nine Hundred and Thirty-eight, to choose a person to represent said Thirteenth Senatorial District in the Senate of Pennsylvania for the remainder of the term expiring November 30th, One Thousand Nine Hundred and Forty, and that you give due and public notice of said election throughout said Thirteenth Senatorial District in form and manner directed by law.

Given under my hand and seal at Harrisburg, Pennsylvania, this twentieth day of September, 1938.

Thomas Kennedy,
(SEAL) President of the Senate.

STATE OF PENNSYLVANIA }
COUNTY OF LANCASTER } ss:

Robert J. Glennon, being duly sworn according to law, says that he resides at Freeland, Luzerne County, Pennsylvania, that he is Sergeant-at-Arms of the Senate of Pennsylvania:

That he served on the County Board of Elections of Lancaster County, on September 21, 1938, at 1:15 o'clock, P. M., at the office of said County Board of Elections of Lancaster County in the City of Lancaster, Lancaster County, Pennsylvania, a special writ of election for the THIRTEENTH SENATORIAL DISTRICT, composed of part of the County of Lancaster, a copy of which is hereto affixed, by command of the Honorable Thomas Kennedy, Lieutenant-Governor of the Commonwealth and President of the Senate.

Sworn and subscribed to this 21st day of September, A. D. 1938.

ROBERT J. GLENNON,
Sergeant-at-Arms.

Chas. R. Waters
Deputy Prothonotary
(SEAL)

PRESENTATION OF RETURNS OF ELECTIONS OF SENATOR

The Deputy Secretary of the Commonwealth, Isaac W. Keim, being introduced, presented to the Senate, in compliance with Section 1414, of the Act of June 3, 1937,

returns of the Special Election for Senator held on the 8th day of November, 1938, to fill the vacancy existing in the office of Senator in the General Assembly from the Thirteenth Senatorial District.

OPENING OF RETURNS

Mr. PIERSON. Mr. President, I move that the Clerk proceed to open and read the returns presented.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to and the said returns were opened and read as follows:

OFFICE OF THE COUNTY BOARD OF ELECTIONS

COMMONWEALTH OF PENNSYLVANIA } ss:
COUNTY OF LANCASTER }

Lancaster, Pa., November 12, 1938.

To the SECRETARY OF THE COMMONWEALTH:

We hereby Certify, That the following is a true and correct statement of the returns of the votes cast at the General Election held on Tuesday, November 8, 1938, for each and every candidate in the County of Lancaster as the same remain on file in this office, for the office of:

SENATOR IN THE GENERAL ASSEMBLY IN THE 13TH SENATORIAL DISTRICT

DEMOCRATIC

Jacob Albright Sheaffer had Seventeen thousand nine hundred fifty-seven votes—17,957.

Frederick L. Homsher had Thirty-one thousand one hundred eighty-six votes—31,186.

In Testimony Whereof, We have hereunto set our hands and seal of office, this 12th day of November, 1938.

G. GRAYBILL DIEHN
A. S. BENEDICT
A. H. FRITZ
County Board of Elections.

(SEAL)

Attest:
WM. F. PAES, Clerk

The PRESIDENT. The official returns show the election of the Honorable Frederick L. Homsher, Senator in the Thirteenth Senatorial District. The Chair is informed that the Senator is present and appoints the Senator from Lancaster, Mr. Pierson, and the Senator from Lycoming, Mr. Sones, a Committee to escort the Senator to the Bar of the Senate to be sworn.

The oath of office was then administered to the Senator-elect.

RESOLUTION

THANKING JUDGE SCHAEFFER FOR ADMINISTERING OATH

Mr. BUCKMAN. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BUCKMAN offered the following resolution which was twice read, considered and agreed to:

In the Senate, November 14, 1938.

Resolved, That the thanks of the Senate are hereby tendered to Honorable Oliver S. Schaeffer, Judge of the Court of Common Pleas of Lancaster County for his services in qualifying the newly elected Senator, Honorable Frederick L. Homsher.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows:

APPROVAL OF SENATE BILLS NOS. 15 AND 20

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, October 25, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

Senate Bill No. 15, Printer's No. 65, entitled:

"An Act abating certain tax penalties interest and costs on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes prohibiting the sale of real property for the nonpayment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof."

Senate Bill No. 20, Printer's No. 64, entitled:

"An Act abating certain tax penalties interest and costs on city and school taxes in cities of the first class and school districts of the first class."

GEORGE H. EARLE.

APPROVAL OF SENATE BILLS NOS. 43 AND 50.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, October 21, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

Senate Bill No. 43, Printers No. 43, entitled:

"An Act making a deficiency appropriation to the Lieutenant Governor."

Senate Bill No. 50, Printer's No. 46, entitled:

"An Act making a deficiency appropriation for the expenses of the Joint Legislative Commission investigating certain courts of this Commonwealth and created by Joint Resolution Number eleven approved the ninth day of March one thousand nine hundred and thirty-seven (Pamphlet Laws thirty-five)."

GEORGE H. EARLE.

NOMINATIONS BY THE GOVERNOR

He also presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, November 14, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

MEMBER BOARD OF TRUSTEES OF MANSFIELD STATE TEACHERS COLLEGE

Martin Stalford, Wyalusing, Bradford County, for appointment as a member of the Board of Trustees of

Mansfield State Teachers College, for the term of four years and until his successor is qualified, vice George J. Lermingham, deceased.

USTICES OF THE PEACE

Mrs. Ida Grim, Revere, Bucks County, for appointment as Justice of the Peace in the Township of Nockamixon, Bucks County, until the first Monday in January, 1940, vice LeRoy Walters, resigned.

Hugh H. Chalfant, Fayette City, Fayette County, for appointment as Justice of the Peace in the Township of Washington, Fayette County, until the first Monday in January, 1940, vice John M. Murt, resigned.

Francis H. Shimshock, Grant Street, New Salem, Fayette County, for appointment as Justice of the Peace in the Township of Menallen, Fayette County, until the first Monday in January, 1940, vice Charles A. McCombs, deceased.

W. I. Taylor, Mary Avenue, Eagles Mere, Sullivan County, for appointment as Justice of the Peace in the Borough of Eagles Mere, Sullivan County, until the first Monday in January, 1940, to fill a vacancy.

GEORGE H. EARLE.

COMMUNICATION FROM SECRETARY OF STATE OF UNITED STATES WITH REFERENCE TO THE PALESTINE PROBLEM

The Chair cleared his table and laid before the Senate the following communication.

DEPARTMENT OF STATE
WASHINGTON

October 24, 1938.

My dear Mr. Morlock:

The Department has received your letter of October 20, 1938, enclosing, by direction of the Senate of Pennsylvania, a copy of a resolution adopted by the Senate of that State on October 17th and concurred in by the House of Representatives on October 18th, with reference to the Palestine problem.

You may be assured that this Government is giving constant attention to all phases of the situation to which the resolution refers. As of interest to you in that connection, and as indicating the thought which we have been devoting to developments concerning Palestine, I enclose a copy of a public statement on the subject which it is believed will be found self-explanatory.

Sincerely yours,

For the Secretary of State:
PAUL H. ALLING
Acting Chief
Division of Near Eastern Affairs.

Enclosure:
Public statement.

John C. Morlock, Esquire,
Secretary, Senate of Pennsylvania, Harrisburg.

DEPARTMENT OF STATE

October 14, 1938.

Within the past few days this Government has received a large number of telegrams and letters from individuals and organizations in the United States concerning the Palestine situation, with particular reference to the reported possibility of the application by the British Government of a new policy with respect to that country. It is obviously impracticable to reply separately to the many communications which have been received and this statement is therefore being issued in lieu of individual answers.

As is well known the American people have for many years taken a close interest in the development of the Jewish National Home in Palestine. Beginning with President Wilson each succeeding President has on one or more occasions expressed his own interest in the idea of a National Home and his pleasure at the progress made in its establishment. American sympathy in a Jewish Homeland in Palestine was further manifested by the Joint Resolution of Congress signed by the President on September 21, 1922, recording the favorable attitude of the United States toward such a Homeland. In submitting the resolution the House Committee on Foreign Affairs reported that it:

> "expresses our moral interest in and our favorable attitude toward the establishment in Palestine of a National Home for the Jewish people. It commits us to no foreign obligation or entanglement."

It is in the light of this interest that the American Government and people have watched with the keenest sympathy the development in Palestine of the National Home, a project in which American intellect and capital have played a leading role.

On several occasions this Government has brought its views regarding the rights of the United States and its nationals in Palestine to the attention of the British Government. As recently as 1937 a formal exchange of correspondence took place and the following self-explanatory paragraph is quoted from the concluding note dated August 4, 1937, communicated by the American Ambassador in London to the British Foreign Office:

> "In expressing satisfaction and appreciation for the assurances furnished that His Majesty's Government intends to keep the United States Government fully informed of any proposals which may be made to the Council of the League of Nations for the modification of the Palestine Mandate, I am instructed to request that these proposals may be communicated to my Government in ample time to enable it to determine what, if any, observations it may desire to make with a view to the preservation of American rights in Palestine."

It is expected, therefore, that this Government will have an opportunity to submit its views to the British Government with respect to any changes affecting American rights which may be proposed in the Palestine Mandate. These rights, which are defined by the American-British Mandate Convention of Treaty of December 3, 1924, comprise non-discriminatory treatment in matters of commerce, non-impairment of vested American property rights, permission for American nationals to establish and maintain educational, philanthropic and religious institutions in Palestine, safeguards with respect to the judiciary, and, in general, equality of treatment with all other foreign nationals.

The rights of the United States in connection with any changes in the terms of the Palestine Mandate are set forth in Article 7 of the above-mentioned Treaty, which reads as follows:

> "Nothing contained in the present Convention shall be affected by any modification which may be made in the terms of the mandate, as recited above, unless such modification shall have been assented to by the United States."

This article is substantially identical with corresponding articles included in eight other existing agreements concluded by this Government with respect to the mandated territories of Syria and the Lebanon, former German islands in the North Pacific, French Cameroons, French Togoland, Belgian East Africa, British Cameroons, British East Africa and British Togoland. None of these articles empower the Government of the United States to prevent the modification of the terms of any of the mandates. Under their provisions, however, this Government can decline to recognize the validity of the application to American interests of any modification of the mandates unless such modification has been assented to by the Government of the United States.

It is the Department's understanding that the Palestine Partition Commission, which was appointed some months ago to make recommendations with respect to partition, will make its report to the British Government at the end of this month and that no decision will be reached by that Government on the subject until after an opportunity has been had to give consideration to that report. In reply to a question in the House of Commons on October 6,

1938, Mr. MacDonald, British Colonial Secretary, is reported to have stated that the House of Commons would not be in the position of having to confirm or reject a decision already taken and put into operation but would have an opportunity of considering the policy before it was adopted and put into operation by the British Government.

The Department will, of course continue to follow the situation closely and will take all necessary measures for the protection of American rights and interests in Palestine.

BILL INTRODUCED

Mr. WOODWARD read in his place and presented to the Chair Senate Bill No. 66, entitled:

A Joint Resolution proposing an amendment to article five of the Constitution of the Commonwealth of Pennsylvania by adding thereto section twenty-eight providing for one general court of common pleas.

Which was committed to the Committee on Constitutional Changes.

QUESTION OF PERSONAL PRIVILEGE

Mr. THOMPSON. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Centre, Mr. Thompson, will state his question of personal privilege.

Mr. THOMPSON. Mr. President, a few weeks ago there was appointed from the two Houses of the Legislature a Joint Legislative Commission to investigate certain forms of commercialized gambling in Pennsylvania, principally the gambling activities surrounding race track gambling and the transmittal of information from the race tracks to the different bookmakers in this State. In this investigation which has been pursued by this committee for a number of weeks we found that a very extensive racket existed in Pennsylvania, that the number of bookies throughout the State operating in Pennsylvania ran up literally into several hundred and that practically every community was affected in this State by this organized form of race track gambling.

We have also found that the wire service which transmitted the news of the results of the races and the odds upon the horses and that sort of information is essential to the maintenance of this sort of gambling. As the first and partial report of this committee we desire to offer certain legislation at this time. The committee will report in detail, we hope, probably within a week if this report can be prepared. We do offer at this time, Mr. President, legislation which we believe will correct this evil as it exists in this State today and eliminate this racket which has been going on in Pennsylvania, which is by all odds the largest organized racket that ever existed in this State.

BILLS INTRODUCED

Mr. THOMPSON read in his place and presented to the Chair Senate Bill No. 67, entitled:

An Act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling; making it unlawful for any public utility to furnish private wires except by written contract; conferring and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for or intended to be used for the transmission of information or advices in furtherance of gambling; making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Public Utility Commission; making illegal the use of certain wires for purposes other than those specified in the written contract therefor; imposing penalties; making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling; prescribing the burden of proof in proceedings hereunder; and providing for appeal.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 68, entitled:

An Act making illegal the use of devices and methods of transmission of information or advices in furtherance of gambling; declaring the dissemination of certain information to be in furtherance of gambling; providing for the seizure and forfeiture of devices used in furtherance of gambling; and imposing penalties.

Which was committed to the Committee on Judiciary General.

Mr. SIPE read in his place and presented to the Chair Senate Bill No. 69, entitled:

An Act validating certain proceedings and elections of counties, cities, boroughs, townships, school districts and other incorporated districts or municipalities, had and held pursuant to the provisions of an act approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four, entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same and to impose penalties for the illegal increase thereof" and the amendments and supplements thereof; and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections.

Which was committed to the Committee on Judiciary General.

Mr. SIPE. Mr. President, I crave the indulgence of the Senate for a minute or two, to tell what this bill is about. Back in Butler County, one of the counties in my district, is the town of Chicora whose school board decided that it would avail itself of the benevolence of the Thompson Act and get some Federal money to put up a new high school building. The amount of money which will come out of the Federal treasury for that project is approximately fifty thousand dollars.

Unfortunately however the lawyer who did the legal work in connection with the bond issue that the school board has to float, had a lapse and failed to advertise the matter the required number of weeks, so the school district is in this situation: the government deadline will expire on the last of the year and that does not give enough time to correct the lapse in the legal setup unless we do it by a validating act here in the Legislature. Therefore I am presenting this bill validating that bond issue. I might say that the bonds are already sold and in the hands of the purchasers. I am appealing for unanimous support of this bill. I do not want to see that fine little town of Chicora lose this high school building. My uncle was principal of those schools at one time and I myself attended them for a time.

I have a special plea to make to the Republican members of the Senate to support this bill. The legal luminary who did the legal work, who had the legal lapse in the legal work, is a fine warm personal friend and

political enemy—the Republican County Chairman of Butler County. Of course, let me repeat that I am for the bill one hundred percent. What is a Democratic Senator for, except to correct Republican mistakes, anyway?

Mr. LAW read in his place and presented to the Chair Senate Bill No. 70, entitled:

A Joint Resolution proposing an amendment to section eight, article two of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Constitutional Changes.

RESOLUTION EXPRESSING HORROR AT TREATMENT OF JEWISH CITIZENS IN GERMANY

Mr. WOODWARD offered the following resolution which was twice read as follows:

In the Senate, November 14, 1938.

Whereas the Commonwealth of Pennsylvania was founded by William Penn for tolerance and religious liberty and settled by Germans from the Rhine Valley who have always supported these principles of toleration and religious liberty, and

Whereas the Nazi Government of modern Germany has become not only intolerant and oppressive in theory but in practice is guilty of uncivilized and cruel persecution of its Jewish Citizens, be it therefore

Resolved that representing the outraged opinion of ten millions of law abiding people in this Commonwealth we condemn before the world tribunal this action of the Nazi Government of Germany and that we express our horror of this latest exhibition of barbarism on the part of the Nazi Government and that we express our heartfelt sympathy with its victims.

Mr. WOODWARD. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection?

The Chair hears none.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

HOUSE MESSAGE

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bill of the House, as follows:

House Bill No. 50 (Senate Bill No. 71), entitled:

An Act making an appropriation to the Department of Property and Supplies for preliminary expenses in proposed acquisitions of real property from housing authorities.

Which was committed to the Committee on Appropriations.

QUESTION OF PERSONAL PRIVILEGE

Mr. BUCKMAN. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Bucks, Mr. Buckman, will state his question of personal privilege.

Mr. BUCKMAN. Mr. President, I would like to interrogate the Senator from Armstrong, Mr. Sipe, with reference to the bill that he just presented.

The PRESIDENT. Will the Senator from Armstrong, Mr. Sipe, permit himself to be interrogated?

Mr. SIPE. Mr. President, I will.

Mr. BUCKMAN. Mr. President, I recognize the urgency of the subject matter of the bill which the Senator presented. I have, however, some doubts as to its legality or constitutionality at this time by reason of the fact that it may or may not be within the Governor's call, and I would like to ask the Senator from Armstrong whether he submitted the matter to the constitutional lawyer of this Senate as the last act of the constitutional lawyer of this Senate, the Senator from Mercer, Mr. Law.

Mr. SIPE. Mr. President, I submitted it to the Attorney General. Probably that is almost as good.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess for ten minutes.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

ANNOUNCEMENTS BY THE SECRETARY

The Committee on Judiciary General will meet in Room 302.

Immediately following that meeting the Committee on Appropriations will meet in Room 265.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORTS FROM COMMITTEES

Mr. KUNKEL. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KUNKEL from the Committee on Judiciary General reported as committed, Senate Bill No. 67, entitled:

An Act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling; making it unlawful for any public utility to furnish private wires except by written contract; conferring and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for or intended to be used for the transmission of information or advices in furtherance of gambling; making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Public Utility Commission; making illegal the use of certain wires for purposes other than those specified in the written contract therefor; imposing penalties; making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling; prescribing the burden of proof in proceedings hereunder; and providing for appeal.

He also, from the Committee on Appropriations reported as committed, Senate Bill No. 71 (House Bill No. 50), entitled:

An Act making an appropriation to the Department of Property and Supplies for preliminary expenses in proposed acquisitions of real property from housing authorities.

Mr. SHAPIRO. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO, from the Committee on Judiciary General reported as committed, Senate Bill No. 69, entitled:

An Act validating certain proceedings and elections of counties, cities, boroughs, townships, school districts and other incorporated districts or municipalities, had and held pursuant to the provisions of an act approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four, entitled "An act to regulate the manner of increasing the indebtedness of municipalitics, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," and the amendments and supplements thereof; and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections.

Mr. KILGALLEN. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KILGALLEN, from the Committee on Judiciary General reported as committed, Senate Bill No. 68, entitled:

An Act making illegal the use of devices and methods of transmission of information or advices in furtherance of gambling; declaring the dissemination of certain information to be in furtherance of gambling; providing for the seizure and forfeiture of devices used in furtherance of gambling; and imposing penalties.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 65 (House Bill No. 82), entitled:

An Act to amend sections two hundred two four hundred one and two thousand three hundred eighteen of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by creating as departmental administrative boards in the Department of Welfare and conferring powers and duties upon boards of trustees for the respective institutions acquired by the Commonwealth from counties cities and institution districts for use as State mental hospitals.

And said bill having been read at length the third time,

On the question,

Wlil the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, in this bill there are some typographical errors to be corrected, so I ask unanimous consent to offer the following amendments to correct merely typographical errors.

Amend title, page 1, line 15 of title by inserting after the word "administrative" the following: "officers and of the se eral administrative"

Amend title, page 2, line 10 of title on page 2 by striking out the word "as" where it appears the second time in said line and inserting in lieu thereof "additional"

Amend Sec. 1 (Sec. 202), page 5, line 18 by striking out with heavy-faced brackets the word "of" where it appears the first time in said line and inserting in lieu thereof "for"

Amend Sec. 2 (Sec. 2318), page 14, line 23 by striking out with heavy-faced brackets the word "of" and inserting in lieu thereof: "for"

Amend section 3, page 15, line 12 by inserting after the word "institution" and before the word "district" the following: "acquired by the Commonwealth from any county city or institution"

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILL DROPPED FROM CALENDAR

Mr. RICE. Mr. President, I move that the Senate do now resume the consideration of Senate Bill No. 32, bill on third reading postponed, entitled:

An Act to amend Sections two and five of, and to add Section three and one-tenth to the act, approved the first day of July, one thousand nine hundred and nineteen (P. L. 717), entitled "An act fixing the number, compensation, mileage, and duties of the officers and employes of the General Assembly, and providing for their election or appointment, term of office, and manner of filling vacancies;" further regulating the term of office of such officers and employes and the compensation of certain officers and employes.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill?

Mr. RICE. Mr. President, I move that the bill be dropped from the calendar.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

MEMORIAL SERVICES IN HONOR OF LATE SENATOR JOHN G. HOMSHER MADE SPECIAL ORDER OF BUSINESS MONDAY, NOVEMBER 21, at 10:00 P. M.

Mr. BUCKMAN. Mr. President, by resolution of this Senate a committee was appointed to arrange for memorial services for the late Senator from Lancaster, Mr. Homsher.

I move that these services be made a special order of business of this Senate in the Senate Chamber on Monday Evening, November 21st, at 10 o'clock P. M.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

MOTION TO READ BILLS THE FIRST TIME

Mr. LAW. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. RODGERS. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 67, entitled:

An Act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling; making it unlawful for any public utility to furnish private wires except by written contract; conferring and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for or intended to be used for the transmission of information or advices in furtherance of gambling; making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Public Utility Commission; making illegal the use of certain wires for purposes other than those specified in the written contract therefor; imposing penalties; making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling; prescribing the burden of proof in proceedings hereunder; and providing for appeal.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 68, entitled:

An Act making illegal the use of devices and methods of transmission of information or advices in furtherance of gambling; declaring the dissemination of certain information to be in furtherance of gambling; providing for the seizure and forfeiture of devices used in furtherance of gambling; and imposing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 69, entitled:

An Act validating certain proceedings and elections of counties, cities, boroughs, townships, school districts and other incorporated districts or municipalities, had and held pursuant to the provisions of an act approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four, entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," and the amendments and supplements thereof; and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 71, (House Bill No. 50), entitled:

An Act making an appropriation to the Department of Property and Supplies for preliminary expenses in proposed acquisitions of real property from housing authorities.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn until Tuesday, November 15, 1938 at 2:00 o'clock, P. M.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:59 o'clock, P. M., until Tuesday, November 15, 1938, at 2:00 o'clock, P. M.

HOUSE OF REPRESENTATIVES

MONDAY, November 14, 1938.

The House met at 9:00 p. m.

The SPEAKER, (Roy E. Furman), in the Chair.

PRAYER

The Chaplain, Rev. EPHRAIM Z. GALLAHER, offered the following prayer:

Our Heavenly Father, we are assembled together this evening primarily as servants of our beloved Commonwealth. We represent all sections of the state and come at the mandate of all citizens. There is along with things pertaining to the need of our commonwealth a matter of grave significance weighing heavily upon our minds. Our minds are in tune with the prevailing minds of the whole civilized world, in an appeal unto Thee to stay the hand of persecution. We do not pray against Thy will for a persecuted people; a people who are not up in armed forces to demand justice; a people who are desirous only of the right to pursue a peaceful life and enjoy happiness as is granted to others: a people who are thrifty, and seldom seen begging bread, where opportunity is offered; a people who take their place in responsible position and acquit themselves with distinction; a people who have made great contributions to science, to literature, to art, to political economy, to philanthropy and other avenues of service. In parts of this world their persecution is barbaric, bestial and unthinkable in this advanced age of civilization. We are not thinking of armed intervention. We now are thinking of the one place of battle, Thy throne, and the only consistent weapon, that of prayer. This week throughout the world, a united Christendom, is accenting the efficacy of prayer in behalf of the downtrodden Jew. And in behalf of this Assembly tonight, I lift my humble voice unto Thee to stay the cruel hand that is meting out this vicious destruction of human happiness.

In Christ's name we pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Tuesday, October 18, 1938.

The Clerk proceeded to read the Journal of Tuesday, October 18, 1938, when, on motion of Mr. HABERLEN the further reading was dispensed with and the Journal approved.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 58.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, October 19, 1938.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 58, Printer's No. 45, entitled, "An Act to ratify confirm and make valid the commission to make certain studies in respect to bituminous mines appointed pursuant to the joint resolution approved the fifth day of June one thousand nine hundred and thirty-seven (P. L. 1689) entitled 'A joint resolution creating a commission to make certain studies in respect to bituminous mines defining its powers and duties and making an appropriation' together with its actions proceedings expenses and expenditures."

GEORGE H. EARLE.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 66.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, October 21, 1938.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 66, Printer's No. 54, entitled, "A Supplement to the act approved the second day of July one thousand nine hundred thirty-seven (Appropriation Acts page seventy-four) entitled 'An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven' providing for deficiencies in certain appropriations to the Department of Justice for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine."

GEORGE H. EARLE.

BILLS INTRODUCED AND REFERRED

By Mr. HERING. HOUSE BILL No. 93.

An Act making an appropriation for the expenses of the special committee appointed by the Speaker of the House of Representatives, pursuant to House Resolution No. 24, adopted by the House of Representatives on the eighteenth day of October, one thousand nine hundred thirty-eight (Act No. 2) entitled "An act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of, or involving misdemeanor, in office on the part of civil officers liable to impeachment; authorizing the Speaker of the House to appoint a special committee for any such investigation; authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated; providing for the summoning of witnesses and for the punishment of persons refusing to testify; and authorizing the employment and compensation of counsel and other assistants."

Referred to the Committee on Appropriations.

By Mr. MURRIN. HOUSE BILL No. 94.

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act, approved the twentieth day of April, one thousand eight hundred and seventy-four (P. L. 65), entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," and the amendments and supplements thereto, and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections.

Referred to the Committee on Municipal Corporations.

LEAVES OF ABSENCE

Mr. Thompson asked and obtained leave of absence for Mr. ALLMOND due to illness.

Mr. Gillette asked and obtained leave of absence for Mr. MERRELL for the week's session due to illness.

Mr. ALEXANDER asked and obtained leave of absence for himself for the remainder of the week due to serious illness in the family.

Mr. LARUE asked and obtained leave of absence for himself for the remainder of the week.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 86, (Senate Bill No. 30), entitled:

An Act authorizing the compromise of delinquent taxes on real property and the penalties interest and costs due thereon before a tax sale of such real property and providing the procedure in such case

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 83, Senate Bill No. 39, Printer's No. 54, was passed over at the request of Mr. OMINSKY.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 50, entitled:

An Act making an appropriation to the Department of Property and Supplies for preliminary expenses in proposed acquisitions of real property from housing authorities

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. SPANGLER. Mr. Speaker and Members of the House, House Bill No. 50 permits going ahead and providing for first and necessary preliminary action in acquiring additional properties for the extension of Capitol Park and the erection of new and much needed State office buildings.

Quite naturally the people of my district in the city of Harrisburg are very much interested in the enactment of this bill. However, Mr. Speaker, and Members of the House, I assure you that this is not a selfish interest. In order to prove my statement, I will direct your attention to, the August, 1938, issue of the monthly bulletin published by the Department of Internal Affairs of the Commonwealth of Pennsylvania, on pages 18 and 19, we find under title of "Table Tells," interesting story about parks. This report shows that the city of Harrisburg has the largest number of parks of any city in the state. In total number of park acreage, we rank fourth. Under population per acre of park, we rank second, having 73 persons per acre of park area.

Under acres used for active recreation, we rank third having 218 acres.

Therefore, may I again state that it is not because of the need of additional parks by the city of Harrisburg but rather it is because of our pride in civic and state improvements that I speak in connection with this bill.

Mr. Speaker, and Members of the House, by enacting this legislation, we open the way for much needed improvements to our state property.

We are now paying rent of more than a quarter of a million dollars annually for buildings in Harrisburg used by state departments for offices. One of these buildings now being used by the Department of Labor and Industry is an old market house built more than a half century ago.

You, gentlemen, have had occasion to visit state departments housed in some of these old buildings so you know of the deplorable conditions of our office housing, and I am directing your attention to the fact that for these unfit buildings we are paying enormous rents.

By extending the Capitol grounds another two blocks, we not only improve and beautify these surroundings of the Capitol group of buildings, but this extension is necessary for space for new office buildings.

May I say personally and as a representative from the First District of Dauphin county, comprising the city of Harrisburg, I am highly in favor of erecting sufficient office buildings, regardless of the number required, in order that the taxpayers of this Commonwealth may cease paying hundreds of thousands of dollars for the use of old buildings.

May I say to the Members of the House that regardless of which part of the State you may represent, this is your problem as much as Dauphin County's problem.

Your constituents have a certain pride in providing efficient and comfortable office buildings in order that our State employees may render the people of the Commonwealth their services in a comfortable and efficient manner.

Therefore ladies and gentlemen of the House, I hope and believe that you will support this bill.

On the question recurring,

Shall the bill pass finally?

Agreeabyl to the provisions of the Constitution the yeas and nays were taken.

Messrs. SPENGLER and DICKINSON asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—126.

Achterman,	Flannery,	McCullough,	Schor,
Alexander,	Flinchbaugh,	McDermott,	Schrope,
Allen,	Ganser,	McElroy,	Shaw,
Arnold,	Gerard,	McFall,	Shea,
Baker,	Gorski,	McGee,	Shepard,
Balthaser,	Haberlen,	Mellott,	Shoemaker,
Bierly,	Hagerty,	Mihm,	Siegel,
Boles,	Hamilton, F. P.,	Mooney,	Simon,
Boltz,	Harmuth,	Moran,	Skale,
Brancato,	Hering,	Murrin,	Smith, James A.,
Broad,	Hess,	O'Brien,	Smith, John A.,
Burrows,	Hetrick,	O'Connor,	Spengler,
Caputo,	Hindman,	O'Keefe,	Stank,
Chervenak,	Hirsch,	Ominsky,	Thompson,
Coakley,	Holland,	O'Neill,	Tumelty,
Cohen, H. B.,	Holmes,	Ostroff,	Valibus,
Cohen, R. E.,	Holstrom,	Patterson, J. W.,	Van Sickle,
Coleman,	Hontz,	Pearson,	Vogt,
Coolahan,	Horting,	Pershing,	Wagner,
Corrigan,	Jirolanio,	Powers,	Walsh,
Costanzo,	Keenan,	Readinger,	Weiss, D. H.,
Decker,	Kelso,	Reese,	Welliver,
DeNote,	Kilroy,	Reising,	Welsh,
Dickinson,	LaRue,	Robinson,	Westrick,
Downey,	Levy,	Rothenberger,	Whalen,
Dubbs,	Lewis,	Ruffennach,	Yanoshat,
Falkenstein,	Lopresti,	Rush,	Zappala,
Finnerty,	Lovett	Sarraf,	Furman,
Flanagan,	Marino,	Scanlon,	

NAYS—43.

Atkins,	Leisey,	Schumacher,	VanAllsburg,
Boose,	Longaker,	Serrill,	Wall,
Cadwalader,	Lyons,	Sloan,	Wampole,
Eckels,	Mallen,	Snyder,	Watkins,
Fiss,	Matthews, J. F.,	Sproul,	Webster,
Gillette,	McDevitt,	Stewart,	Weidemann,
Hall,	McKinney,	Stockham,	Wilson,
Hamilton, R. S.,	Muir,	Strode,	Winner,
Imbrie,	Peale,	Terry,	Woodside,
Kline,	Perry,	Trout,	Yeakel,
Kroll,	Schrock,	Turner,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 88, (Senate Bill No. 40), as follows:

An Act to amend sections one hundred eight five hundred six five hundred seven eight hundred thirteen eight hundred fourteen and one thousand one hundred thirty-three of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by providing for the merger of certain school districts with other districts validating the merger of certain school districts redefining indebtedness of school districts empowering the county boards of school directors to employ an attorney and fix his compensation increasing the salaries of members of the county board of school directors and providing for limitations on the appointment of district superintendents

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sub-section (b) of section one hundred and eight of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof

providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by section one of the act approved the thirteenth day of May one thousand nine hundred and thirty-seven (Pamphlet Laws six hundred five) is hereby further amended to read as follows

[(b) From and after the first day of July one thousand nine hundred and thirty-eight all school districts now existing in which no teacher has been employed prior to the first day of January one thousand nine hundred and thirty-seven for the school year one thousand nine hundred thirty-six one thousand nine hundred thirty-seven (1936-1937) shall be merged with other districts and the lands comprising the same together with any property or equipment owned by any such district shall become a part of and belong to such district or districts as the court of common pleas of the county in which the property is located shall determine It shall be the duty of the county board of school directors to prepare and present petitions for such mergers in accordance with standards and regulations set up by the State Council of Education In like manner all school districts employing prior to the first day of January one thousand nine hundred and thirty-seven for the school year one thousand nine hundred thirty-six one thousand nine hundred thirty-seven (1936-1937) ten teachers or less shall be merged with other districts on and after the first day of July one thousand nine hundred and forty-one if the electors of any such school district shall first have consented to such merger The question of such merger shall be submitted to the electors at the municipal election in the year one thousand nine hundred and thirty-nine and at least ninety (90) days previous to such election the court of common pleas shall have determined the district with which such district shall merge upon petition of the county board of school directors as hereinbefore provided for districts now having no teachers The question to be submitted to the electors shall be framed by the court and be by it certified to the county commissioners for submission to the electors of the district so proposed to be merged Such submission shall be in accordance with the laws of this Commonwealth relating to such question In any such instance in which a school district is merged with another district or districts by the terms of this act each school director of the district which is discontinued shall automatically become a member of the board of school directors within the district to which the territory in which he resides has been annexed and he shall continue to serve as a member of the said board until his term of office has expired]

(b) On or before the first day of January one thousand nine hundred and thirty-nine [each] and thereafter at such times as the county board of school directors shall deem advisable said board with the advice of the county superintendent and pursuant to standards and regulations promulgated by the State Council of Education shall prepare and submit to said council a plan for the merger of school districts or parts of school districts and for the reorganization of attendance areas and administrative units

The said standards and regulations prescribed by the State Council of Education pertaining to attendance areas and administrative units shall take into consideration the following factors Topography density of population community interests facility of transportation financial ability school organization and existing school plants

Upon the approval of said plans for the merger of school districts or parts of school districts by the State Council of Education, it shall be the duty of the county board of school directors to prepare and present petitions for such mergers to the court of common pleas of the county wherein such district or parts of districts lie The petition for any such merger shall request the submission of the question of such merger to the electors of all the districts or parts of districts proposed to be merged at the next general or municipal election to be held at least ninety (90) days after the presentation of said petition. The question to be submitted to the electors shall be framed by the court and be by it certified to the county commissioners for submission to the electors of the districts or parts of districts so proposed to be merged. Such submission shall be in accordance with the laws of this Commonwealth relating to the submission of similar questions. If a majority of the electors of each school district or part of a school district, voting at said election shall be in favor of said merger as shown by the returns of said election, a certificate of the returns shall be filed with the Superintendent of Public Instruction, the prothonotary of the court of common pleas, the county board of school directors and the board of school directors of each of said school districts.

No such merger shall be effective in any district or part of a district voting thereon unless the majority of the electors of the [district or parts of districts] district or part of the district proposed to be merged shall have first assented to said merger in accordance with the question submitted Provided That whenever such assent shall have been given by the electors said merger shall become effective on the first Monday in July next succeeding said election

In any instance in which a school district is merged with another district or districts by the terms of this act, the directors then in office in each of said districts shall continue in office until the expiration of their respective terms, and shall jointly constitute the board of school directors of the resulting merged school district. At the first municipal election after such merged school district is created and at each subsequent municipal election, there shall be elected in such resulting merged school district the same number of school directors, and for like terms, as is provided by law for school districts of the class to which such resulting merged school district belongs, so that, upon the expiration of the terms of the directors of the former districts which were merged, the board of school directors of such resulting merged district shall be composed of the same number as in other districts in said class.

Whenever any school district or part of any school district shall be merged with any other district or districts the lands comprising the same together with any property or equipment owned by any such district shall become a part of and belong to such other district or districts, and the debts and liabilities of any such district shall become the debts and liabilities of such other district or districts in the same manner as is provided by law in the creation of union school districts.

Section 2 Sub-section (c) of section one hundred eight of said act is hereby amended to read as follows

[(c) The provisions of clause (b) of this section and of clause (c) of section eight hundred fourteen shall not apply in the case of any school district affected if the district has since the first day of January one thousand nine hundred and thirty-seven and not later than the first day of July one thousand nine hundred and thirty-seven obtained from the State Council of Education the approval of a plan of consolidation of two or more districts as a union district and has actually accomplished and completed such a consolidation before the effective dates set forth in clause (b) of this section]

(c) The merger of any school district prior to the effective date of this act is hereby ratified and confirmed and is a valid merger under the terms of this act Provided That the provisions of this subsection shall not apply to any such merger which has been made the subject of litigation in any court of the Commonwealth instituted prior to the passage of this act and still pending and undetermined

Section 3 The third paragraph of section five hundred and six of the said act as last amended by section one of the act approved the second day of July one thousand nine hundred and thirty-seven (P. L. 2860) is hereby further amended to read as follows

In school districts of the second third and fourth class the indebtedness of any such school district including the bonded indebtedness [together with the temporary indebtedness] shall never exceed seven (7) per centum of the last assessed valuation of the taxable property for school purposes therein

Section 4 The fourth paragraph of section five hun-

dred and seven of the said act as last amended by section two of the act approved the second day of July one thousand nine hundred and thirty-seven (P. L. 2860) is hereby further amended to read as follows

The assent of the electors shall be required in all school districts of the second third and fourth class in this Commonwealth to issue bonds which will incur any new debt or increase the indebtedness [including the bonded indebtedness together with temporary indebtedness] to an amount in excess of two per centum of the assessed value of the taxable property for school purposes therein Provided That the indebtedness of any such school district shall never exceed seven (7) per centum of the last assessed valuation of taxable property for school purposes therein provided further that the board of school directors of any first second third or fourth class school district shall have authority without the assent of the electors to issue bonds to incur upon its own authority any amount of such indebtedness not in excess of two (2) per centum of the last assessed valuation of taxable property for school purposes therein Provided further That the board of school directors in any school district may issue all refunding bonds as herein provided upon its own authority without submitting any such refunding bond issue to a vote of the electors

Section 5 Section eight hundred and thirteen of the said act as added by section five of the act approved the thirteenth day of May one thousand nine hundred and thirty-seven (P. L. 605) is hereby amended to read as follows

Each member of the county board of school directors shall receive a salary which shall equal five dollars for each meeting attended but shall not exceed [sixty dollars ($60.00)] ninety dollars ($90.00) per annum which shall be paid monthly by the State from appropriations made for this purpose or from appropriations for the public schools The county board of school directors shall be provided at the expense of the county with such telephone typewriter and stenographic services as may be needed which services may if adequate be the same as those furnished to the county superintendent

Section 6 Section eight hundred and fourteen of the said act as added by section five of the act approved the thirteenth day of May one thousand nine hundred and thirty-seven (P. L. 605) is hereby amended to read as follows

Section 814 The county board of school directors shall have power and its duty shall be

(a) To inspect all budgets and annual financial reports and shall render such advice and assistance regarding the same as may seem proper before such budgets or reports are transmitted to the Department of Public Instruction

(b) To advise local boards and make recommendations to them regarding all free transportation routes and contracts to be used after the first day of July one thousand nine hundred thirty-eight

(c) [Subject] To apportion subject to the approval of the State Council of Education [to apportion] the cost of free transportation among school districts in all cases where after the first day of July one thousand nine hundred thirty-eight such districts jointly use the same transportation facilities

(d) To recommend the approval or disapproval of school sites and buildings by the State Council of Education to prepare plans for the merger of school districts or parts of school districts and for the reorganization of attendance areas and administrative units and to submit the same to the court of common pleas in accordance with the provisions of this act

(f) To advise local boards and make recommendations to them for the collection of current and delinquent taxes

(g) To establish a uniform and simple system of accounting under the direction of the county superintendent and the Department of Public Instruction

(h) To advise local boards and make recommendations to them for the enforcement of the attendance law

(i) To make such studies and reports as may be suggested by the State Council of Education

(j) To employ an attorney for such purposes as may be required and to fix his compensation which shall not exceed one hundred dollars ($100.00) per annum except upon the approval of the court of common pleas of the county The compensation herein provided for shall be paid by the Commonwealth from appropriations for this purpose or from the appropriations for the public schools

Section 7 Section one thousand one hundred and thirty-three of said act is hereby amended to read as follows

Section 1133 The board of school directors in every school district of the first and second class shall and in every district of the third class may by a majority vote of all the members thereof elect a properly qualified person as district superintendent together with such properly qualified assistant district superintendents as it deems wise The directors of any school district required or electing to have a district superintendent of schools shall not participate in the election of a county superintendent and the public schools of any district which has a district superintendent shall not be subjected to the superintendence or supervision of a county or an assistant county superintendent but shall all be under the supervision of the district superintendent

After the first day of July one thousand nine hundred and forty the board of school directors of any school district not employing a district superintendent at the effective date of this act shall before creating the office of district superintendent obtain the approval of the county board of school directors

On the question,

Will the House agree to the bill on third reading?

Mr. ACHTERMAN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 2, line 4 of title on page 2 by inserting after the word "districts" the following: "eliminating certain powers of county boards of school directors and

Amend Sec. 6 (Sec. 814), page 11, lines 28 and 29 by striking out with light-faced brackets: both of said lines

Amend Sec. 6 (Sec. 814), page 12, lines 1 to 15, both inclusive by striking out with light-faced brackets: H all of said lines

Amend Sec. 6 (Sec. 814), page 12, line 16 by striking out the dark-faced bracket before the letter "(e)" and inserting in lieu thereof a light-faced bracket, thus "["

Amend Sec. 6 (Sec 814), page 12, line 29 by striking out the dark-faced bracket after the word "forty-one" and inserting in lieu thereof a light-faced bracket, thus "]"

Amend Sec. 6 (Sec. 814), page 13, line 1 by striking out the dark-faced bracket before the word "also" and inserting in lieu thereof a light-faced bracket, thus "["

Amend Sec. 6 (Sec. 814), page 13, line 8 by striking out the dark-faced bracket after the word "advisable" and inserting in lieu thereof a light-faced bracket, thus "]"

Amend Sec. 6 (Sec. 814), page 13, line 8, by striking out with dark-faced brackets the word: "to" and inserting in lieu thereof, indented as a paragraph, the following: "(a) To"

Amend Sec. 6 (Sec 814), page 13, lines 14 to 22, both inclusive, by striking out with light-faced brackets all of said lines.

Amend Sec. 6 (Sec. 814), page 13, line 23, by striking out with dark-faced brackets the letter: "(j)" and inserting in lieu thereof: "(b)"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

RESOLUTION No. 23.

Mr. TURNER. Mr. Speaker, I desire to call up Resolution No. 23, Printer's No. 73.

The resolution was read by the Clerk as follows:

In the House of Representatives, October 17, 1938.

Whereas, it has become increasingly evident in the world today that minorities are suffering greatly as a result of the change from Democracies to Dictatorships, and

Whereas, the Jews as a minority in the several countries of the world and particularly in Europe are finding it more difficult to remain in the countries of their birth and of their citizenship because of the persecution against them as a minority group, and

Whereas, all the countries of the world have set up immigrant limitations and restrictions on the number of immigrants admitted thereby limiting the number of the Jews who may enter from persecuted countries, and

Whereas, the only country which may be the chief haven of refuge for the oppressed race is Palestine where hundreds of thousands of Jews have settled in the past twenty years and have converted it from a land of swamps and lack of habitation to a land of opportunity and hope, and

Whereas, under the Balfour Declaration and the passing of the Lodge-Fish Resolution in Congress in 1922 the British Government and the American Government have expressed their desire to aid in developing Palestine as a Homeland for the Jews, and

Whereas, as a result of this expression on the part of both Governments a mandate has been set up for the British Government to carry out the purposes of the Balfour Declaration, and

Whereas, the recent activities in Palestine have created some doubt as to whether the British Government will forsake its obligation and mandate, therefore be it

Resolved (if the Senate concur) that the General Assembly of the Commonwealth of Pennsylvania memoralize the President of the United States and the Secretary of State to make known that it use its good offices with the British Government to adhere to its commitments and the obligations in accordance with the Balfour Declaration and its mandate of Palestine, and be it further

Resolved, That a copy of this resolution be transmitted to His Excellency, the President of the United States and the Secretary of State.

On the question,

Will the House adopt the resolution?

RESOLUTION DROPPED FROM CALENDAR

Mr. TURNER. Mr. Speaker, in view of the fact that a similar joint resolution from the Senate was adopted by this House and was sent to the President of the United States and received action by the United States Government, I move that this resolution be dropped from the calendar.

The motion was agreed to.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. MOOMAW, asked and obtained permission for the Committee on Judiciary Special to meet during the session of the House.

COMMITTEE MEETINGS

The Committee on Rules will meet immediately in the Speaker's office after adjournment of this session tonight.

ADJOURNMENT

Mr. MOUL. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1:00 p. m.

The motion was agreed to, and (at 10.07 p. m.) the House adjourned until Tuesday, November 15, 1938, at 1:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1938

Vol. 22. HARRISBURG, PA., TUESDAY, NOVEMBER 15, 1938. No. 29.

SENATE

TUESDAY, NOVEMBER 15, 1938.

The Senate met at 2:00 o'clock P. M.

The PRESIDENT PRO TEMPORE (Mr. Harvey Huffman) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, LL. D., offered the following prayer:

We would humble ourselves before Thee O God and exalt Thy Holy name in adoration! As children crying in the night, as children crying for the light, we would know Thy will that we may keep Thy commandments; we would seek Thy paths, that we may walk in Thy ways.

The fleeting days admonish that time presses. May we see in every hour a golden chain, studded with sixty precious gems. We would prize monuments above tombstones for the tomorrows as they come and go. Grant unto us a wisdom which discerns its own limitations, a wisdom which seeks the wisdom from above.

Held us to answer the challenge of Thy Grace in honest service of our day and generation; and to merit the benedictions of generations yet unborn. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. PYTKO, the further reading was dispensed with, and the Journal was approved.

COMMUNICATION

The Chair cleared his table and laid before the Senate communication from Arnold Shukotoff, Chairman of American Federation of Teachers, urging the General Assembly to defeat any attempt to weaken the Teachers Tenure Act and expressing gratitude for its passage.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

COMMUNICATION FROM THE GOVERNOR

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows and referred to the Committee on Executive Nominations.

NOMINATIONS RECALLED

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, November 15, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nominations made to your Honorable body on July 25, 1938, for the appointment of the following persons who have subsequently resigned:

W. L. Kay, Malvern, Chester County, as a member of the Chester County Board of Assistance, from March 17, 1938, until December 31, 1940, and until his successor is duly appointed and qualified.

Frank B. Stutsman, Shohola, Pike County, as a member of the Pike County Board of Assistance, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

Cecil C. Winans, Warren, Warren County, as a member of the Warren County Board of Assistance, from December 21, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

Mrs. Cecilia R. Jamison, Greensburg, Westmoreland County, as a member of the Westmoreland County Board of Assistance, from December 21, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

GEORGE H. EARLE.

HOUSE MESSAGE

HOUSE CONCURS IN SENATE BILL NO. 30

The Clerk of the House of Representatives being introduced returned to the Senate, Senate Bill No. 30, entitled:

An Act authorizing the compromise of delinquent taxes on real property and the penalties, interest and costs due thereon, before a tax sale of such real property; and providing the procedure in such case.

with the information that the House has passed the same without amendments.

BILL SIGNED

The PRESIDENT PRO TEMPORE (Mr. Harvey Huffman) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

Senate Bill No. 30, entitled:

An Act authorizing the compromise of delinquent taxes on real property and the penalties, interest and costs due thereon, before a tax sale of such real property; and providing the procedure in such case.

Whereupon,

The PRESIDENT PRO TEMPORE (Mr. Harvey Huffman) in the presence of the Senate signed the same.

TIME OF NEXT MEETING

Mr. DANDO, offered the following resolution, which was twice read, considered and agreed to:

In the Senate, November 15, 1938.

Resolved (if the House of Representatives concur) That when the Senate adjourns this week it reconvene on Monday evening, November 21, 1938 at 9:00 o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, November 21, 1938, at 9:00 o'clock.

Ordered, that the Clerk present the same to the House of Representatives for concurrence.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 65 (House Bill No. 82) as follows:

An Act to amend sections two hundred two four hundred one and two thousand three hundred eighteen of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by creating additional departmental administrative boards in the Department of Welfare and conferring powers and duties upon boards of trustees for the respective institutions acquired by the Commonwealth from counties cities and institution districts for use as State mental hospitals

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section 202 of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as last amended by the act approved the twenty-first day of June one thousand nine hundred thirty-seven (P. L. 1,865) and the act approved the twenty-fourth day of June one thousand nine hundred thirty-seven (P. L. 2,003) is hereby further amended to read as follows

Section 202 Departmental Administrative Boards Commissions and Offices The following boards commissions and offices are hereby placed and made departmental administrative boards commissions or offices as the case may be in the respective administrative departments mentioned in the preceding section as follows

In the Department of Justice
- Board of Pardons
- Board of Commissioners on Uniform State Laws

In the Treasury Department
- Board of Finance and Revenue
- State Employes' Retirement Board

In the Department of Internal Affairs
- Board of Property

In the Department of Public Instruction
- State Council of Education
- Pennsylvania State Board of Censors
- Public School Employes' Retirement Board
- Pennsylvania Historical Commission
- Board of Trustees of Thaddeus Stevens Industrial School
- Board of Trustees of Pennsylvania State Oral School for the Deaf
- Board of Trustees of Pennsylvania Soldiers' Orphan School
- Board of Trustees of West Chester State Teachers' College
- Board of Trustees of Millersville State Teachers' College
- Board of Trustees of Kutztown State Teachers' College
- Board of Trustees of East Stroudsburg State Teachers' College
- Board of Trustees of Mansfield State Teachers' College
- Board of Trustees of Bloomsburg State Teachers' College
- Board of Trustees of Shippensburg State Teachers' College
- Board of Trustees of Lock Haven State Teachers' College
- Board of Trustees of Indiana State Teachers' College
- Board of Trustees of California State Teachers' College
- Board of Trustees of Slippery Rock State Teachers' College
- Board of Trustees of Edinboro State Teachers' College
- Board of Trustees of Clarion State Teachers' College
- Board of Trustees of Cheyney Training School for Teachers
- State Board of Medical Education and Licensure
- State Board of Pharmacy
- State Dental Council and Examining Board
- State Board of Optometrical Examiners
- State Board of Osteopathic Examiners
- Osteopathic Surgeons' Examining Board
- State Board of Examiners for the Registration of Nurses
- State Board of Veterinary Medical Examiners
- State Board for the Examination of Public Accountants
- State Board of Examiners of Architects
- Anthracite Mine Inspectors' Examining Board
- Mine Inspector's Examining Board for the Bituminous Coal Mines of Pennsylvania
- State Registration Board for Professional Engineers

In the Department of Military Affairs
- Armory Board of the State of Pennsylvania
- Board of Trustees of Pennsylvania Soldiers' and Sailors' Home

In the Department of Banking
- Board to License Private Bankers
- Pennsylvania Securities Commission

In the Department of Agriculture
- State Farm Products Show Commission

In the Department of Forests and Waters
- Water and Power Resources Board
- Geographic Board
- Lake Erie and Ohio River Canal Board

Pennsylvania State Park and Harbor Commission of Erie
Washington Crossing Park Commission
Valley Forge Park Commission
Fort Washington Park Commission
In the Department of Mines
Anthracite Mine Inspectors
Bituminous Mine Inspectors
In the Department of Highways
State Bridge Commission
In the Department of Health
Sanitary Water Board
State Board of Undertakers
In the Department of Labor and Industry
Workmen's Compensation Board
Workmen's Compensation Referees
State Workmen's Insurance Board
The Industrial Board
In the Department of Welfare
State Council for the Blind
Board of Trustees of Eastern State Penitentiary
Board of Trustees of Western State Penitentiary
Board of Trustees of Pennsylvania Industrial School which upon the completion of the present Pennsylvania Industrial School at Huntingdon for the reception care maintenance detention employment and training of defective delinquents shall thereafter be known as the Board of Trustees of Pennsylvania Institution for Defective Delinquents
Board of Trustees of State Industrial Home for Women
Board of Trustees of Pennsylvania Training School
Board of Trustees of Allentown State Hospital
Board of Trustees of Danville State Hospital
Board of Trustees of Farview State Hospital
Board of Trustees of Harrisburg State Hospital
Board of Trustees of Norristown State Hospital
Board of Trustees of Warren State Hospital
Board of Trustees of Wernersville State Hospital
Board of Trustees of Torrance State Hospital
Board of Trustees of Ashland State Hospital
Board of Trustees of Blossburg State Hospital
Board of Trustees of Coaldale State Hospital
Board of Trustees of Connellsville State Hospital
Board of Trustees of Hazleton State Hospital
Board of Trustees of Locust Mountain State Hospital
Board of Trustees of Nanticoke State Hospital
Board of Trustees of Philipsburg State Hospital
Board of Trustees of Scranton State Hospital
Board of Trustees of Shamokin State Hospital
Board of Trustees of Laurelton State Village
Board of Trustees of Pennhurst State School
Board of Trustees of Polk State School
Board of Trustees of Selinsgrove State Colony for Epileptics

In addition to the foregoing there are hereby created as departmental administrative boards in the Department of Welfare boards of trustees for the respective institutions which are acquired by the Commonwealth from counties cities or institution districts for actual use as State mental hospitals under the provisions of Act Number twenty-one approved the twenty-ninth day of September one thousand nine hundred thirty-eight Each respective board of trustees shall be known as the Board of Trustees of the

.....
(descriptive name of political subdivision in which institution is located)
State Hospital
In the Department of Property and Supplies
Board of Commissioners of Public Grounds and Buildings
State Art Commission
In the Department of Revenue
State Athletic Commission
In the Department of Public Assistance
State Board of Public Assistance

All of the foregoing departmental administrative boards and commissions shall be organized or reorganized as provided in this act

Section 2 Sections four hundred one and two thousand three hundred eighteen of the said act as last amended by the act approved the twenty-first day of June one thousand nine hundred thirty-seven (P. L. 1,865) are hereby further amended to read as follows

Section 401 Boards of Trustees of State Institutions The board of trustees of each of the State institutions hereinafter mentioned shall consist of nine members and the head of the department having supervision over the institution ex officio

The terms of the members of each such board shall be four years and until their successors are qualified

Five members of any such board shall constitute a quorum

Each such board shall annually elect a president and vice-president from among its members and a secretary and treasurer who need not be members of the board The secretary and treasurer may be the same person

This section shall apply to

Board of Trustees of Thaddeus Stevens Industrial School
Board of Trustees of Pennsylvania State Oral School for the Deaf
Board of Trustees of Pennsylvania Soldiers' Orphan School
Board of Trustees of West Chester State Teachers' College
Board of Trustees of Millersville State Teachers' College
Board of Trustees of Kutztown State Teachers' College
Board of Trustees of East Stroudsburg State Teachers' College
Board of Trustees of Mansfield State Teachers' College
Board of Trustees of Bloomsburg State Teachers' College
Board of Trustees of Shippensburg State Teachers' College
Board of Trustees of Lock Haven State Teachers' College
Board of Trustees of Indiana State Teachers' College
Board of Trustees of California State Teachers' College
Board of Trustees of Slippery Rock State Teachers' College
Board of Trustees of Edinboro State Teachers' College
Board of Trustees of Clarion State Teachers' College
Board of Trustees of Cheyney Training School for Teachers
Board of Trustees of Pennsylvania Soldiers' and Sailors' Home
Board of Trustees of Eastern State Penitentiary
Board of Trustees of Western State Penitentiary
Board of Trustees of Pennsylvania Industrial School which upon the completion of the present Pennsylvania Industrial School at Huntingdon for the reception care maintenance detention employment and training of defective delinquents shall thereafter be known as the Board of Trustees of Pennsylvania Institution for Defective Delinquents
Board of Trustees of State Industial Home for Women
Board of Trustees of Pennsylvania Training School
Board of Trustees of Allentown State Hospital
Board of Trustees of Danville State Hospital
Board of Trustees of Farview State Hospital
Board of Trustees of Harrisburg State Hospital
Board of Trustees of Norristown State Hospital
Board of Trustees of Warren State Hospital
Board of Trustees of Wernersville State Hospital
Board of Trustees of Torrence State Hospital
Board of Trustees of Ashland State Hospital
Board of Trustees of Blossburg State Hospital
Board of Trustees of Coaldale State Hospital
Board of Trustees of Connellsville State Hospital
Board of Trustees of Hazleton State Hospital
Board of Trustees of Locust Mountain State Hospital
Board of Trustees of Nanticoke State Hospital
Board of Trustees of Philipsburg State Hospital
Board of Trustees of Scranton State Hospital
Board of Trustees of Shamokin State Hospital
Board of Trustees of Laurelton State Village
Board of Trustees of Pennhurst State School
Board of Trustees of Polk State School
Board of Trustees of Selinsgrove State Colony for Epileptics

Boards of trustees of such institutions as are acquired by the Commonwealth from any county city or institution district and are used as State mental hospitals under the provisions of Act Number twenty-one approved the twenty-ninth day of September one thousand nine hundred thirty-eight

Section 2318 Boards of Trustees of State Institutions The board of trustees of each State institution within the Department of Welfare shall have general direction and control of the property and management of such institution It shall have the power and its duty shall be

(a) Subject to the approval of the Governor to elect a superintendent or warden of the institution who shall subject to the authority of the board administer the institution in all its departments

(b) On nomination by the superintendent or warden from time to time to appoint such officers and employes as may be necessary

(c) To fix the salaries of its employes in conformity with the standards established by the Executive Board

(d) Subject to the approval of the Secretary of Welfare to make such by-laws rules and regulations for the management of the institution as it may deem wise

The boards of trustees of the several State institutions shall exercise the foregoing powers in the management of the following institutions

Board of Trustees of Eastern State Penitentiary of Eastern State Penitentiary at Philadelphia

Board of Trustees of Western State Penitentiary of Western State Penitentiary at Pittsburgh and of the State Penitentiary at Rockview

Board of Trustees of Pennsylvania Industrial School of Pennsylvania Industrial Reformatory to be known as Pennsylvania Industrial School at Huntingdon until its completion as an institution for the reception care maintenance detention employment and training of defective delinquents and thereafter to be known as the Pennsylvania Institution for Defective Delinquents

Board of Trustees of State Industrial Home for Women of State Industrial Home for Women at Muncy

Board of Trustees of Pennsylvania Training School of Pennsylvania Training School at Morganza

Board of Trustees of Allentown State Hospital of Homeopathic State Hospital for the Insane at Allentown

Board of Trustees of Danville State Hospital of State Hospital for the Insane at Danville Pennsylvania

Board of Trustees of Farview State Hospital of State Hospital for the Criminal Insane at Farview

Board of Trustees of Harrisburg State Hospital of Harrisburg State Hospital at Harrisburg

Board of Trustees of Norristown State Hospital of State Hospital for the Insane of the Southeastern District of Pennsylvania at Norristown

Board of Trustees of Warren State Hospital of State Hospital for the Insane at Warren Pennsylvania

Board of Trustees of Wernersville State Hospital of State Asylum for the Chronic Insane of Pennsylvania at South Mountain

Board of Trustees of Torrance State Hospital of Western State Hospital for the Insane at Torrance.

Board of Trustees of Ashland State Hospital of State Hospital for Injured Persons of the Anthracite Coal Regions of Pennsylvania at Ashland

Board of Trustees of Blossburg State Hospital at Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania at Blossburg

Board of Trustees of Coaldale State Hospital of State Hospital at Coaldale Schuylkill County

Board of Trustees of Connellsville State Hospital of Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania at Connellsville

Board of Trustees of Hazleton State Hospital of State Hospital of the Middle Coal Field of Pennsylvania at Hazleton

Board of Trustees of Nanticoke State Hospital of State Hospital of Luzerne County at Nanticoke

Board of Trustees of Philipsburg State Hospital of Cottage State Hospital for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania at Philipsburg

Board of Trustees of Scranton State Hospital of State Hospital of the Northern Anthracite Coal Region of Pennsylvania at Scranton

Board of Trustees of Shamokin State Hospital of State Hospital of the Trevorton Shamokin and Mount Carmel Coal Fields of Pennsylvania at Shamokin

Board of Trustees of Locust Mountain State Hospital of Locust Mountain State Hospital at Shenandoah

Board of Trustees of Laurelton State Village of Pennsylvania Village for Feeble-Minded Women at Laurelton

Board of Trustees of Pennhurst State School of State Institution for the Feeble-Minded and Epileptic of Eastern Pennsylvania at Pennhurst

Board of Trustees of Polk State School of State Institution for the Feeble-Minded of Western Pennsylvania at Polk

Board of Trustees of Selinsgrove State Colony for Epileptics of the State Colony for Epileptics at Selinsgrove

The foregoing powers shall also be exercised by the respective boards of trustees of institutions acquired by the Commonwealth from any county city or institution district for use as State mental hospitals under the provisions of Act Number twenty-one approved the twenty-ninth day of September one thousand nine hundred thirty-eight

Section 3 Upon the appointment of a board of trustees for any institution acquired by the Commonwealth from any county city or institution district under the provisions of Act Number twenty-one approved the twenty-ninth day of September one thousand nine hundred thirty-eight the existing employes of the institution shall acquire the same status as that of employes in State institutions under the supervision of the Department of Welfare and the management of a board of trustees

Section 4 In so far as the provisions of Act Number twenty-one approved the twenty-ninth day of September one thousand nine hundred thirty-eight entitled "An act relating to institutions of counties cities and institution districts for the care maintenance and treatment of mental patients providing for the transfer of such institutions to the Commonwealth providing for the management and operation or closing and abandonment thereof and the maintenance of mental patients therein including the collection of maintenance in certain cases providing for the retransfer of certain property to institution districts under certain circumstances conferring and imposing upon the Governor the Department of Welfare the courts of common pleas and counties cities and institution districts certain powers and duties prohibiting cities counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients and repealing inconsistent laws" are inconsistent with the provisions of this act they are hereby repealed

Section 5 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Barthold,	Gilson,	Lanius,	Rupp,
Buckman,	Haluska,	Law,	Ruth,
Cavalcante,	Henney,	McCreesh,	Shapiro,
Dando,	Heyburn,	McGinnis,	Sipe,
Deitrick,	Homsher,	Pytko,	Sones,
Dent,	Jaspan,	Rankin,	Stiefel,
DiCivestro,	Kahle,	Reed,	Thompson,
Eron,	Kilgallen,	Rice,	Wolfenden,
Frey,	Kunkel,	Rodgers,	Huffman,

Pres. Pro Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. RICE. Mr. President, I move that the Senate do now proceed to the consideration of Nominations for appointment as Notaries Public, sent to the Senate, November 14 and 15, 1938, by His Excellency, the Governor of the Commonwealth.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, November 14, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

J. P. Barnes, Coraopolis.
Mrs. Emma G. Colteryahn, 2510 Brownsville Road, Pittsburgh.
Edward R. Cozza, 511 Larimer Ave., Pittsburgh.
Edwin Dauer, 2 Ross Street, Pittsburgh.
Mrs. Luretta M. Fox, 1048 Brownsville Road, Pittsburgh.
W. L. Holmes, 54th St. & A. V. Ry., Pittsburgh.
Miss Emma Lipsitz, 337 Blvd. of the Allies, Pittsburgh.
Miss Ann Shyosky, 605 Grant Bldg., Pittsburgh.
Paul E. Thompson, Sharpsburg.
Miss Mary J. Wade, 2316 Mahon St., Pittsburgh.
Miss Dorothy C. Walder, Clark Bldg., 705 Liberty Ave., Pittsburgh.
Miss Mary C. Welsh, Aspinwall.

BUTLER COUNTY

Vincent Edwards, Butler.
Miss Marie Maizland, Butler.

CARBON COUNTY

Miss Elizabeth Philip, Palmerton.

CHESTER COUNTY

James C. Findley, 2d, Kennett Square.

CLARION COUNTY

Mrs. Opal R. Shindledecker, New Bethlehem.

CLEARFIELD COUNTY

Miss Josephine M. Cherry, DuBois.
Miss Mary Horner, DuBois.

COLUMBIA COUNTY

Miss Lola E. Dietterich, Berwick.

DAUPHIN COUNTY

Victor F. Lecoq, 3d, Harrisburg.
Earl L. Platt, Jr., Harrisburg.
Walter W. Weaver, Elizabethville.
Robert E. Yeagley, Harrisburg.

DELAWARE COUNTY

Ernest Graf, Prospect Park.

ERIE COUNTY

Miss Stella E. Savako, Concord Twp., R. D. 2, Corry.
Mrs. Addie Williams, Girard.

FRANKLIN COUNTY

Thomas P. Hawthorne, Mont Alto.
Lloyd Pensinger, Peters Twp., Fort Loudon.

INDIANA COUNTY

Hugh M. Bell, Indiana.

LACKAWANNA COUNTY

John Wetter, Scranton.

LANCASTER COUNTY

Miss Irene A. Schu, Lancaster.

LEHIGH COUNTY

Miss Violet M. Strauss, Allentown.

LUZERNE COUNTY

Miss Gertrude Hurwitz, Wilkes-Barre.

LYCOMING COUNTY

Miss Martha V. Nelson, Williamsport.
Miss Vera K. Piedi, Williamsport.

McKEAN COUNTY

Mrs. Harriet C. Carman, Bradford.

MONTGOMERY COUNTY

Mrs. Sara R. Henriques, Conshohocken.

NORTHAMPTON COUNTY

W. Ungerleider, Easton.
Benjamin J. Sturtevant, Bethlehem.

PERRY COUNTY

C. Lee Snyder, Marysville.

PHILADELPHIA COUNTY

Miss Ella Berman, 626 Land Title Bldg., Philadelphia.
Miss A. E. Connell, Room 718, 123 S. Broad St., Phila.
N. George Drasin, 752 South 60th St., Philadelphia.
Morris Finestone, 514 E. Roosevelt Blvd., Philadelphia.
Mrs. Anna E. Kaegi, The Phila. Bourse, Philadelphia.
Clayton R. Mestier, 3029 North 6th St., Philadelphia.
Miss Rose A. Mulligan, 43 South 19th St., Philadelphia.
Albert H. Perks, S. E. Cor. 25th & Stokley Sts., Phila.
Augustus F. Schermerhorn, 1500 Walnut St., Bldg., Phila.
Miss Yetta Shubin, 1202 Land Title Bldg., Philadelphia.
Francis J. Yergens, Jr., Real Estate Trust Bldg., Phila.

WASHINGTON COUNTY

Miss Seyvilla R. Brennan, Canonsburg.
Wm. J. Coursin, Monongahela.
Miss Margaret McClenathan, Washington.
Miss S. Kathryn Shidler, Marianna.
Haydn R. Williams, Washington.

WESTMORELAND COUNTY

Joseph B. Dixon, New Kensington.
Miss Kathryn Kalp, Mount Pleasant.
Paul W. Siard, Ligonier.

YORK COUNTY

J. T. Baker, Penn Twp., Western Maryland Railway Co., Hanover.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, November 15, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

CRAWFORD COUNTY

Robert L. Darke, Linesville.

DELAWARE COUNTY

John F. Sanderson, Upper Darby Twp., Crucible Steel Casting Co. Bldg., Lansdowne.

FAYETTE COUNTY

J. W. Winning, Uniontown.

LANCASTER COUNTY

James P. Forbes, Quarryville.

LUZERNE COUNTY

David Miller, Wilkes-Barre.

MERCER COUNTY

Miss Molly Lenarcic, Sharon.
R. W. Gillespie, Jr., Greenville.

PHILADELPHIA COUNTY

Joseph Campbell, 2236 South 20th Street, Philadelphia.
Miss Fay Cohen, 3113 Germantown Avenue, Phila.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent, a motion was made by Mr. SONES and Mr. RICE That Rule 38 which requires nominations made by the the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into executive session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES and Mr. RICE That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Barthold,	Gilson,	Lanius,	Rupp,
Buckman,	Haluska,	Law,	Ruth,
Cavalcante,	Hennev,	McCreesh	Shapiro
Dando,	Heyburn,	McGinnis	Sipe,
Deitrick,	Homsher,	Pytko,	Sones,
Dent,	Jaspan,	Rankin,	Stiefel,
DiSilvestro,	Kahle,	Reed,	Thompson,
Froe,	Kilgallen	Rice,	Wolfenden,
Frey,	Kunkel,	Rodgers,	Huffman, Pres. Pro. Tem.

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. PYTKO. Mr. President, I second the motion.

The motion was agreed to

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess for thirty minutes.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

ANNOUNCEMENT BY THE SECRETARY

The Committee on Judiciary General will meet immediately in Room 302.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

HOUSE MESSAGE

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, November 15, 1938.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, November 21, 1938, at 9:00 o'clock, and when the House of Representatives adjourns this week it reconvene on Monday evening, November 21, 1938 at 9:00 o'clock.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations.

MEMBERS BOARD OF TRUSTEES OF HAZLETON STATE HOSPITAL

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, November 15, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following members of the Board of Trustees of Hazleton State Hospital:

Thomas Kennedy, Hazleton, Luzerne County, for the term of four years and until his successor is qualified. (Reappointment)

T. E. Snyder, Hazleton, Luzerne County, for the term of four years and until his successor is qualified. (Reappointment)

George B. Markle, Jr., Hazleton, Luzerne County, for the term of four years and until his successor is qualified. (Reappointment)

Joseph G. Sarricks, Freeland, Luzerne, for the term of four years and until his successor is qualified. (Reappointment)

Dr. W. S. Carter, 19 West Broad Street, Hazleton, Luzerne County, for the term of four years and until his successor is qualified, vice Dr. R. Emerson Buckley, whose term expired.

Dr. J. F. Gallagher, Refowich Building, Freeland, Luzerne County, for the term of four years and until his successor is qualified, vice Dr. H. M. Neale, deceased.

John Yourishin, 19th and James Streets, Hazleton, Luzerne County, for the term of four years and until his successor is qualified, vice William A. Dougherty, resigned.

GEORGE H. EARLE.

The PRESIDENT. We will now resume the consideration of the Calendar.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 67, entitled:

An Act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling making it unlawful for any public utility to furnish private wires except by written contract conferring and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for or intended to be used for the transmission of information or devices in furtherance of gambling making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Public Utility Commission making illegal the use of certain wires for purposes other than those specified in the written contract therefor imposing penalties making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling prescribing the burden of proof in proceedings hereunder and providing for appeal.

The Whereas clause was read as follows:

Whereas It has been shown that the leasing of telephone and telegraph wires from public utilities for the purpose of disseminating information pertaining to horse racing has been used generally throughout this Commonwealth in the furtherance of gambling and plays an essential part in the operation of illegal bookmaking establishments and pool rooms and has resulted directly and indirectly in the commission of other serious crimes and that the elimination of the dissemination of such information will be of material assistance to law enforcement authorities enforcing existing laws against gambling and the maintenance of gambling establishments

On the question,

Will the Senate agree to the whereas clause?

Mr. OWLETT. Mr. President, I move to amend, Whereas Clause, by striking out the lines on page 2, beginning with the word "Whereas" and ending with the word "establishments"

Mr. GELDER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

Mr. SHAPIRO. Mr. President, with respect to these amendments they are to make a laughing stock of this bill as submitted here as a preliminary action of the committee appointed to investigate the use of telephones and telephone wires in gambling transactions. The amendments suggest that we take in every form of sports and designate it as a gambling activity. I can understand the attitude of the gentleman who offered the amendments, but I think the situation is a little more serious than those amendments would make the situation appear to be.

This bill was submitted to certain people and an opportunity given them to investigate what effect it would have on those people who are mostly interested, namely the Bell Telephone Company, whose wires were being used, and as a result of a conference with counsel for the Commission and the Public Utility representatives and representatives of this telephone company, amendments have been suggested and prepared which will be offered to these bills at the proper time, and I ask my colleagues in the Senate to vote these amendments down.

Mr. OWLETT. Mr. President, I resent very strenuously the implication that these amendments make a joke out of this bill and I want to make it clear, gentlemen, that these amendments are offered in good faith. I am in hearty accord with the idea of stopping gambling in this State and the use of facilities for gambling purposes, but it is a matter of common knowledge that there is gambling on other things besides horse races, and it seems to me if we are going to stop gambling or the dissemination of information with reference to gambling that we ought to stop it with reference to other things besides horse racing.

Now, it is known that there is gambling on the Treasury balances and on numbers games and on all sorts of football, base ball, athletic contests, and wrestling matches, and this amendment of mine, if the Senate please, only provides—Section 1 gives definitions—all through in fact the word "gambling" is used without defining it. Section 1 has definitions of what the Commission means, dissemination means, person means, private wires, public utility, but it has no definition of the word "gambling" and the companion bill Number 68 provides that it is designed to prevent the giving out of information with reference to it which will be used in the making or laying of any wagers, or bets on horse-racing.

I have similar amendments to offer to Bill Number 68: the effect of them will be to prevent the making of wagers or bets not only on horse-racing but on elections, prize fights, wrestling, football, base ball, ice hockey, cards, roulette, pin ball, shuffle board, pool, billiards, Treasury balances, numbers games, sweepstake races and horse races. Now if these bills are offered in good faith, if this Senate wishes to stop this use of wires, of which I am in hearty accord with, I think we ought not to say gambling is all right on everything but horse races. Let's stop it on all these other rackets that are going on in this State, and I am in hearty accord with it, and the district I represent is opposed to gambling. I am going to vote for these bills and I want a bill that will stop it and not simply stop one phase of gambling.

Mr. SHAPIRO. Mr. President, I still am quite sure that the gentleman from Tioga doesn't seriously contend that he resents my statements that this amendment is intended to make the bill a laughing stock. Gambling is a crime which has been defined by many decisions of the Supreme Court. The gentleman very well knows that the activities of the Commission and the vice intended to be corrected was not betting on wrestling matches or betting on boxing or football games, because telephone wires are not used in connection with those bets. The vice it was aimed at is the use of telephone wires for the purpose of selling the information relating to horse-racing and the conseqeuent vices that go with that kind of business, namely making it possible for bets to be placed after races have been run. That is one of the things that was brought out in the activities of the Commission, by the evidence before the Commission. But the main thing aimed at was to stop the use of wires in a business which has grown up to be a large industry in the Commonwealth of Pennsylvania and which business has been strictly confined until the recent elections to trasmitting information as to horse races.

Of course in the last election its activities were used

and broadened so that they could advise the people how to vote on election day too, but that will only happen probably once in every four years. But the business, generally speaking, prior to the last election, was used merely for the purpose of disseminating information relating to horse-racing. We are concerned with that only. I know of no telephone wires except between friends who make wagers, that are used to disseminate information relating to football games. I know of no telephone wires that are used to sell information relating to hockey games. I haven't heard that the Commission found any such information; as far as I know the Commission hasn't heard any evidence concerning that. If the gentleman is interested in stopping gambling in the form that we are dealing with it now, on horse-racing, he can vote for this bill and be certain he will be aiming at a particular, known industry. If he has information that there is gambling of other kinds or that the wires are being used for any other kind of gambling, I will join him in voting for another bill which I hope we will introduce to correct that. But for the present I think "Sufficient is the day to the evil thereof."

Mr. LAW. Mr. President, I would like to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I am very glad to be interrogated.

Mr. LAW. Mr. President, will the Senator from Tioga tell us whether he has reason to believe that it is the intention of these parties, or if there is a possibility that they will transfer their activities to these other fields that he refers to if the horse-racing end is made illegal?

Mr. OWLETT. Mr. President, I have no such information but I think there is some danger of that, and I want to call the Senate's attention that I have included in my amendments horse-racing, which will prevent horse-racing and also prevent the transfer of these activities to any other form of dissemination of information for gambling purposes.

Mr. President, it is difficult for me to understand the objections to these amendments on the ground that they include other forms of gambling. I agree we should stop horse-race gambling but I say let's not stop there. I am for stopping horse-race gambling but I cannot understand the objections to making it cover the other forms of gambling also.

Mr. PYTKO. Mr. President, I have the highest regard for the intelligence and the intellectual development of the Senator from Tioga, Mr. Owlett. It is for that reason, too, that I am of the opinion that those amendments that he has just introduced were drawn in one of his lighter moments and in a spirit of joviality rather than in a vein of seriousness.

I have spent several weeks as a member of the Gambling Commission and we had no evidence at all that there is a syndicated racket going on in connection with other fields of endeavor than horse-racing. If Senator Owlett had any of that evidence he could have produced it before the Commission and we would have been glad to consider it. We are endeavoring to wipe out a syndicated racket that consorted with crime and the underworld, and the notes of testimony taken before our Commission will indicate that, sir, and if the Senator at any future time has reason to believe or notices that there is any connection between a wire service to which we have reference in our bills, between those who gamble and those who accept bets on wrestling, hockey and other sports, these bills can be amended. But to me it now appears evident that this is nothing more than an attempt to sabotage the two bills.

Mr. OWLETT. Mr. President, I would like to interrogate the Senator from Philadelphia, Mr. Pytko.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Pytko, permit himself to be interrogated?

Mr. PYTKO. Mr. President, I will.

Mr. OWLETT. Mr. President, Is this bill designed to prevent the dissemination of information with reference to horse races only?

Mr. PYTKO. Mr. President, It is because it is only in that connection that we encountered a syndicated racket.

Mr. OWLETT. Mr. President, I would like to ask the Senator if he can explain how this amendment if adopted will in any way not stop the very evil that he is aiming at, namely the dissemination of information against horse-racing; how will the bill not stop it if this amendment is added?

Mr. PYTKO. Mr. President, making the Bills under discussion all embracing will make them nothing more than a joke, and the Senator knows it.

Mr. OWLETT. Mr. President, it will prevent the gambling on horse-racing and it will prevent, if there is any other, the gambling on other sports. We all know there is sweepstakes information going all over this State. Everybody knows that.

Mr. PYTKO. Mr. President, I don't.

Mr. OWLETT. Mr. President, perhaps the Senator's Commission was only interested into looking into one thing. I think it is a matter of common knowledge that there is betting on Treasury balances, and that there is sweepstake information going all over this State. There is betting on football games—they lease wires to broadcast games and they lease them from the telephone companies, and there is betting on those games and everybody knows it. I ask you again, if you are interested in preventing the dissemination of information that is used for gambling purposes, and we include the evil that you say you have discovered, why can you object to including other information which may lead to the same gambling? I don't see the logic of it.

Mr. PYTKO. Mr. President, that question has already been answered. It is only in connection with horse-racing that we found the news dissemination service operating as it does, under a syndicated racket.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were required by Mr. OWLETT and were as follows, viz:

YEAS—13

Buckman,	Homsher,	Law,	Rupp,
Chapman,	Howell,	Owlett,	Sones,
Gelder,	Jaspan,	Rodgers,	Wolfenden,
Heyburn,			

NAYS—15

Barthold,	Kilgallen,	Rankin,	Sipe,
Eroe,	Kunkel,	Rice,	Stiefel,
Frey,	Mundy,	Ruth,	Huffman,
Henney,	Pytko,	Shapiro,	Pres. Pro. Tem.

Haluska, present and not voting.

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the whereas clause?

It was agreed to.

The first section of the bill was read as follows:

Section 1 Definitions The following words terms and phrases shall have the meanings ascribed to them in this section unless the context clearly indicates otherwise

(a) "Commission" means the Pennsylvania Public Utility Commission of this Commonwealth

(b) "Dissemination" means the act of transmitting distributing advising spreading communicating conveying or making known

(c) "Person" means a corporation (including a public utility) partnership or association as well as a natural person

(d) "Private wire" means any and all service equipment facilities conduits poles wires circuits systems by which or by means of which service is furnished for communication purposes either through the medium of telephone telegraph Morse teletypewriter loudspeaker or any other means or by which the voice or electrical impulses are sent over a wire and which services are contracted for or leased for service between two or more points specifically designated and are not connected to or available for general telegraphic or telephonic exchange or toll service and shall include such services known as "special contract leased wire service" "leased line" "private line" "private system" "Morse line" "private wire" but shall not include the usual and customary telephone service by which the subscriber may be connected at each separate call to any other telephone designated by him only through the general telephone exchange system or toll service

(e) "Public utility" means a person partnership association or corporation now or hereafter owning or operating in this Commonwealth equipment or facilities for conveying or transmitting messages or communications by telephone or telegraph for the public compensation

(f) The singular shall include the plural

On the question,

Will the Senate agree to the section?

Mr. STIEFEL. Mr. President, I move to amend Section 1, page 3, line 21 by striking out after the word "telegraph" and before the word "the" the word "for" and inserting in lieu thereof the following: "to"; amend Section 1, page 3, line 21 by inserting after the word "public" and before the word "compensation" the following: "for."

Mr. MUNDY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

The yeas and nays were required by Mr. SHAPIRO and were as follows, viz:

YEAS—25

Barthold,	Heyburn,	Owlett,	Sipe,
Buckman,	Homsher,	Rankin,	Sones,
Chapman,	Howell,	Rice,	Stiefel,
Eroe,	Jaspan,	Rodgers,	Wolfenden,
Frey,	Kilgallen,	Rupp,	Huffman,
Gelder,	Law,	Ruth,	Pres. Pro. Tem.
Henney,	Mundy,		

NAYS—3

Kunkel,	Pytko,	Shapiro,

Haluska, present and not voting.

So the question was determined in the affirmative.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows:

Section 2 It shall be unlawful for any public utility to furnish to any person any private wire for use or intended for use in the dissemination of information in furtherance of gambling or for gambling purposes

On the question,

Will the Senate agree to the section?

Mr. STIEFEL. Mr. President, I move to amend Section 2, page 3, line 24 by inserting at the beginning of said line the word "knowingly."

Mr. MUNDY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third section of the bill was read as follows:

Section 3 It shall be unlawful for any public utility to furnish to any person any private wire except in pursuance of a written contract signed by the public utility by the person contracting for said private wire and responsible under the terms of the contract for the payment for the service and by the person in possession or control of any place or location designated in the contract for installation or connection of said private wire which contract shall include a detailed written statement of the purpose for which such private wire is intended to be used

On the question,

Will the Senate agree to the section?

Mr. STIEFEL. Mr. President, I move to amend Section 3, page 4, line 9 by adding at the end of the line the following: "provided that this section shall not apply to the furnishing of any private wire in case of public emergency or where the furnishing of the said private wire is for a temporary purpose not to exceed 48 hours."

Mr. MUNDY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fourth section of the bill was read as follows:

Section 4 It shall be unlawful for any public utility to furnish to any person any private wire without first furnishing to the Commission a duplicate original of the written contract referred to in Section 3 The Commission shall examine the same forthwith and conduct such investigation as it may deem necessary and if upon examination of the contract or after investigation or otherwise at any time the Commission shall find that the said private wire is intended for or has been used for or is being used for the transmission of information or advices in furtherance of gambling the Commission shall disapprove the said contract and give notice of such disapproval to the contracting parties Thereafter it shall be unlawful for any public utility to furnish the said private wire provided for in the said contract

On the question,

Will the Senate agree to the section?

Mr. STIEFEL. Mr. President, I move to amend Section 4, page 4, line 24 by adding at the end of the line the following: "provided that this section shall not apply to the furnishing of any private wire in case of public emergency or where the furnishing of the said private wire is for a temporary purpose not to exceed 48 hours."

Mr. MUNDY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fifth section of the bill was read as follows:

Section 5 Any public utility or other person party to the contract who shall feel aggrieved at the action of the Commission in disapproving any contract for any private wire shall be entitled to a hearing upon written request as is provided by law in similar cases

On the question,

Will the Senate agree to the section?

Mr. STIEFEL. Mr. President, I move to amend Section 5, page 4, line 28 by inserting after the word "hearing" and before the word "upon" the following: "before the Commission"; amend Section 5, page 4, line 29 by striking out after the word "request" the following: "as is provided by law in similar cases."

Mr. MUNDY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The sixth section of the bill was read as follows and agreed to:

Section 6 It shall be unlawful for any person who has been furnished a private wire by any public utility in accordance with the provisions of this Act to use such private wire for any purpose other than that specified in the contract provided for in Section 3

The seventh section of the bill was read as follows:

Section 7 To further effectuate the purposes of this act it is hereby provided that the contract first referred to in Section 3 hereof shall constitute prima facie evidence that such private wire will be used in furtherance of gambling or for gambling purposes where it shall appear in such contract that such private wire will be used for the dissemination of information pertaining to any horse-racing race track race horse betting betting odds or any information relative thereto

On the question,

Will the Senate agree to the section?

Mr. STIEFEL. Mr. President, I move to amend Section 7, page 5, line 11 by inserting after the word "contract" and before the word "that" the following: "or otherwise"; amend Section 7, page 5, line 12, by inserting after the word "used" and before the word "for" the following: "is intended to be used or has been used."

Mr. MUNDY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The eighth, ninth, tenth, eleventh, twelfth and thirteenth sections of the bill were read as follows and agreed to:

Section 8 In any proceeding before the Commission under this Act and in any hearing or proceeding on appeal the burden of proof shall be on the public utility and/or the person contracting for such private wire to show that the private wire has not been used or is not being used or is not intended for use in the furtherance of gambling or for gambling purposes

Section 9 For the purpose of enforcing the provisions of this Act the Public Utility Commission shall have all the powers granted to it under the laws of this Commonwealth Appeals from orders of the Commission under this Act may be taken in the same manner as now or hereafter provided by law for appeals from other orders of the Public Utility Commission

Section 10 Any person or public utility who or which shall violate any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay the costs of prosecution and a fine of not less than One Thousand Dollars ($1,000.00) nor more than Five Thousand Dollars ($5,000.00) or undergo imprisonment for not less than one (1) year nor more than three (3) years or both at the discretion of the Court

Section 11 The provisions of this Act are severable and if any of its provisions shall be held unconstitutionoal the decision of the Court shall not affect or impair any of the remaining provisions of this Act It is hereby declared to be the legislative intent that this Act would have been adopted had such unconstitutional provisions not been included herein

Section 12 This Act shall be deemed an exercise of the police power of the Commonwealth for the protection of the public welfare health peace safety and morals of the people of the Commonwealth and all of the provisions of this Act shall be liberally construed for the accomplishment of this purpose

Section 13 This Act shall become effective immediately upon final enactment

The title of the bill was read as follows and agreed to:

An Act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling making it unlawful for any public utility to furnish private wires except by written contract conferring and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for or intended to be used for the transmission of information or devices in furtherance of gambling making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Public Utility Commission making illegal the use of certain wires for purposes other than those specified in the written contract therefor imposing penalties making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling prescribing the burden of proof in proceedings hereunder and providing for appeal.

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 68, entitled:

An Act making illegal the use of devices and methods of transmission of information or advices in furtherance of gambling declaring the dissemination of certain information to be in furtherance of gambling providing for the seizure and forfeiture of devices used in furtherance of gambling and imposing penalties

The first section of the bill was read as follows and agreed to:

Section 1 It shall be unlawful for any person, or persons partnership association firm or corporation whatsoever to disseminate transmit distribute furnish advertise spread print publish or otherwise make known within this Commonwealth by means of telephone telegraph radio loud-speaker written or printed matter or by any other device or in any other manner any information in furtherance of gambling or for gambling purposes or to assist or abet in any manner in any of the acts forbidden by this statute

The second section of the bill was read as follows:

Section 2 The dissemination transmission distribution

furnishing advertising spreading printing publishing or otherwise making known within this Commonwealth by means of telephone telegraph radio loudspeaker written or printed matter or by any other device or in any other manner of any information pertaining to the making or laying of any wagers or bets on horse races any betting odds on any horse race whether such betting odds be indicated by name number symbol code or otherwise any pay-off price or amount paid to bettors as the result of the running of any horse race any prediction suggestion or advice relating to the order or relative position in which any participant or participants in any horse race will finish whether such prediction suggestion or advice be indicated by name number symbol code tip or otherwise any system code formula or other method purporting to aid guide or assist any person in determining the order or relative position which any participant or participants may finish in any horse race any rating or estimated comparative racing ability of any horse whether such rating or estimated comparative racing ability be indicated by name number symbol code tip or otherwise shall be deemed in furtherance of gambling or for gambling purposes

On the question,

Will the Senate agree to the section?

Mr. OWLETT. Mr. President, I move to amend section 2, page 2, line 7, by inserting after the word "on" the following: "elections, prize fights, wrestling, football, base ball, ice hockey, cards, roulette, pin ball, shuffle board, pool, billiards, treasury balances, numbers games, sweepstake races, and on"

Mr. BUCKMAN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

Mr. OWLETT. Mr. President, for the information of the Senate, this amendment merely changes Section 2 which now reads, "The dissemination transmission distribution furnishing advertising spreading printing publishing information otherwise make known within this Commonwealth by means of telephone telegraph radio loud speaker written or printed matter or by any other device or in any other manner of information pertaining to the making or laying of any wagers or bets on horse races."

Now this adds there, making it a crime to disseminate this information either by printing or telephone, of betting and wagers not only on horse races but on elections, prize-fights, wrestling, football, ice hockey, etc. In other words it makes it a crime to disseminate this information by printing matter or by wire, of bets on the things I enumerated.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were required by Mr. OWLETT and were as follows, viz:

YEAS—12

Buckman,	Heyburn,	Jaspan,	Rupp,
Chapman,	Homsher,	Owlett,	Sones,
Gelder,	Howell,	Rodgers,	Wolfenden,

NAYS—15

Barthold,	Kilgallen,	Rankin,	Sipe,
Eroe,	Kunkel,	Rice,	Stiefel,
Frey,	Mundy,	Ruth,	Huffman,
Henney,	Pytko,	Shapiro,	Pres. Pro. Tem.

Haluska, present and not voting.

So the question was determined in the negative.

And the question recurring.

Will the Senate agree to the section?

Mr. STIEFEL. Mr. President, I move that the Senate do now reconsider the vote by which the first section was agreed to.

Mr. MUNDY. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the first section?

Mr. STIEFEL. Mr, President, I move to amend page 1, line 3 by inserting after the word "ever" the following: "knowingly"

Mr. MUNDY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

The yeas and nays were required by Mr. SHAPIRO and were as follows, viz:

YEAS—27

Barthold,	Heyburn,	Owlett,	Shapiro,
Buckman,	Homsher,	Pytko,	Sipe,
Chapman,	Howell,	Rankin,	Sones,
Eroe,	Jaspan,	Rice,	Stiefel,
Frey,	Kilgallen,	Rodgers,	Wolfenden,
Gelder,	Law,	Rupp,	Huffman,
Henney,	Mundy,	Ruth,	Pres. Pro. Tem.

NAYS—1

Kunkel,

Haluska, present and not voting.

So the question was determined in the affirmative.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows and agreed to.

Section 2 The dissemination transmission distribution furnishing advertising spreading printing publishing or otherwise making known within this Commonwealth by means of telephone telegraph radio loudspeaker written or printed matter or by any other device or in any other manner of any information pertaining to the making or laying of any wagers or bets on horse races any betting odds on any horse race whether such betting odds be indicated by name number symbol code or otherwise any pay-off price or amount paid to bettors as the result of the running of any horse race any prediction suggestion or advice relating to the order or relative position in which any participant or participants in any horse race will finish whether such prediction suggestion or advice be indicated by name number symbol code tip or otherwise any system code formula or other method purporting to aid guide or assist any person in determining the order or relative position which any participant or participants may finish in any horse race any rating or estimated comparative racing ability of any horse whether such rating or estimated comparative racing ability be indicated by name number symbol code tip or otherwise shall be deemed in furtherance of gambling or for gambling purposes

The third section of the bill was read as follows:

Section 3 It shall and may be lawful for any sheriff constable or other officer of justice with or without warrant to seize upon secure and remove any device or machine or other instrumentality of any kind character or description whatsoever used and employed for the purposes of the dissemination transmission distribution furnishing advertising spreading printing publishing or otherwise making known in any manner any information in furtherance of gambling or for gambling purposes and to arrest with or without warrant any person setting up employing or using the same And it shall be the duty of such sheriff constable or other officer to make return in writing to the next court of quarter sessions of the proper county setting forth the nature and description of the device machine or other instrumentality so seized

upon and the time place and circumstances under which such seizure was made and the said court upon hearing the parties if they should appear if satisfied that such device machine or instrumentality was employed and used for the purpose of unlawful dissemination transmission or distribution of information in furtherance of gambling as aforesaid shall adjudge the same forfeited and order it to be publicly destroyed and at the same time order such reasonable costs and charges to the seizing officer as they shall deem adequate and just to be paid by the owner or possessor or user of such device machine or instrumentality or in case of his default or in case he cannot be found to be paid as costs are now by law paid upon indictments and such adjudication shall be conclusive evidence to establish the legality of such seizure in any court of this Commonwealth in any cause in which the question of its legality shall arise and in any case in which a decree of forfeiture shall not be pronounced if said court shall upon the evidence be satisfied that there was probable cause for the seizure they shall certify the same which certificate shall be a bar to any action brought against the officer for or on account of such seizure in those cases in which the said officer returns or offers to return such device machine or instrumentality and in all cases shall prevent a recovery in damages for any sum beyond the real value of the device machine or instrumentality seized

On the question,

Will the Senate agree to the section?

Mr. STIEFEL. Mr. President, I move to amend line 9, page 4, by adding after the word "seized" the following: "provided that this section shall not apply to the property, agents, or employees of any public utility with respect to any private wire where the public utility has filed with the Public Utility Commission the duplicate original of the written contract for the said private wire and has otherwise complied with the terms of the statute regulating the furnishing of private wires"

Mr. MUNDY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to,

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fourth fifth sixth and seventh sections of the bill were read as follows and agreed to:

Section 4 Any person partnership association firm or corporation who or which shall violate any provision of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay the costs of prosecution and a fine of not less than Five Hundred Dollars ($500.00) nor more than Five Thousand Dollars ($5,000.00) or to undergo imprisonment for not less than one (1) year nor more than three (3) years or both at the discretion of the Court

Section 5 The provisions of this Act are severable and if any of its provisions shall be held unconstitutional the decision of the Court shall not affect or impair any of the remaining provisions of this Act It i. hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 6 This Act shall be deemed an exercise of the police power of the Commonwealth for the protection of the public welfare health peace safety and morals of the people of the Commonwealth and all of the provisions of this Act shall be liberally construed for the accomplishment of this purpose

Section 7 This Act shall become effective immediately upon final enactment

The title of the bill was read as follows and agreed to:

An Act making illegal the use of devices and methods of transmission of information or advices in furtherance of gambling declaring the dissemination of certain information to be in furtherance of gambling providing for the seizure and forfeiture of devices used in furtherance of gambling and imposing penalties

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 69, as follows:

An Act validating certain proceedings and elections of counties cities boroughs townships school districts and other incorporated districts or municipalities had and held pursuant to the provisions of an act approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" and the amendments and supplements thereof and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all proceedings and elections heretofore had and held by any county city borough township school district or other municipality or incorporated district within this Commonwealth to increase its indebtedness under the method or procedure specified by the provisions of an act of Assembly entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" approved the twentieth day of April one thousand eight hundred and seventy-four and the acts amendatory thereof and supplementary thereto where the majority of the votes cast at such election was in favor of the increase of indebtedness be and the same are hereby ratified and made valid notwithstanding the authorities of such county city borough township school district or incorporated district did not by separate and independent action prior to the ordinance or vote in pursuance of which notice of election was given to the electors signify their desire for such increase of indebtedness or did not in the words of the act and amendments and supplements aforesaid authorizing such increase signify their desire for such increase of indebtedness and notwithstanding the ballots were not certified or signed by the county commissioners or were not printed on the official ballot after the list of candidates but were printed on separate ballots and notwithstanding said election was held on a primary election day and notwithstanding full complete and proper return of the votes was not made to the proper court or counted by the court or a record showing the results made and certified by the clerk of said court to the proper authorities of such district or municipality and notwithstanding any defect or informality in the manner of holding or giving notice of such election and notwithstanding any mistake in stating the amount of percentage of the existing debt or the percentage of the proposed increase or patent error of orthography or of numerical statement or on any or all of the ballots All of the bonds securities and obligations issued or to be issued in pursuance of every such election are hereby made valid binding obligations of every such county city borough township school district or incorporated district

Provided All other requirements of law concerning such procedure election and issue of bonds have been complied with and

Provided further The provisions of this act shall not apply in any instance where the validity of such election or of any issue of bonds or other security based thereon has been already made the subject of litigation in any court of this Commonwealth

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 71 (House Bill No. 50), entitled:

An Act making an appropriation to the Department of Property and Supplies for preliminary expenses in proposed acquisitions of real property from housing authorities

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn until Wednesday, November 16, 1938 at 10:00 o'clock A. M.

Mr. KUNKEL. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:35 o'clock, P. M. until Wednesday, November 16, 1938, at 10:00 o'clock, A. M.

HOUSE OF REPRESENTATIVES

TUESDAY, NOVEMBER 15, 1938

The House met at 1:00 P. M.

The SPEAKER, (Roy E. Furman), in the Chair.

PRAYER

The Chaplain, Rev. EPHRAIM Z. GALLAHER, offered the following prayer:

Most gracious Lord, we are happy that we may call upon Thee any time, any place. Anywhere Thy sanctuary may be established—in cathedrals, synagogues, chapels, at the fireside, on the mountainside. Church spires are evidences of Thy presence in given communities, but Thy dwelling place, Thy Kingdom, is in the hearts of men and women. We pray it may be the testimony of each and every one of us that Thy shrine be established in our hearts, and that morning, noon and evening we open the gates of our heart sancturies to let the Lord of Host come in for cleansing. May Thy beauty be seen in all of us.

We do pray, in His name. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. TERRY, the further reading was dispensed with and the Journal approved.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. In accordance with the provision of House Resolution No. 24, Printer's No. 74, adopted Tuesday, October 18th, the Chair has appointed the following committee: Messrs. Hering, Finnerty, Costanzo, Thompson, Coleman, Cadwalader and Mallen.

LEAVES OF ABSENCE

Mr. Wilson asked and obtained leave of absence for Mr. HUNTLEY for the remainder of the week.

Mr. Eckels asked and obtained leave of absence for Mr. SCHUMACHER for the remainder of the week.

Mr. PRESTON asked and obtained leave of absence for himself for the remainder of the week.

Mr. Reising asked and obtained leave of absence for Mr. NAGEL for the remainder of the week.

REPORTS FROM COMMITTEES

Mr. SKALE, from the Committee on Judiciary Special, reported as committed, House Bill No. 90, (Senate Bill No. 60), entitled:

An Act to amend section two of the act approved the twelfth day of August one thousand nine hundred and thirty-eight (Act number five) entitled "An act authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued requiring the commission to make a report of its findings and recommendations to the General Assembly or to the Governor and authorizing the commission to employ counsel and employes and making an appropriation" by changing the manner of appointment of the members of said commission.

Mr. OMINSKY from the Committee on Rules reported as committed, House Resolution No. 26.

Mr. O'KEEFE from the Committee on Rules reported as committed, House Resolution No. 7.

BILL ON FIRST READING

Mr. SKALE asked and obtained unanimous consent to have House Bill No. 90, Senate Bill No. 60, read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 90, (Senate Bill No. 60), entitled:

An Act to amend section two of the act approved the twelfth day of August one thousand nine hundred and thirty-eight (Act number five) entitled "An act authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued requiring the commission to make a report of its findings and recommendations to the General Assembly or to the Governor and authorizing the commission to employ counsel and employes and making an appropriation" by changing the manner of appointment of the members of said commission.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 88, (Senate Bill No. 40), entitled:

An Act to amend sections one hundred eight five hundred six five hundred seven eight hundred thirteen eight hundred fourteen and one thousand one hundred thirty-three of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by providing for the merger of certain school districts with other districts validating the merger of certain school districts eliminating certain powers of county boards of school directors and redefining indebtedness of school districts empowering the county boards of school directors to employ an attorney and fix his compensation increasing the salaries of members of the county board of school directors and providing for limitations on the appointment of district superintendents

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—93.

Baker,	Flannery,	McFall,	Skale,
Bierly,	Ganser,	McGee,	Smith, James A.,
Blank,	Gerard,	Mihm,	Smith, John A.
Bois,	Haberlen,	Mooney,	Spengler,
Boltz,	Hagerty,	Moran,	Sproul,
Brancato,	Hamilton, F. P.,	Nagel,	Stank,
Brigerman,	Harmuth,	O'Brien,	Thompson,
Broad,	Hering,	O'Keefe,	Tumelty,
Brown,	Hess,	O'Neill,	Turner,
Coakley,	Hindman,	Ostroff,	Valibus,
Chervenak,	Hirsch,	Patterson, C. S.,	VanAllsburg,
Cohen, H. B.,	Holland,	Patterson, J. W.,	Vogt,
Cohen, R. E.,	Holmes,	Powers,	Wagner,
Coleman,	Holstrom,	Readinger,	Walsh,
Corrigan,	Hontz,	Reese,	Weidemann,
DeNote,	Horting,	Reising,	Weiss, S. A.,
Dickinson,	Keenan,	Robinson,	Welliver,
Donohoe,	Kelso,	Sarraf,	Westrick,
Dubbs,	Levy,	Schor,	Whalen,
Dyson,	Lewis,	Shea,	Woodside,
Elpern,	Lopresti,	Shepard,	Yanoshat,
Falkenstein,	Lovett,	Siegel,	Yourishin,
Finnerty,	McDermott,	Simon,	Furman,
Flanagan,			

NAYS—32.

Achterman,	Hall,	O'Connor,	Stockham,
Atkins,	Kline,	Ominsky,	Terry,
Boose,	Leisey,	Peale,	Trout,
Boyer	Lyons,	Perry,	Wall,
Cadwalader,	Matthews, J. F.,	Royer,	Wampole,
Davies,	McCullough,	Schrock,	Watkins,
Eckels,	McKinney,	Serrill,	Wilson,
Gorski,	Muir,	Sloan,	Wood,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

BILL PASSED OVER

There being no objection House Bill No. 83, Senate Bill No. 39, Printer's No. 54 was passed over at the request of Mr. OMINSKY.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 86, (Senate Bill No. 30), entitled:

An Act authorizing the compromise of delinquent taxes on real property and the penalties interest and cost due thereon before a tax sale of such real property and providing the procedure in such case

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—109.

Achterman,	Gorski,	Mihm,	Simon,
Allen,	Haberlen,	Mooney,	Sloan,
Atkins,	Hagerty,	Moran,	Smith, James A.,
Baker,	Hamilton, F. P.,	Muir,	Spengler,
Balthaser,	Harmuth,	Murrin,	Sproul,
Bierly,	Hays,	O'Brien,	Stank,
Blank,	Hering,	O'Connor,	Stockham,
Bois,	Hess,	O'Keefe,	Terry,
Boltz,	Hindman,	Ominsky,	Thompson,
Boose,	Hirsch,	O'Neill,	Tumelty,
Brancato,	Holland,	Patterson, C. S.,	Turner,
Brigerman,	Holmes,	Patterson, J. W.,	Wagner,
Chervenak,	Holstrom,	Powers,	Wall,
Cohen, H. B.,	Hontz,	Readinger,	Walsh,
Cohen, R. E.,	Horting,	Reese,	Wampole,
Coleman,	Keenan,	Reising,	Watkins,
Corrigan,	Kelso,	Robinson,	Weidemann,
Davies,	Kline,	Rothenberger	Weiss, D. H.,
Dickinson,	Levy,	Rush,	Weiss, S. A.,
Donohoe,	Long,	Sarraf,	Westrick,
Dougherty,	Lopresti,	Schor,	Whalen,
Dubbs,	Mallen,	Schrock,	Winner,
Elpern,	McDermott,	Serrill,	Woodside,
Falkenstein,	McElroy,	Shea,	Wright,
Finnerty,	McFall,	Shoemaker,	Yeakel,
Flanagan,	McGee,	Shugarts,	Yourishin,
Flannery,	Melchiorre,	Siegel,	Furman,
Ganser,	Mellott,		

NAYS—8.

Boyer,	Eckels,	Kane,	Peale,
Cadwalader,	Imbrie,	Matthews, J. F.,	Royer,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. CAPUTO asked and obtained permission for the Committee on Judiciary General to meet during the session of the House.

Mr. HERBERT B. COHEN asked and obtained permission for the Committee on Appropriations to meet during the session of the House.

REPORTS FROM COMMITTEES

Mr. WOODSIDE from the Committee on Judiciary General reported as committed, House Bill No. 59, entitled:

An Act to ratify, confirm and make valid the commission to make a careful, thorough and impartial investigation of the general practice and procedure in the courts of quarter sessions of the peace, oyer and terminer and general jail delivery in the various counties of the Commonwealth and the Municipal Court in the City and County of Philadelphia appointed pursuant to the joint resolution, approved the ninth day of March, one thousand nine hundred and thirty-seven (P. L. 35), entitled "A joint resolution authorizing the appointment of a commission to make a fair and impartial investigation of the general practice and procedure in the courts of oyer and terminer, general jail delivery and quarter sessions of the peace, in the various counties of the Commonwealth, and

the Municipal Court in the City and County of Philadelphia, with special reference to the prosecution, trial and disposition of all criminal cases and the probation and parole of persons guilty of crime; conferring upon the commission full power to issue subpoenas; requiring the commission, if possible, to make a report of its findings to the present session of the General Assembly, together with its recommendations as to such legislation as may be necessary or desirable, otherwise, to make such report and recommendations to the Governor; authorizing the commission to employ counsel and employes; and making an appropriation," and its amendments, together with its action, proceedings, expenses and expenditures.

Mr. OMINSKY from the Committee on Appropriations reported as committed, House Bill No. 93, entitled:

An Act making an appropriation for the expenses of the special committee appointed by the Speaker of the House of Representatives pursuant to House resolution No. 24, adopted by the House of Representatives on the eighteenth day of October, one thousand nine hundred thirty eight by authority of the act approved the thirtieth day of July, one thousand nine hundred thirty-eight (Act No. 2) entitled "An act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of, or involving misdemeanor, in office on the part of civil officers liable to impeachment; authorizing the Speaker of the House to appoint a special committee for any such investigation; authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated; providing for the summoning of witnesses and for the punishment of persons refusing to appear, produce evidence or testify; and authorizing the employment and compensation of counsel and other assistants.

Mr. KANE, from the Committee on Judiciary General reported as committed, House Bill No. 27, (Senate Bill No. 1), entitled:

A Supplement to the act approved the eighteenth day of March one thousand eight hundred and seventy-five (P. L. 30) entitled "An act to authorize changes of venue in criminal cases" forbidding changes of venue in criminal prosecutions by any court on application of the Commonwealth or prosecutor.

Mr. FLANAGAN, from the Committee on Appropriations reported as committed, House Bill No. 92, (Senate Bill No. 61), entitled:

An Act to ratify confirm and make valid the joint legislative committee created by Senate Concurrent Resolution Serial Number 106 approved March sixteenth one thousand nine hundred and thirty-seven and authorized thereby to make an investigation of the tax burdens placed upon industries in Pennsylvania and other industrial and mining states together with its actions proceedings expenses and expenditures and the appropriation made to said committee and making a further appropriation.

BILLS ON FIRST READING

Mr. WOODSIDE asked and obtained unanimous consent to have House Bill No. 59 read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 59, entitled:

An Act to ratify, confirm and make valid the commission to make a careful, thorough and impartial investigation of the general practice and procedure in the courts of quarter sessions of the peace, oyer and terminer and general jail delivery in the various counties of the Commonwealth and the Municipal Court in the City and County of Philadelphia appointed pursuant to the joint resolution, approved the ninth day of March, one thousand nine hundred and thirty-seven (P. L. 35), entitled "A joint resolution authorizing the appointment of a commission to make a fair and impartial investigation of the general practice and procedure in the courts of oyer and terminer, general jail delivery and quarter sessions of the peace, in the various counties of the Commonwealth, and the Municipal Court in the City and County of Philadelphia, with special reference to the prosecution, trial and disposition of all criminal cases and the probation and parole of persons guilty of crime; conferring upon the commission full power to issue subpoenas; requiring the commission, if possible, to make a report of its findings to the present session of the General Assembly, together with its recommendations as to such legislation as may be necessary or desirable, otherwise, to make such report and recommendations to the Governor; authorizing the commission to employ counsel and employes; and making an appropriation," and its amendments, together with its action, proceedings, expenses and expenditures.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Mr. OMINSKY asked and obtained unanimous consent to have House Bill No. 93 read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 93, entitled:

An Act making an appropriation for the expenses of the special committee appointed by the Speaker of the House of Representatives pursuant to House resolution No. 24, adopted by the House of Representatives on the eighteenth day of October, one thousand nine hundred thirty eight by authority of the act approved the thirtieth day of July, one thousand nine hundred thirty-eight (Act No. 2) entitled "An act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of, or involving misdemeanor, in office on the part of civil officers liable to impeachment; authorizing the Speaker of the House to appoint a special committee for any such investigation; authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated; providing for the summoning of witnesses and for the punishment of persons refusing to appear, produce evidence or testify; and authorizing the employment and compensation of counsel and other assistants.

And said bill having been read at length the first time, Ordered, To be transcribed for a second reading.

Mr. KANE asked and obtained unanimous consent to have House Bill No. 26, Senate Bill No. 1, read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 27, (Senate Bill No. 1), entitled:

A Supplement to the act approved the eighteenth day of March one thousand eight hundred and seventy-five (Pamphlet Laws thirty) entitled "An act to authorize changes of venue in criminal cases" forbidding changes of venue in criminal prosecutions by any court on application of the Commonwealth or prosecutor.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Mr. FLANAGAN asked and obtained unanimous consent to have House Bill No. 92, (Senate Bill No. 61), read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 92, (Senate Bill No. 61), entitled:

An Act to ratify confirm and make valid the joint executive committee created by Senate Concurrent Reso-

lution Serial Number 106 approved March sixteenth one thousand nine hundred and thirty-seven and authorized thereby to make an investigation of the tax burdens placed upon industries in Pennsylvania and other industrial and mining states together with its actions proceedings expenses and expenditures and the appropriation made to said committee and making a further appropriation.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

RESOLUTION INTRODUCED AND REFERRED

By Mr. WALSH. RESOLUTION No. 28.

In the House of Representatives, November 15, 1938.

Whereas, The Philadelphia Housing Authority, in conjunction with its slum-clearance program, is about to undertake the construction of a low cost housing project upon the old Glenwood Cemetery site; and

Whereas, Adjacent to the Glenwood Cemetery site is a large stable owned by the City of Philadelphia; and

Whereas, The said stable building is not only unsightly in appearance, but presents a health menace to the community; and

Whereas, The Northwest Business Men's Association, has for a period of many years endeavored to have the old Glenwood Cemetery removed and has advocated the use of the site for the building of modern homes; and

Whereas, the Northwest Business Men's Association, in conjunction with the cemetery removal, urges the Philadelphia Housing Authority to condemn the Philadelphia City Stables located adjacent to this site; therefore be it

Resolved, That the House of Representatives hereby urges the Philadelphia Housing Authority to condemn the said city stables of the City of Philadelphia, located adjacent to the Glenwood Cemetery property at 27th and Glenwood Avenue; and be it further

Resolved, That the Clerk of this House shall send a copy of this resolution to the Hon. Frank Smith, Chairman of the Board of the Philadelphia Housing Authority, at 658 City Hall, Philadelphia, Pennsylvania.

Referred to the Committee on Rules.

BILL INTRODUCED AND REFERRED

By Messrs. MOOMAW and OSTROFF

HOUSE BILL No. 95.

An Act licensing and regulating the business of transmitting and disseminating racing information providing for the issuance of licenses by the Public Utility Commission authorizing the Public Utility Commission to make examinations and issue regulations and prescribing penalties for the violation of this act

Referred to the Committee on Public Utilities.

STATEMENT BY MR. KANE

Mr. KANE asked and obtained unanimous consent to address the House.

Mr. Speaker adn members of the House, on October 18, 1938, I made a statement to the members of this House and particularly to my Democratic colleagues, in which I Isaid, among other things: "When we have a Republican majority in this House, if II am present, I will fight to the last ditch to assure you the courtesies you have extended to me." Now that that prediction has come true and the check, so-to-speak, has become payable, let me say that I will do all that I can to make it good. All of the Republican members of the House, I believe, wish to thank the Speaker and the Democratic members for those many courtesies which were extended to us.

Last week the Republicans in Pennsylvania and throughout the Nation scored a landslide victory. It was a victory that will hearten business throughout the country. Some people may regard it as a mandate from the people. As my little county delivered a 9,000 majority, perhaps I have seen the public reaction at close view, and it seems to me that two things have been made abundantly clear.

The first one is that a government in Pennsylvania, to retain the public confidence, must not only avoid evil but must also avoid the appearance of evil.

The second is that the mandate given by the people to the Republican party is a mandate to install a better government in Pennsylvania and nothing else.

They tell a story about a stern old Scotch minister who was reading the Bible aloud to the members of his congregation, and when he came to that part where it read, "Vengeance is mine, sayeth the Lord," he closed the good book with a bang and said: "Aye Laird, weel Ye knew to keep the good part to yourself." And, since the Almighty, reserved this part, we should not assume it. Well, the Republican party was not given a mandate by the people to promiscuously swing the axe of vengeance. We were not given a mandate to man the State service with our political favorites. We are charged with the duty of improving the government of Pennsylvania and the hard task of re-establishing private employment. In this we must not only avoid corruption and waste, but even the slightest appearance of it, and to this task we invite the co-operation of the re-elected Democratic members.

Again, on behalf of myself and my colleagues, as this session draws to a close, I wish to thank the Speaker and the Democratic members for the many courtesies and considerations which we have received.

The SPEAKER. The remarks of the gentleman will be spread upon the Legislative Journal.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. OMINSKY asked and obtained permission for the Committee on Public Utilities to meet during the session of the House.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows, having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SENATE BILL No. 30.

An Act authorizing the compromise of delinquent taxes on real property and the penalties interest and costs due thereon before a tax sale of such real property and providing the procedure in such case

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

STATEMENT BY MR. COSTANZO

Mr. COSTANZO asked and obtained unanimous consent to address the House.

Statements have appeared in the public Press to the effect that the evidence presented to the Legislative

Committee investigating the official conduct of Chief Magistrate J. J. O'Malley establishes the fact that Magistrate O'Malley has discharged his duties in compliance with the laws governing the duties of magistrates.

In the absence of Representative Hering, Chairman of this committee, and on behalf of the majority members thereof, I wish to say to the members of this House that such statements are unauthorized. The committee has held public hearings in Philadelphia. A great deal of testimony was heard by the committee at these hearings. The committee has not completed its analysis of the testimony and has, therefore, not reached any conclusion concerning the results of the investigation. A complete report will be made to the Speaker at a future date.

The SPEAKER. The remarks of the gentleman will be spread upon the Legislative Journal.

SENATE MESSAGE

AMENDED HOUSE BIILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 82.

An Act to amend sections two hundred two four hundred one and two thousand three hundred eighteen of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and emand prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments board and commissions shall be determined" as amended by creating as departmental administrative boards in the Department of Welfare and conferring powers and duties upon boards of trustees for the respective institutions acquired by the Commonwealth from counties cities and institution districts for use as State mental hospitals

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, line 15, by inserting after the word "administrative" the words "officers and of the several administrative;" also page 2 of the title, line 6, by striking out after the word "creating" the word "as" and inserting in lieu thereof the word "additional."

Amend Section 1, page 5, line 13, by striking out the word "of" and inserting in lieu thereof the word "for"; also page 8, by inserting at the beginning of line 5 the words "twenty-one;" also same line by inserting after the word "the" the word "twenty-ninth;" also same line by inserting after the word "of" the word "September."

Amend Section 2, page 11, line 15, by inserting after the word "Number" the words "twenty-one;" also line 16, by inserting after the word "the" the words "twenty-ninth;" also same line by inserting after the word "of" the word "September;" also page 14, line 18, by striking out after the word "of" and inserting in lieu thereof the word "for;" also page 15, line 3, by inserting after the word "Number" the words "twenty-one;" also same line by inserting after the word "the" the words "twenty-ninth;" also same line by inserting after the word "of" the word "September."

Amend Section 3, page 15, line 6, by inserting after the word "institution" the words "acquired by the Commonwealth from any county city or institution;" also line 7, by inserting after the word "Number" the words "twenty-one;" also same line by inserting after the word "the" the words "twenty-ninth."

Amend Section 4, page 15, line 14, by inserting after the syllable "ber" the words "twenty-one;" also same line by inserting after the word "the" the words "twenty-ninth;" also same line by inserting after the word "of" the word "September."

On the question,

Will the House concur in the amendments made by the Senate?

MESSAGE AND BILL LAID ON TABLE

Mr. SHAW. Mr. Speaker, I move that the message from the Senate together with the bill be laid upon the table.

The motion was agreed to.

REPORT FROM COMMITTEE

Mr. HOLMES from the Committee on Public Utilities reported as committed, House Bill No. 95, entitled:

An Act licensing and regulating the business of transmitting and disseminating racing information; providing for the issuance of licenses by the Public Utility Commission; authorizing the Public Utility Commission to make examinations and issue regulations; and prescribing penalties for the violation of this act.

BILL INTRODUCED AND REFERRED

By Mr. HARKINS HOUSE BILL No. 96.

An Act providing that the purchaser at sheriffs' sales of real estate may secure a sheriff's deed to the real estate purchased upon payment of the bid price minus four-fifth of the unpaid taxes assessed against such property; authorizing the payment of the remaining four-fifth of such unpaid taxes by installments under the provisions of the laws abating tax penalties and interest.

Referred to the Committee on Municipal Corporations.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, November 15, 1938.

Resolved (If the House of Representatives concur) That when the Senate adjourns this week it reconvene on Monday evening, November 21, 1938 at 9 o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, November 21, 1938, at 9 o'clock.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMITTEE HEARING

The Special Investigating Committee will meet this evening in the Hall of the House at 7:30.

ADJOURNMENT

Mr. WRIGHT. Mr. Speaker, I move that this House do now adjourn until Monday, November 21, 1938, at 9:00 p. m.

The motion was agreed to, and (at 3:53 p. m.) the House adjourned until Monday, November 21, 1938, at 9:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1938

Vol. 22 HARRISBURG, PA., WEDNESDAY, NOVEMBER 16, 1938. No. 30.

SENATE

WEDNESDAY, NOVEMBER 16, 1938.

The Senate met at 10:00 o'clock A. M.

The PRESIDENT PRO TEMPORE (Mr. Harvey Huffman) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, LL.D., offered the following prayer:

Thou art our strength and our song, O God, our sun and our shield, the rock of our salvation and we exalt Thy Holy Name. As we confront the problems of each new day, we acknowledge our need of wisdom and grace, a strength beyond our own. Bestow upon us Thy friendly Spirit, and may the arena of disputation and combat give way to comradeship and collaboration, as we face the duties of the hour and the day before us. Anoint our eyelids for a vision which will pierce the mists of confusion and doubt and bring near

". . . . . that season
By gifted ones fortold
When men shall live by reason
And not alone for gold;
When, man to man united,
And every wrong thing righted.
The whole world shall be lighted
As Eden was of old."

For the happiness of our people, for the weal of the world, may Thy sufficient grace be upon us, to Thine own glory. Amen.

JOURNAL APPROVED

The PRESIDENT—A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. RUPP, the further reading was dispensed with, and the Journal was approved.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 67, entitled:

An Act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling making it unlawful for any public utility to furnish private wires except by written contract conferring and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for or intended to be used for the transmission of information or devices in furtherance of gambling making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Public Utility Commission making illegal the use of certain wires for purposes other than those specified in the written contract therefor imposing penalties making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling prescribing the burden of proof in proceedings hereunder and providing for appeal.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

The PRESIDENT. No Senator has secured leave of absence for any day this week. The Clerk will call the roll of the Senate.

The roll was accordingly called and the following Senators answered to their names.

PRESENT—29

Barthold,	Heyburn,	McGinnis	Ruth,
Cavalcante,	Homsher,	Mundy,	Shapiro,
Dent,	Kilgallen,	Pytko,	Sipe,
DiSilvestro,	Kunkel,	Rankin,	Stiefel,
Eroe,	Lanius,	Rice,	Wolfenden
Frey,	Law,	Rodgers,	Huffman,
Haluska,	Mallery,	Rupp,	Pres. Pro. Tem.
Henney,	McCreesh,		

ABSENT—21

Bean	Ealy,	Jaspan,	Salus
Buckman,	Gelder,	Kahle,	Scarlett,
Chapman	Gilson,	Owlett,	Sones,
Dando,	Howell,	Pierson,	Sordoni,
Deitrick,	Jacobs,	Reed,	Thompson,
			Woodward,

And the question recurring

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—27.

Barthold,	Heyburn,	McCreesh,	Ruth
Cavalcante,	Homsher,	McGinnis,	Shapiro,
Dent,	Kilgallen,	Pytko,	Sipe,
DiSilvestro,	Kunkel,	Rankin,	Stiefel,
Eroe,	Lanius,	Rice,	Wolfenden,
Frey,	Law,	Rodgers,	Huffman,
Henney,	Mallery,	Rupp,	Pres. Pro. Tem.

NAYS—1.

Haluska,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 68, entitled:

An Act making illegal the use of devices and methods of transmission of information or advices in furtherance of gambling declaring the dissemination of certain information to be in furtherance of gambling providing for the seizure and forfeiture of devices used in furtherance of gambling and imposing penalties.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28.

Barthold,	Heyburn,	McCreesh,	Rupp,
Cavalcante,	Homsher,	McGinnis,	Ruth
Dent,	Kilgallen,	Mundy,	Shapiro,
DiSilvestro,	Kunkel,	Pytko,	Sipe,
Eroe,	Lanius,	Rankin,	Stiefel,
Frey	Law,	Rice,	Wolfenden,
Henney,	Mallery,	Rodgers,	Huffman,
			Pres. Pro. Tem.

NAYS—1.

Haluska,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 69, entitled:

An Act validating certain proceedings and elections of counties cities boroughs townships school districts and other incorporated districts or municipalities had and held pursuant to the provisions of an act approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" and the amendments and supplements thereof and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—29.

Barthold,	Heyburn,	McGinnis,	Ruth.
Cavalcante,	Homsher,	Mundy,	Shapiro,
Dent,	Kilgallen,	Pytko,	Sipe,
DiSilvestro,	Kunkel,	Rankin,	Stiefel,
Eroe	Lanius,	Rice,	Wolfenden.
Frey,	Law,	Rodgers,	Huffman,
Haluska,	Mallery,	Rupp,	Pres. Pro. Tem.
Henney,	McCreesh,		

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 71 (House Bill No. 50), entitled:

An Act making an appropriation to the Department of Property and Supplies for preliminary expenses in proposed acquisitions of real property from housing authorities.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—29.

Barthold,	Heyburn,	McCreesh,	Rupp,
Cavalcante,	Homsher,	McGinnis,	Ruth,
Dent,	Kilgallen,	Mundy,	Shapiro,
DiSilvestro,	Kunkel,	Pytko,	Sipe,
Eroe,	Lanius,	Rankin,	Stiefel,
Frey,	Law,	Rice,	Wolfenden,
Haluska,	Mallery,	Rodgers,	Huffman,
Henney,			Pres. Pro. Tem

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess for five minutes.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

ANNOUNCEMENT BY THE SECRETARY

The Committee on Labor and Industry will meet immediately in Room 265.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn until Monday, November 21, 1938 at 9:00 o'clock, P. M.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:12 o'clock, A. M., until Monday, November 21, 1938 at 9:00 o'clock, P. M.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1938

Vol. 22. HARRISBURG, PA., MONDAY, NOVEMBER 21, 1938. No. 31.

SENATE

MONDAY, NOVEMBER 21, 1938.

The Senate met at 9:00 o'clock P. M.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, LL.D., offered the following prayer:

Our Lord, our God, our Father—

"There's a wideness in Thy mercy,
Like the wideness of the sea;
There's a kindness in Thy justice
Which is more than liberty."
"For the love of God is broader
Than the measure of man's mind,
And the heart of the Eternal
Is most wonderfully kind."

We voice these words of a great Catholic heart, as expressive of our own Thanksgiving and praise; and our hearts cry out with the Psalmist of Israel, "He hath not dealt so with any nation."

At the threshhold of our festal Thanksgiving season, may we answer the challenge of Thy goodness to us, as friends indeed to friends in need, among the bleeding, persecuted millions of tyrant lands.

And may we bear witness before the nations peace and joy in the Spirit of brother love. And may the grace of God be upon us, and guide us in thought, and word, and deed. Amen.

JOURNAL APPROVED

The PRESIDENT—A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. RICE, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. Homsher asked and obtained leave of absence for the Senator from Indiana, Mr. WOLFENDEN.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, November 21, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

JUSTICES OF THE PEACE

Ralph C. Crow, 537 Hummel Avenue, Lemoyne, Cumberland County, for appointment as Justice of the Peace in the Borough of Lemoyne, Cumberland County, until the first Monday in January, 1940, vice Levi L. Hamacker, resigned.

Arthur Hillard, R. D. 1, Friendsville, Susquehanna County, for appointment as Justice of the Peace in the Township of Forest Lake, Susquehanna County, until the first Monday in January, 1940, vice A. P. Coleman, whose term expired.

Merry D. Mattison, Forest Street, Sugar Grove, Warren County, for appointment as Justice of the Peace in the Borough of Sugar Grove, Warren County, until the first Monday in January, 1940, vice Thomas Laycock, resigned.

Roger DuBois, Box 142, Avella, Washington County, for appointment as Justice of the Peace in the Township of Independence, Washington County, until the first Monday in January, 1940, vice A. H. Shaff, deceased.

Dushan Niksich, Slovan, Washington County, for appointment as Justice of the Peace in the Township of Smith, Washington County, until the first Monday in January, 1940, vice Steve Dugas, resigned.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, November 21, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

TREASURER OF BUCKS COUNTY

Robert L. Clymer, Doylestown, Bucks County, for appointment as Treasurer of Bucks County, vice Edward Biester, deceased, until the first Monday in January, 1940.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, November 21, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

MEMBERS STATE PLANNING BOARD

Major Henry Hornbostel, 1233 Oliver Avenue, Pittsburgh, Allegheny County, for appointment as a member of the State Planning Board, for the term of five years and until his successor is qualified. (Reappointment).

Otto T. Mallery, 1427 Spruce Street, Philadelphia, Philadelphia County, for appointment as a member of the State Planning Board, for the term of five years and until his successor is qualified. (Reappointment).

JUSTICE OF THE PEACE

Oscar Gordon, R. D. 2, New Brighton, Beaver County, for appointment as Justice of the Peace in the Township of New Sewickley, Beaver County, until the first Monday in January, 1940, to fill a vacancy.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, November 21, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

JUSTICE OF THE PEACE

John Galick, 105 Lincoln Street, Dupont, Luzerne County, for appointment as Justice of the Peace in the Borough of Dupont, Luzerne County, until the first Monday in January, 1940, vice Edward J. Lokuta, deceased.

ALDERMEN CITY OF HAZLETON

Daniel Deis, 221 East Chestnut Street, Hazleton, Luzerne County, for appointment as Alderman in the Third Ward of the City of Hazleton, Luzerne County, until the first Monday in January, 1940, to fill a vacancy.

Thomas L. Martin, 118 South Laurel Street, Hazleton, Luzerne County, for appointment as Alderman in the Fifth Ward of the City of Hazleton, Luzerne County, until the first Monday in January, 1940, vice Catherine Fallon, deceased.

ALDERMAN CITY OF WILKES-BARRE

Paul Schultz, 72 Spring Street, Wilkes-Barre, Luzerne County, for appointment as Alderman in the Second Ward of the City of Wilkes-Barre, Luzerne County, until the first Monday in January, 1940, vice Francis B. Crawley, resigned.

GEORGE H. EARLE.

The PRESIDENT. The hour for Special Order for Memorial Services in honor of the late Senator, John G. Homsher has arrived.

RECESS

Mr. BUCKMAN. Mr. President, I move that the Senate do now recess for thirty minutes, in order that the Senate may proceed with the Memorial Services in honor of the late Senator John G. Homsher.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

MEMORIAL SERVICES FOR THE HONORABLE JOHN G. HOMSHER, LATE SENATOR FROM THE THIRTEENTH DISTRICT

The Senate met at 10:00 o'clock, P. M.

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the Chair.

The PRESIDENT. This being the time fixed by resolution of the Senate for holding memorial services in memory of the Honorable John G. Homsher, late Senator from the Thirteenth District, the Senate will be in order and the services will be opened with prayer by the Chaplain.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, LL.D., offered the following prayer:

Our Gracious Heavenly Father, our thoughts, at this solemn hour, are borne by swift wings to a quiet churchyard, and we stand beside a new-made grave. The autumn winds whistle their weird awakening notes; the turtle dove, in somber, leaden garb, may coo his mournful dirge; or perhaps a boisterous thrush, or one of his mimic tribe, may chatter his defiance of the sacred spot; but the one we seek is not there—we turn from the sleeping dust, and we seek no longer the living among the dead.

By wings as swift, but we know not how, we find ourselves in these familiar haunts, within the walls of this historic chamber. Our vision falls upon this Senate floor, and he has vanished from his desk. We shunt our gaze to the presidential chair, and the gavel of years agone is wielded, and the chair is occupied by a mourning friend.

He is not here; he is risen from the mortal sphere, in the promotion of the just made perfect. Unseen within the scope of fleshy eyes, he has joined the unseen hosts, and his life lives on, in the music of the choir invisible.

We thank Thee, our Father, for the Voice from the sky, "Blessed are the dead, who die in the Lord from henceforth; for they shall rest from their labors, and their works do follow them."

We thank Thee for the life of this good man, Senator Homsher; for the benediction which has fallen from his spirit and example upon those with whom he mingled; for his life-demonstration that one may be honest, true, frank, courageous, loyal to his convictions, yet gain and retain the respect, and admiration, and confidence, and friendship, and affection of his associates, irrespective of opinion or alignment.

May the grace of Thy consolation be upon those, his intimates through long years of comradeship. May the grief of loved ones be assuaged by the comfort of a lively hope.

As the mantle of the father falls upon a son, may a double portion of his spirit rest upon him; and may children, and children's children ever realize the wealth of the legacy of a good life, and a good name.

Linger with us as we tarry here, and by Thy Grace, translate our fellowship of sorrow into a sweet communion of cheer and hope.

Oh, our Eternal God, we believe in the Life Everlasting!

"Thou wilt not leave us in the dust;
Thou madest man—he knows not why;
He thinks he was not made to die;
And Thou madest him: Thou art just."

Help us so to live here, in the service of our day and generation, that when our summons comes, Thou canst use us to Thy glory in the realm of the ages. Amen.

Mr. BUCKMAN offered the following resolution which was twice read as follows:

In the Senate of Pennsylvania, November 21, 1938.

WHEREAS, Almighty God in His infinite wisdom has removed from his earthly abode our fellow Senator and honored friend, Senator John G. Homsher, of the Thirteenth Senatorial District of Pennsylvania; and

WHEREAS, thirty-eight years of active, devoted and continuous service to his County and to the Commonwealth deserve at the hands of his colleagues some special commendation; and

WHEREAS, his important and almost lifelong official services were such as to bring him distinction and mark him as one of the Commonwealth's foremost citizens, and whose pleasing personality and friendly disposition brought to him the friendship and respect of his associates, therefore, be it

RESOLVED, that the Senate give expression of the loss it has sustained by the death of our colleague and friend, whose qualities of mind and heart brought to him prominence and honor; and

RESOLVED, that it be the sentiment of the Senate of Pennsylvania that in the death of Senator Homsher there was closed one of the most memorable and illustrious careers that was ever vouchsafed a son of Pennsylvania. During all those years he was never unfaithful to a trust, never lessened his loyalty to his associates nor sought any excuse to deviate in the slightest degree from his pledged word; and now be it

RESOLVED, that we tender to the family of the late Honorable John G. Homsher this testimony of our sympathy in the great loss of this public spirited man, and that we direct a copy of this resolution, duly engrossed and attested, to be forwarded to the members of his family.

CLARENCE J. BUCKMAN, Chairman
SAMUEL W. SALUS
HENRY J. PIERSON
CHARLES W. SONES
C. HALE SIPE

On the question,

Will the Senate agree to the resolution?

Mr. BUCKMAN. Mr. President and Members of the Senate of Pennsylvania:

In rising to move the adoption of this resolution, I do so with a heavy heart. Death has removed from our midst one of the most lovely characters I have ever known. The late Senator Homsher was a member of this Senate twenty-eight years ago, when I first came into this body as a mere farmer's boy. We have served together continuously since that time. He was devoted in his duties, faithful in his attendance in this chamber and at all times careful and considerate in his actions and in the treatment of the members of this body. He did not always vote as I did, Mr. President, but the fact that there were factional differences existing between us never made a particle of difference in our personal relations, and I believe that to be true between him and every other member of the Senate.

In speaking of the late Senator Homsher, I am going to quote from him and use his own words when he delivered an address at the memorial services held in this Senate for the late T. Larry Eyre on Tuesday, March 22nd, 1927, when I say that Senator Homsher "was a man of striking personality and was possessed of such a refined and delicate charm of manner that made him a marked man in any assemblage. These qualities may be cultivated, but they cannot be assumed. They must emanate from the spirit within of kindness, fairness and generosity, and no man can long appear other than the sentiments he holds and cultivates would make him. It would be well, indeed, if more attention would be paid to the cultivation of those ethics which he exemplified in such a full degree in our education. Their possession adds a brilliancy to any other attainments, no matter how profound or exalted they may otherwise be."

This is an hour for serious reflection and for solemn meditation of things not temporal, but eternal. We meet not to grieve, but to glorify. We do not contemplate the pains of death, but we fondly recall the brotherly love that we knew in the living while we try, with the eye of faith to catch some glimpse of the glories of that realm to which their spirits have ascended.

No more fitting or beautiful custom has ever been instituted than this simple ceremonial, this modest and entirely appropriate commemoration of the virtues of the dead. There is not one among us but who is better for such an occasion. We are drawn away from the world where the care and the duties toward the living are constantly before us. The drudgery of every day life, dreams of ambition and visionary aspirations may harden and warp our natures, but in the tenderness of our thoughts of the loved ones gone, in the kindness of our expressions of those departed and the sincerity with which we bring our humblest tributes of respect, we become softened in our whole being and at peace with the world.

John Homsher, as we were pleased to know him and shall be pleased to remember him, was a man of superior parts, a man among men, a natural born leader of men; for many years an astute political leader and a forceful figure in the political life not only of his own County of Lancaster, but of the entire Commonwealth of Pennsylvania. Wise in counsel, devoted to his party and to his party's convictions, loyal and true to his friends, who were loyal and true to him—as was manifest on many occasions throughout his long political career.

And what higher compliment can be paid to man than to say that those who have known him longest and known him best, those who were his playmates and his schoolmates in those olden, golden yesterdays, those who grew up with him to maturity, who were his associates and his neighbors during the active years of his life and those who were his constituents and loyal supporters in these later and declining years, loved, honored and respected him?

Senator Homsher was not a man of big business, as we know that term today, but all during his youthful life he served his neighborhood, then his County, then his State, first as a school teacher, then as a surveyor and conveyancer, then as a publisher of a local newspaper, and lastly as a member of the House of Representatives for eight years and as a member of the Senate for thirty years. To him came the unusual and so far as I know he was the only one ever to be honored by being elected as President pro tempore of the Senate on two occasions.

I attended his funeral, together with other members of this body, at Strasburg in a large Mennonite Church. I wish all of you could have seen the hundreds of friends and neighbors from among the plain people, men, women and children, some of them bent from toil and the passage of years. It was a most impressive funeral.

In my own acquaintance with Senator Homsher I learned to esteem him as an honored friend, and I felt a personal bereavement in his passing. I believe that his great spirit still lives and that we who knew him are better for our associations with him, and that the State is better because he lived. And now that he has passed to the other side of the river of that Great Divide; and there may he have heard that Blessed Summons, "Well done, thou good and faithful servant. Enter thou into the joy of thy Lord."

Mr. SONES. Mr. President and members of the Senate, we have met to do honor to a true nobleman of our Commonwealth, a member of this Body, the Hon. John G. Homsher of Strasburg, Lancaster County.

His record, not only as a legislator, but as a man, is

one that any individual may be proud of; he was a real legislator. Elected, as he was, for the first time, to the House of Representatives, serving there with honor from 1900 to 1908. He became a member of the senate in 1909 representing the 13th District, serving continuously until his passing in August last. More honors were bestowed upon him than any other member of this Body, having been elected president Pro Tem of the Senate twice the highest honor given to any man by the Senate of Pennsylvania. He served a period of thirty years, with a legislative record of nearly forty years. He was the Dean of the Senate.

Senator Homsher was a man of fine character, of even temperament, which endeared him to his host of friends. He possessed excellent judgment, was unbiased, and not only the constituents of his district, but the people of the Commonwealth realized his qualifications as a legislator.

I have served with him on important Conference Committees on many occasions where some of the most important legislation on our Statute books today were enacted into law. His genial presence, ready smile and kindly ways will be missed in this Body. He was always ready to say a kindly word for another Senator irrespective of Party and gave the glad hand to all newcomers. He was true to his word and his friendship stood the test of time. To know him was to love him.

Shortly before his passing in August last, I received a letter from him. In the same was a paragraph reading as follows: "If I had written to you as many times as I have thought of you since last we met, you would have been overwhelmed with letters." When this letter was written, he was not aware a Special Session of the Legislature had been called.

Fellow Members we have lost a friend, a kindly gentleman, but the remembrance of him will always be green in our memories.

> Farewell, that word has broken hearts,
> And blinded eyes with tears—
> Farewell, one stays—and one departs,
> Between them roll the years."

Mr. SIPE. Mr. President and members of the Pennsylvania Senate, the passing of Senator Homsher, the grand old man of the Pennsylvania Senate, brings home forcibly to the members of this body the truth that in the midst of life we are in death.

On all sides we are confronted with evidence of the reign of the grim Monarch, called Death. We drive along our highways and find them lined with cemeteries and depositories for the dead. We see the gloomy hearse; we hear the tolling bell; we hear the ring of the workman's chisel carving epitaphs.

Yes, the reign of death is universal. The babe in its mother's arms; the child prattling at its parent's knee; the boy just opening into adolescence; the maiden in the loveliness of grace, culture and beauty; the young man of talent, promise and joyous parental hope; the matron who is the delight of her children and husband; the father who is the protector of those children and matron; the widow lingering by the grave of her buried love; the aged man whose form has been bent by a life of care—each of these, Mr. President, represents a class from which death has snatched and is ever snatching his victim.

But when a venerable man like Senator Homsher falls asleep in the arms of his Maker and feels upon his aged brow the breath of the eternal morning, we are reminded of the words of the comforter of old: "Thou shalt come to thy grave in a full age, like as a shock of corn cometh in in his season."

I have many grateful recollections of Senator Homsher, a kindly man, a fair minded man, a man of convictions. Next to the pleasure of having a man like Senator Homsher as one's ally, is the pleasure of having such a man as an opponent. In differing with Senator Homsher one never felt that he was battling against the venerable Senator personally, but that he was battling with him and for him in that grand warfare whose final issue will be that which all good men desire, namely, the establishment of truth.

In my association with Senator Homsher I found that he was in many respects a man after my own heart, interested in many of the things in which I am interested—interested greatly in early Pennsylvania history. Scion of the Pennsylvania German and Swiss pioneers that he was, he knew their history and reveled in their lore. He knew that the group from which he descended, as early as 1686, issued the very first protest against human slavery on the American Continent, and he gloried in this fact. He knew that, that protest at Germantown was the spring that was the source of the rill that became the mighty river that overflowed on the battlefields of the great Civil War; and he deplored the fact that so many Pennsylvanians seem to believe that the agitation against slavery on this Continent began in New England among the templed hills of the Puritans. He took pride in the fact that the group from which he descended, in the dark days of the American Revolution were all on the side of liberty; that they produced no Tories; that they kept Washington's army from starving to death at Valley Forge, the Gethsemane of the Revolution, when Congress failed; that they produced the speaker of the first American Congress, also of the third American Congress and President of the Pennsylvania Convention that ratified the Constitution of the United States.

I shall never forget a conversation that Senator Homsher and I had along these lines in an evening hour. The sun was streaming through the western windows of this chamber in its dying glory; God was painting the sunset with radiant finger and glories eternal were lingering in the western sky like fires on mystic alters, when Senator Homsher directed the conversation along the lines of how unfair a lot of major historians of the United States have been to the German and Swiss pioneers of Pennsylvania.

Particularly this fair minded and truth-loving man resented the fact that one of the greatest of the New England historians, Francis Parkman, in one of his major works on Colonial history, went out of his way to revile the German pioneers of the Keystone State, descendents of that Alpine race that overthrew the Roman Empire. Writing of events that took place along the lower Susquehanna in the year 1763, Parkman says: "The counties east of the Susquehanna supported a mixed population, among whom was a conspicuous swarm of German peasants who had been inundating the country for many years and who as a class were dull and ignorant boors, a character not wholly inapplicable to the great body of their descendents."

Senator Homsher resented Parkman's statement. To-

gether we analyzed it and found that the only truth in the statement is the declaration that as early as 1763 the stock from which Senator Homsher sprang, was a large part of the population of eastern Pennsylvania and had been coming to this section for many years prior thereto. Together we recalled that the German pioneers were the first to follow William Penn to Pennsylvania, the first of them coming the very next year after the great Quaker first set foot upon the shores of the western World, their leader being Francis Daniel Pastorius, the Pennsylvania Pilgrim, the most broadly educated man in America in his day. Together we recalled that at Germantown, the German pioneers established the first, the largest and most successful printing house in Colonial America. Together we recalled that at this printing house they printed the first text books in all America, the first works on biography in all America, the first works on astronomy in all America, and printed the first Bibles in all America, printing the New Testament five times and the Old Testament three times, fifty years before any Bibles were printed in this western world by descendants of the Mayflower.

Together Senator Homsher and I recalled that at Ephrata in his own county of Lancaster, another group of what the New England historian in either his ignorance or prejudice or both called, "dull and ignorant boors," printed the first work on music in all America and the Martyr Spiegel (the Book of Martyrs), largely a history of the martyrdom of the Mennonites, a ponderous volume of fifteen hundred pages and the largest book printed in Colonial America. Together we recalled that the Pennsylvania German pioneers alone printed more books in the Colonial period than the whole of New England. Together we recalled that many of the leaders of this great racial group, in early Pennsylvania, were graduates of German Universities.

Together Senator Homsher and I recalled that when the dark hour of the American Revolution came, the Pennsylvania German pioneers were about one-third of the population of Pennsylvania and that they then had ten newspapers while the other two-thirds, the English speaking part of the population, had eight; and we came to the conclusion that if this stock were what Parkman calls them, "dull and ignorant boors," what under Heaven shall we say of our English speaking ancestors?

As to the descendants of the Pennsylvania German pioneers, every well informed person knows that they have taken front rank in agriculture, in industry, in the learned professions, in religion and in the arts and sciences. Among them have been such merchant princes as John Wanamaker and Henry Buhl. Among them have been such captains of industry as Henry C. Frick and Andrew W. Mellon, Secretary of the Treasury in the cabinets of three presidents. Among them have been eleven Governors of the Commonwealth, including that renowned champion of popular education, George Wolf, during whose administration, 1829 to 1835, the Pennsylvania Public School system was established.

Yes, Mr. President, I shall carry to the grave the recollection of this conversation with the venerable Senator, scion of the German and Swiss pioneers of Pennsylvania, who knew their history and reveled in their lore; and it is fitting that his dust reposes in the soil of his native county and amid the hallowed associations and mighty memories of its heroic past, where the smiling fields he loved so well yield their fruitful increase and where barns like castles rise. Peace to the ashes of Senator Homsher.

And the question recurring,

Will the Senate agree to the Resolution?

The yeas and nays were taken and were as follows, viz:

YEAS—43

Barthold,	Gilson,	Kunkel,	Reed,
Buckman,	Haluska,	Lanius,	Rice,
Cavalcante,	Henney,	Law,	Ruth,
Dando,	Heyburn,	Mallery,	Scarlett,
Deitrick,	Homsher,	McCreesh,	Shapiro,
Dent,	Howell,	McGinnis,	Sipe,
DiSilvestro,	Huffman,	Mundy,	Sones,
Ealy,	Jacobs,	Owlett,	Stiefel,
Eroe,	Jaspan,	Pierson,	Thompson,
Frey,	Kahle,	Pytko,	Woodward,
Gelder,	Kilgallen,	Rankin,	

NAYS—0

All of the Senators present having voted "aye" the question was determined in the affirmative.

Mr. BUCKMAN. Mr. President, I move that the Memorial Session of the Senate for our friend and colleague, John G. Homsher, do now adjourn.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time for the recess having elapsed, the Senate will be in order.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows and referred to the Committee on Executive Nominations:

NOMINATIONS RECALLED

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, November 21, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nominations made to your Honorable Body on July 25, 1938, for the appointment of the following persons:

Mrs. Mary Sagerson Dillon, Johnstown, as a member of the Cambria County Board of Assistance, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

George M. Lang, Cresson, as a member of the Cambria County Board of Assistance, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

Mrs. Elizabeth McDowell, Conemaugh, as a member of the Cambria County Board of Assistance, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

GEORGE H. EARLE.

NOMINATIONS BY THE GOVERNOR

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations.

MEMBERS CAMBRIA COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, November 21, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

Frank J Pentrack, Broad Street, Johnstown, Cambria County, for appointment as a member of the Cambria County Board of Assistance, for the term ending December 31, 1940, to fill a vacancy. (Democrat)

George C. Hoppel, Patton, Cambria County, for appointment as a member of the Cambria County Board of Assistance, for the term ending December 31, 1940, to fill a vacancy. (Democrat)

Mrs. Catherine Q. McGuire, Johns town, Cambria County, for appointment as a member of the Cambria County Board of Assistance, for the term ending December 31, 1938, to fill a vacancy. (Democrat)

GEORGE H. EARLE.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL NO. 82

The Clerk of the House of Representatives being introduced presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 82, entitled:

An Act to amend sections two hundred two four hundred one and two thousand three hundred eighteen of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "Administrative Code of 1929" as amended by creating as departmental administrative boards in the Department of Welfare and conferring powers and duties upon boards of trustees for the respective institutions acquired by the Commonwealth from counties cities and institution districts for use as State mental hospitals.

HOUSE CONCURS IN SENATE BILL NO. 39

He also returned to the Senate, Senate Bill No. 39, entitled:

An Act to amend and reenact section five hundred and twenty-four of an act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by limiting and prescribing the method of fixing the levy of school taxes in school districts of the first class.

with the information that the House has passed the same without amendments.

BILL SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

Senate Bill No. 39, entitled:

An Act to amend and reenact section five hundred and twenty-four of an act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by limiting and prescribing the method of fixing the levy of school taxes in school districts of the first class.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

HOUSE MESSAGE

SENATE BILL NO. 40. RETURNED WITH AMENDMENTS.

The Clerk of the House of Representatives being introduced returned to the Senate, Senate Bill No. 40, entitled:

An Act to amend sections one hundred eight five hundred six five hundred seven eight hundred thirteen eight hundred fourteen and one thousand one hundred thirty-three of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by providing for the merger of certain school districts with other districts validating the merger of certain school districts eliminating certain powers of county boards of school directors and redefining indebtedness of school districts empowering the county boards of school directors to employ an attorney and fix his compensation increasing the salaries of members of the county board of school directors and providing for limitations on the appointment of district superintendents

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

Mr. RUTH. Mr. President, I move that Rule 21, which requires amended bills to be noted on the calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

Said amendments having been twice read and printed as required by the Constitution.

On the question,

Will the Senate concur in the same?

Mr. RUTH. Mr. President, the House amendments have taken all the power away from the local county boards and placed it back in the Department at Harrisburg, and we feel that is taking home rule away from our county boards. Therefore, I would ask the members of the Senate to vote the amendments down.

And the question recurring,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—0

NAYS—41

Barthold,	Gilson,	Kilgallen,	Pytko,
Buckman,	Haluska,	Kunkel,	Rankin,
Cavalcante,	Henney,	Lanius,	Reed,
Dando,	Heyburn,	Law,	Rice,
Deitrick,	Homsher,	Mallery,	Ruth,
Dent,	Howell,	McCreesh,	Shapiro,
DiSilvestro,	Huffman,	McGinnis,	Sipe,
Ealy,	Jacobs,	Mundy,	Sones,
Eroe,	Jaspan,	Owlett,	Stiefel,
Frey,	Kahle,	Pierson,	Woodward,
Gelder,			

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

Ordered, That the Clerk inform the House of Representatives accordingly.

The PRESIDENT. We will now proceed to the consideration of the Calendar.

Mr. RICE. Mr. President, I move that the Senate do now resume the consideration of Senate Bill No. 36 (House Bill No. 8), on concurrence in House Amendments recalled from the Governor postponed.

Mr. LAW. I second the motion.

The motion was agreed to.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 36 (House Bill No. 8) entitled:

An Act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed with the General State Authority for the use and occupancy of various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barthold,	Gelder,	Kahle,	Pytko,
Buckman,	Gilson,	Kilgallen,	Rankin,
Cavalcante,	Haluska,	Kunkel,	Reed,
Dando,	Henney,	Lanius,	Rice,
Deitrick,	Heyburn,	Law,	Ruth,
Dent,	Homsher,	Mallery,	Scarlett,
DiSilvestro,	Howell,	McCreesh,	Shapiro,
Ealy,	Huffman,	McGinnis	Sipe,
Eroe,	Jacobs,	Mundy,	Sones,
Frey,	Jaspan,	Pierson,	Stiefel,

NAYS—1

Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess for fifteen minutes.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

ANNOUNCEMENTS BY THE SECRETARY

During recess, the Republican Caucus will meet in Room 265.

The Committee on Appropriations will meet in Room 251.

The Committee on Labor and Industry will meet in the office of the President Pro Tem.

Following the Republican Caucus, the Committee on State Government will meet in Room 265.

The Committee on Executive Nominations will meet immediately following the Committee on Labor and Industry, in the office of the President Pro Tem.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 8, entitled:

An Act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed by such department with the General State Authority for the use and occupancy by the Commonwealth of various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects.

House Bill No. 50, entitled:

An Act making an appropriation to the Department of Property and Supplies for preliminary expenses in proposed acquisition of real property from housing authorities.

House Bill No. 82, entitled:

An Act to amend sections two hundred two four hundred one and two thousand three hundred eighteen of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "Administrative Code of 1929" as amended by creating as departmental administrative boards in the Department of Welfare and conferring powers and duties upon boards of trustees for the respective institutions acquired by the Commonwealth from counties cities and institution districts for use as State mental hospitals.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

HOUSE MESSAGE

HOUSE INSISTS UPON ITS AMENDMENTS TO SENATE BILL NO. 40

The Clerk of the House of Representatives being introduced informed the Senate that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 40, entitled:

An Act to amend sections one hundred eight five hundred six five hundred seven eight hundred thirteen eight hundred fourteen and one thousand one hundred thirty-three of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled

"An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by providing for the merger of certain school districts with other districts validating the merger of certain school districts eliminating certain powers of county boards of school directors and redefining indebtedness of school districts empowering the county boards of school directors to employ an attorney and fix his compensation increasing the salaries of members of the county boards of school directors and providing for limitations on the appointment of district superintendents

APPOINTMENT OF COMMITTEE OF CONFERENCE

Mr. RUTH. Mr. President, I move that the Senate insist on its non-concurrence in the amendments made and insisted upon by the House of Representatives, and that a Committee of Conference be appointed to confer with a committee of the House of Representatives (if the House should appoint such committee) to consider the differences existing between the two houses in relation to said bill.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

Ordered, that Messrs. RUTH, SIPE and DEITRICK, be said committee on the part of the Senate and that the Clerk inform the House of Representatives accordingly.

HOUSE MESSAGE

RESOLUTION MEMORIALIZING PHILADELPHIA CITY COUNCIL TO DISCONTINUE SALES TAX

The Clerk of the House of Representatives being introduced, presented extract from the Journal of the House of Representatives which was twice read as follows and referred to the Committee on City Government.

In the House of Representatives, October 18, 1938.

Whereas The taxing powers of the City of Philadelphia is derived from the Legislature of the Commonwealth of Pennsylvania; and

Whereas The Council of the City of Philadelphia has, by ordinance enacted, imposed a tax on sales in the City of Philadelphia which has directly resulted in a precipitous drop in sales of between twenty per centum and thirty per centum and has seriously and adversely affected the best interests of the merchants of Philadelphia; and

Whereas A sales tax directly taxes that section of our population that can least afford to be taxed; and

Whereas Despite the expressed and overwhelming objection of the people of the said City of Philadelphia, said City Council has enacted such a sales tax; therefore be it

Resolved (if the Senate concur) That it is the sense of the General Assembly of the Commonwealth of Pennsylvania that a sales tax by the Commonwealth of Pennsylvania or by any political subdivision thereof shall be illegal; and be it further

Resolved That it is the intention of the General Assembly to enact, by legislation, a prohibition of said sales tax at the next regular session of the Legislature; and be it further

Resolved That the Council of the City of Philadelphia be advised not to extend the sales tax ordinance beyond December 31, 1938, the date of its expiration and that said Council of the City of Philadelphia shall omit from its calculations the estimated receipts to be derived from the continued imposition of a sales tax; and be it further

Resolved That a copy of this Resolution be sent to the President of the City Council of Philadelphia and to the Mayor and Controller of said city.

TIME OF NEXT MEETING

Mr. EROE. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EROE, offered the following resolution which was twice read, considered and agreed to:

In the Senate, November 21, 1938.

Resolved (if the House of Representatives concur) That when the Senate adjourns this week it reconvene on Monday evening, November 28, at 9:00 o'clock; and when the the House of Representatives adjourns this week it reconvene on Monday evening, November 28, at 9 o'clock.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

REPORTS FROM COMMITTEES

Mr. RUTH. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RUTH from the Committee on Appropriations reported as amended, Senate Bill No. 64, (House Bill No. 72), entitled:

A Supplement to the act approved the second day of July one thousand nine hundred thirty-seven (Appropriation Acts page seventy-four) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" making a deficiency appropriation to the Department of Property and Supplies for the payment of certain expenses for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine and making an additional appropriation to the Legislative Department

Mr. McCREESH. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCREESH from the Committee on Appropriations reported as committed, Senate Bill No. 41, entitled:

An Act making an appropriation to the Department of Public Instruction for the payment of salaries of members of and attorneys employed by county boards of school directors

Mr. McGINNIS. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McGINNIS from the Committee on Labor and Industry reported as committed, Senate Bill No 62, (House Bill No. 63), entitled:

An Act to further amend section four of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 465) entitled "An act to provide for the safety of persons employed housed or assembled in certain buildings and structures not in cities of the first class second class and second class A by requiring certain construction and ways of egress equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for ex-

amination and approval providing for the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the third class providing penalties for violations of the provisions of this act and repealing certain acts" by changing the number of ways of egress required in the case of certain buildings

Mr. FREY. Mr. President, I ask unanimous consent to make a report from Committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY from the Committee on Executive Nominations reported with a favorable recommendation the following nominations, made by His Excellency the Governor, of the Commonwealth.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 25, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

MEMBER OF THE PENNSYLVANIA TURNPIKE COMMISSION

Edward N. Jones, Pittsburgh, from July 1, 1937, until June 4, 1945, and until his successor is appointed and qualified:

MEMBER OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Arthur Colegrove, Corry, from June 13, 1938, for the residue of the term ending April 1, 1941, and until his successor shall be duly appointed and shall be qualified.

MEMBER OF THE PENNSYLVANIA LIQUOR CONTROL BOARD

Leo A. Crossen, Philadelphia, from November 29, 1937, for the term of six years, and until his successor shall have been appointed and qualified.

SECRETARY OF WELFARE

Charles I. Engard, Philadelphia, from January 10, 1938, until the third Tuesday of January,, 1939, and until his successor shall have been appointed and qualified.

SECRETARY OF REVENUE

J. Griffith Boardman, Philadelphia, from June 16, 1937, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

SECRETARY OF HIGHWAYS

Roy E. Brownmiller, Pottsville, from April 5, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

SECRETARY OF BANKING

Irland McK. Beckman, Erie, from January 1, 1938, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

ATTORNEY GENERAL

Guy K. Bard, Lancaster, from April 23, 1938, until superseded.

COMMISSIONER OF THE PENNSYLVANIA MOTOR POLICE

Percy W. Foote, Drexel Hill, from June 29, 1937, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

SECRETARY OF PUBLIC ASSISTANCE

Arthur W. Howe, Jr., Bowmansdale, from January 6, 1938 until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. RICE and Mr. LAW that Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all the nominations reported at to-day's session.

Which was agreed to.

Mr. FREY. Mr. President, if it meets with the approval of the Senate I would recommend that separate votes be taken on the nominations of Edward N. Jones, as a Member of the Pennsylvania Turnpike Commission; Arthur Colegrove as a Member of the Pennsylvania Public Utility Commission; and Leo A. Crossen as a Member of the Pennsylvania Liquor Control Board.

The PRESIDENT. Is there objection?

The Chair hears none.

Mr. FREY. Mr. President, I move that the Senate do now advise and consent to the nomination of Edward N. Jones for appointment as a Member of the Pennsylvania Turnpike Commission.

Mr. LAW. Mr. President, I second the motion.

On the question.

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Barthold,	Haluska,	Lanius,	Reed,
Cavalcante,	Henney,	Law,	Rice,
Dando,	Huffman,	McCreesh,	Ruth,
Dent,	Jacobs,	McGinnis,	Shapiro,
DiSilvestro,	Jaspan,	Mundy,	Sipe,
Eroe,	Kahle,	Pytko,	Stiefel,
Frey,	Kilgallen,	Rankin,	Thompson,
Gilson,	Kunkel,		

NAYS—9

Buckman,	Gelder,	Howell,	Owlett,
Deitrick,	Homsher,	Mallery,	Scarlett,
Ealy,			

PRESENT AND NOT VOTING—2

Heyburn,	Sones,

Less than two-thirds of all the Senators having voted "aye" the question was determined in the negative.

Ordered, That the Governor be informed accordingly.

Mr. FREY. Mr. President, I move that the Senate do now advise and consent to the nomination of Arthur Colegrove for appointment as a Member of the Pennsylvania Public Utility Commission.

Mr. LAW. Mr. President, I second the motion.

On the question.

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Barthold,	Haluska,	Lanius,	Reed,
Cavalcante,	Henney,	Law,	Rice,
Dando,	Huffman,	McCreesh,	Ruth,
Dent,	Jacobs,	McGinnis,	Shapiro,
DiSilvestro,	Jaspan,	Mundy,	Sipe,
Eroe,	Kahle,	Pytko,	Stiefel,
Frey,	Kilgallen,	Rankin,	Thompson,
Gilson,	Kunkel,		

NAYS—9

Buckman,	Gelder,	Howell,	Owlett,
Deitrick,	Homsher,	Mallery,	Scarlett,
Ealy,			

PRESENT AND NOT VOTING—2

Heyburn,	Sones,

Less than two-thirds of all the Senators having voted "aye" the question was determined in the negative.

Ordered, That the Governor be informed accordingly.

Mr. FREY. Mr. President, I move that the Senate do now advise and consent to the nomination of Leo A. Crossen, for appointment as a Member of the Pennsylvania Liquor Control Board.

Mr. LAW. Mr. President, I second the motion.

On the question.

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—29

Barthold,	Haluska,	Lanius,	Reed,
Cavalcante,	Henney,	Law,	Rice,
Dando,	Huffman,	McCreesh,	Ruth,
Dent,	Jacobs,	McGinnis,	Shapiro
DiSilvestro,	Kahle,	Mundy,	Sipe,
Eroe,	Kilgallen,	Pytko,	Stiefel,
Frey,	Kunkel,	Rankin	Thompson,
Gilson,			

NAYS—10

Buckman,	Gelder,	Jaspan,	Owlett,
Deitrick,	Homsher,	Mallery,	Scarlett,
Ealy,	Howell,		

PRESENT AND NOT VOTING—2

Heyburn,	Sones,

Less than two-thirds of all the Senators having voted "aye" the question was determined in the negative.

Ordered, That the Governor be informed accordingly.

Mr. FREY. Mr. President, I move that the Senate do now advise and consent to the Nominations of Charles I. Engard for appointment as Secretary of Welfare; J. Griffith Boardman for appointment as Secretary of Revenue; Roy E. Brownmiller for appointment as Secretary of Highways; Irland Mck. Beckman for appointment as Secretary of Banking; Guy K. Bard for appointment as Attorney General; Percy W. Foote for appointment as Commissioner of the Pennsylvania Motor Police; Arthur W. Howe, Jr., for appointment as Secretary of Public Assistance.

Mr. LAW. Mr. President, I second the motion.

On the question.

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Barthold,	Gilson,	Kilgallen,	Rankin,
Buckman,	Haluska,	Kunkel,	Reed,
Cavalcante,	Henney,	Lanius,	Rice,
Dando,	Heyburn,	Law,	Ruth,
Deitrick,	Homsher,	Mallery,	Scarlett,
Dent,	Howell,	McCreesh,	Shapiro,
DiSilvestro,	Huffman,	McGinnis,	Sipe,
Ealy,	Jacobs,	Mundy,	Sones,
Eroe,	Jaspan,	Owlett,	Stiefel,
Frey,	Kahle,	Pytko,	Thompson,
Gelder,			

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be notified accordingly.

Mr. RICE. Mr. President, I move that the Executive Session do now rise.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of personal privilege.

Mr. SHAPIRO. Mr. President, the Senate has just confirmed the seven nominees for cabinet offices and has rejected three nominees because, apparently, their terms may extend beyond January 17th. I want to recall to the minds of some of the members of the Senate now present that in 1935, when I sat on the other side of the house, I made the statement then concerning the incoming Governor, the present Governor, that that Governor was not my candidate but that he was my Governor. I want to repeat that statement now and say that while Mr. James was not my candidate, on the 17th of January he will be my Governor, and so far as I am concerned I will go along in every method that he suggests to provide better conditions for the citizens of the Commonwealth of Pennsylvania.

But with equal force I serve notice on the gentlemen on the other side that when it comes to nominations for candidates suggested by the Governor, when their appointments are for other than cabinet offices, I shall act in accordance with the lessons I got here tonight, and I serve notice that after January 17th, when nominations are suggested by the Governor of the Commonwealth of Pennsylvania, I shall not be bound by the feeling that he is my Governor any more than the present members of the Senate on the other side seemed to recognize that fact. They seem to feel that nominations are the subject of political action, and political controversy. I shall govern myself accordingly.

HOUSE MESSAGE

HOUSE INSISTS ON ITS AMENDMENTS TO SENATE BILL NO. 40 AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives being introduced informed the Senate that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 40, entitled:

An Act to amend sections one hundred eight five hundred six five hundred seven eight hundred thirteen eight hundred fourteen and one thousand one hundred thirty-three of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by providing for the merger of certain school districts with other districts validating the merger of certain school districts eliminating certain powers of county boards of school directors and redefining indebtedness of school districts empowering the county boards of school directors to employ an attorney and fix his compensation increasing the salaries of members of the county board of school directors and providing for limitations on the appointment of district superintendents

and has appointed Messrs. Achterman, Simon and Woodside as a Committee of Conference to confer with the similar Committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

REPORT FROM COMMITTEE

Mr. FREY. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY from the Committee on Executive Nominations reported with a favorable recommendation the following nominations and communications recalling certain nominations made by His Excellency the Governor, of the Commonwealth.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, November 21, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

JUSTICES OF THE PEACE

Ralph C. Crow, 537 Hummel Avenue, Lemoyne, Cumberland County, for appointment as Justice of the Peace in the Borough of Lemoyne, Cumberland County, until the first Monday in January, 1940, vice Levi L. Hamacker, resigned.

Arthur Hillard, R. D. 1, Friendsville, Susquehanna County, for appointment as Justice of the Peace in the Township of Forest Lake, Susquehanna County, until the first Monday in January, 1940, vice A. P. Coleman, whose term expired.

Roger DuBois, Box 142, Avella, Washington County, for appointment as Justice of the Peace in the Township of Independence, Washington County, until the first Monday in January, 1940, vice A. H. Shaff, deceased.

Dushan Niksich, Slovan, Washington County, for appointment as Justice of the Peace in the Township of Smith, Washington County, until the first Monday in January, 1940, vice Steve Dugas, resigned.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, September 13, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

Lawrence F. Cosgrove, 328 Coal Street, Lehighton, Carbon County, for appointment as Justice of the Peace in the Borough of Lehighton, Carbon County, vice J. B. Snyder, deceased, until the first Monday in January, 1940.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, November 14, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

Francis H. Shimshock, Grant Street, New Salem, Fayette County, for appointment as Justice of the Peace in the Township of Menallen, Fayette County, until the first Monday in January, 1940, vice Charles A. McCombs, deceased.

W. I. Taylor, Mary Avenue, Eagles Mere, Sullivan County, for appointment as Justice of the Peace in the Borough of Eagles Mere, Sullivan County, until the first Monday in January, 1940, to fill a vacancy.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, October 10, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

Geo. J. Tibbens, Houtzdale, Clearfield County, for appointment as Justice of the Peace in the Township of Woodward, Clearfield County, until the first Monday in January, 1940, vice Richard Adams, deceased.

Walter E. Miller, Box 64, Beech Creek, Clinton County, for appointment as Justice of the Peace in the Borough of Beech Creek, Clinton County, until the first Monday in January, 1940, vice S. C. McKean, resigned.

Fred V. Ciampi, 620 Exeter Avenue, West Pittston, Luzerne County, for appointment as Justice of the Peace in the Borough of West Pittston, Luzerne County, until the first Monday in January, 1940, vice Rex E. Campbell, deceased.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, November 21, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

Oscar Gordon, R. D. 2, New Brighton, Beaver County for appointment as Justice of the Peace in the Township of New Sewickley, Beaver County, until the first Monday in January, 1940, to fill a vacancy.

GEORGE H. EARLE.

ALDERMAN, CITY OF EASTON

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, October 11, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

R. Raymond Ryan, 31 Centre Square, Easton, Northampton County, for appointment as Alderman in the First Ward of the City of Easton, Northampton County, until the first Monday in January, 1940, vice Charles B. Brunner, whose term expired.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor' Office, Harrisburg, October 17, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

JUSTICE OF THE PEACE

William M. Boyle, McAdoo, Schuylkill County, for appointment as Justice of the Peace in the Borough of McAdoo, Schuylkill County, until the first Monday in January, 1940, vice James J. Mackin, deceased.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, November 21, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

JUSTICE OF THE PEACE

John Galick, 105 Lincoln Street, Dupont, Luzerne County, for appointment as Justice of the Peace in the Borough of Dupont, Luzerne County, until the first Monday in January, 1940, vice Edward J. Lokuta, deceased.

ALDERMEN, CITY OF HAZLETON

Daniel Deis, 221 East Chestnut Street, Hazleton, Luzerne County, for appointment as Alderman in the Third Ward of the City of Hazleton, Luzerne County, until the first Monday in January, 1940, to fill a vacancy.

Thomas L. Martin, 118 South Laurel Street, Hazleton, Luzerne County, for appointment as Alderman in the Fifth Ward of the City of Hazleton, Luzerne County until the first Monday in January, 1940, vice Catherine Fallon, deceased.

ALDERMAN, CITY OF WILKES-BARRE

Paul Schultz, 72 Spring Street, Wilkes-Barre, Luzerne County, for appointment as Alderman in the Second Ward of the City of Wilkes-Barre, Luzerne County, until the first Monday in January, 1940, vice Francis B. Crawley, resigned.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, October 3, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

JUSTICES OF THE PEACE

Joseph W. Gurtis, Mount Pleasant, Westmoreland County, for appointment as Justice of the Peace in the Township of Mount Pleasant, Westmoreland County, until the first Monday in January, 1940, vice John W. Miller, resigned.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, October 17, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

Charles L. Nankeville, R. F. D. 1, Wilkinsburg, Allegheny County, for appointment as Justice of the Peace in the Borough of Churchill, Allegheny County, until the first Monday in January, 1940, vice John H. Elder, Jr., resigned.

Albert Lord, Branchdale, Schuylkill County, for appointment as Justice of the Peace in the Township of Branch, Schuylkill County, until the first Monday in January, 1940, vice Charles E. Starr, deceased.

J. Millard Bortner, 207 South Water Street, Spring Grove, York County, for appointment as Justice of the Peace in the Borough of Spring Grove, York County, until the first Monday in January, 1940, vice Herman H. Sell, resigned.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 25, 1938.

To the Honorable, the Senate, of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate, the following:

MEMBERS, COUNTY BOARDS OF ASSISTANCE

Mrs. Leanna Thomas, Sharpsburg, Allegheny, as a member of the Allegheny County Board of Assistance, from December 30, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

Mr. Frances A. Rufe, Sellersville, Bucks County, as a member of the Bucks County Board of Assistance, from December 20, 1937,, until December 31, 1940, and until her successor is duly appointed and qualified.

Mrs. Mary Sagerson Dillon, Johnstown, as a member of the Cambria County Board of Assistance, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

George M. Lang, Cresson, as a member of the Cambria County Board of Assistance, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

Mrs. Elizabeth McDowell, Conemaugh, as a member of the Cambria County Board of Assistance, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

W. L. Kay, Malvern, Chester County, as a member of the Chester County Board of Assistance, from March 17, 1938, until December 31, 1940, and until his successor is duly appointed and qualified.

Fred V. Brown, Clarion, Clarion County, as a member of the Clarion County Board of Assistance, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

Merrill C. Fisher, Bloomsburg, Columbia County, as a member of the Columbia County Board of Assistance, from December 20, 1937, until December 31, 1940 and until his successor is duly appointed and qualified.

John M. Keichline, Huntingdon, Huntingdon County, as a member of the Huntingdon County Board of Assistance, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

Miss Fannie Henry, Bethlehem, Northampton County, as a member of the Northampton County Board of Assistance, from December 23, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

Frank B. Stutsman, Shohola, Pike County, as a member of the Pike County Board of Assistance, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

Miss Marian Stone, Coudersport, Potter County, as a member of the Potter County Board of Assistance, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

E. M. Fischler, Galeton, Potter County, as a member of the Potter County Board of Assistance, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

Ralph E. Page, Lewisburg, Union County, as a member of the Union County Board of Assistance, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

Cecil C. Winans, Warren County, as a member of the Warren County Board of Assistance, from December 21, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

Mrs. Marjorie B. Briggs, Warren, Warren County, as a member of the Warren County Board of Assistance, from December 21, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

Mrs. Cecilia R. Jamison, Greensburg, Westmoreland County, as a member of the Westmoreland County Board of Assistance, from December 21, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

GEORGE H. EARLE.

NOMINATIONS RECALLED

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, October 18, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination made to your Honorable Body on July 25, 1938, for the appointment of Mrs. Marjorie B. Briggs, Warren, Warren County, as a member of the Warren County Board of Assistance, from December 21, 1937, until December 31, 1939, and until her successor is duly appointed and qualified,—Mrs. Briggs having subsequently resigned.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, October 18, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nominations made to your Honorable Body for the appointment of the following persons who have subsequently resigned:

Mrs. Leanna Thomas, Sharpsburg, Allegheny, as a member of the Allegheny County Board of Assistance, from December 30, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

Mrs. Frances A. Rufe, Sellersville, Bucks County, as a member of the Bucks County Board of Assistance, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

Fred V. Brown, Clarion, Clarion County, as a member of the Clarion County Board of Assistance, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

Merrill C. Fisher, Bloomsburg, Columbia County, as a member of the Columbia County Board of Assistance, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

John M. Keichline, Huntingdon, Huntingdon County, as a member of the Huntingdon County Board of Assistance, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

Miss Fannie Henry, Bethlehem, Northampton County, as a member of the Northampton County Board of Assistance, from December 23, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

Miss Marian Stone, Coudersport, Potter County, as a member of the Potter County Board of Assistance, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

E. M. Fischler, Galeton, Potter County, as a member of the Potter County Board of Assistance, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

Ralph E. Page, Lewisburg, Union County, as a member of the Union County Board of Assistance, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, November 15, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nominations made to your Honorable Body on July 25, 1938, for the appointment of the following persons who have subsequently resigned:

W. L. Kay, Malvern, Chester County, as a member of the Chester County Board of Assistance, from March 17, 1938, until December 31, 1940, and until his successor is duly appointed and qualified.

Frank B. Stutsman, Shohola, Pike County, as a member of the Pike County Board of Assistance, from December 20, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

Cecil C. Winans, Warren, Warren County, as a member of the Warren County Board of Assistance, from December 21, 1937, until December 31, 1938, and until his successor is duly appointed and qualified.

Mrs. Cecilia R. Jamison, Greensburg, Westmoreland County, as a member of the Westmoreland County Board of Assistance, from December 21, 1937, until December 31, 1939, and until her successor is duly appointed and qualified.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, November 21, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nominations made to your Honorable Body on July 25, 1938, for the appointment of the following persons:

Mrs. Mary Sagerson Dillon, Johnstown, as a member of the Cambria County Board of Assistance, from December 20, 1937, until December 31, 1940, and until her successor is duly appointed and qualified.

George M. Lang, Cresson, as a member of the Cambria County Board of Assistance, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

Mrs. Elizabeth McDowell, Conemaugh, as a member of the Cambria County Board of Assistance, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES and Mr. McCREESH,

That Rule 38, be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES and Mr. McCREESH,

That the Senate do advise and consent to the nominations reported excepting those for appointment as Members of County Boards of Assistance effected by accompanying communications recalling same.

On the quetsion,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Barthold,	Gilson,	Kilgallen,	Rankin,
Buckman,	Haluska,	Kunkel,	Reed,
Cavalcante,	Henney,	Lanius,	Rice,
Dando,	Heyburn,	Law,	Ruth,
Deitrick,	Homsher,	Mallery,	Scarlett,
Dent,	Howell,	McCreesh,	Shapiro,
DiSilvestro,	Huffman,	McGinnis,	Sipe,
Ealy,	Jacobs,	Mundy,	Sones,
Eroe,	Jaspan,	Owlett,	Stiefel,
Frey,	Kahle,	Pytko,	Thompson,
Gelder,			

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be notified accordingly.

A motion was made by Mr. SONES and Mr. McCREESH,

That at the request of His Excellency the Governor of the Commonwealth the foregoing nominations for appointment as Members of County Boards of Assistance sent to the Senate July 25, 1938 be returned to the Governor.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken, and were as follows, viz:

YEAS 41

Barthold,	Gilson,	Kilgallen,	Rankin,
Buckman,	Haluska,	Kunkel,	Reed,
Cavalcante,	Henney,	Lanius,	Rice,

Dando,	Heyburn,	Law,	Ruth,
Deitrick,	Homsher,	Mallery,	Scarlett,
Dent,	Howell,	McCreesh,	Shapiro,
DiSilvestro,	Huffman,	McGinnis,	Sipe,
Ealy,	Jacobs,	Mundy,	Sones.
Eroe,	Jaspan,	Owlett,	Stiefel,
Frey,	Kahle,	Pytko,	Thompson,
Gelder,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be notified accordingly.

Mr. FREY. Mr. President, I move that the Senate do now proceed to the consideration of Nominations for Notaries Public, sent to the Senate, November 21, 1938, by His Excellency, the Governor of the Commonwealth which were laid on the table.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, November 21, 1938.

To the Honorable, The Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Van H. S. Beese, 14 Wood Street, Pittsburgh.
Miss Rita Donnelly, 535 Union Trust Bldg., Pittsburgh.
Paul W. Porter, Farmers Bank Bldg., Pittsburgh.
Miss Ruby H. Soellner, 1502 Union Bank Bldg., Pittsburgh.

CLEARFIELD COUNTY

Andrew C. MacBlain, Clearfield.

ERIE COUNTY

Miss Marion E. Tobin, Erie.
Arthur J. Woodbridge, Erie.

LYCOMING COUNTY

Ralph W. Frank, Williamsport.

MONTGOMERY COUNTY

Paul E. Dames, Pottstown.

PHILADELPHIA COUNTY

Ralph K. Airey, 735 Callowhill Street, Phila.
Miss Emma Lobs, 119 South 11th Street, Phila.
Miss Marie H. McNulty, 912 Finance Building, Phila.
Raymond A. Nolen, 5530 Chew Street, Phila.

GEORGE H. EARLE.

Whereupon,

A motion was made by Mr. SONES and Mr. McCREESH. That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Barthold,	Gilson,	Kilgallen,	Rankin,
Buckman,	Haluska,	Kunkel,	Reed,
Cavalcante,	Henney,	Lanius,	Rice,
Dando,	Heyburn,	Law,	Ruth,
Deitrick,	Homsher,	Mallery,	Scarlett,
Dent,	Howell,	McCreesh,	Shapiro,
DiSilvestro,	Huffman,	McGinnis,	Sipe,
Ealy,	Jacobs,	Mundy,	Sones,
Eroe,	Jaspan,	Owlett,	Stiefel,
Frey,	Kahle,	Pytko,	Thompson.
Gelder,			

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be notified accordingly.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

MOTION TO READ BILLS THE FIRST TIME

Mr. LAW. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. DANDO. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 41, entitled:

An Act making an appropriation to the Department of Public Instruction for the payment of salaries of members of, and attorneys employed by, county boards of school directors.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 62 (House Bill No. 63), entitled:

An Act to further amend section four of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 465) entitled, "An act to provide for the safety of persons employed, housed or assembled in certain buildings and structures not in cities of the first class, second class and second class A by requiring certain construction and ways of egress, equipment and maintenance, providing for the licensing of projectionists, requiring the submission of plans for examination and approval, providing for the promulgation of rules and regulations for the enforcement of this act, providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the third class, providing penalties for violations of the provisions of this act and repealing certain acts," by changing the number of ways of egress required in the case of certain buildings.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn until Tuesday, November 22, 1938, at 1:00 o'clock P. M.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:59 o'clock P. M. until Tuesday, November 22, 1938, at 1:00 o'clock P. M.

HOUSE OF REPRESENTATIVES

MONDAY, November 21, 1938

The House met at 9:00 P. M.
The SPEAKER, (Roy E. Furman), in the Chair.

PRAYER

The Chaplain, Rev. EPHRAIM Z. GALLAHER, offered the following prayer:

Most gracious Lord, we come to Thee, at this thanksgiving season, with praise and thanksgiving. Thy word teaches us that we ought always give praise unto Thee, but a season of special emphasis seemeth good unto man. Even in our festivities, we forget not Thy bountiful gifts. As individuals we praise Thee, as a body we acknowledge Thy leadership, and as a state we join the entire nation in expressing gratitude unto Thee for the many blessings of the year. In this season those of us who enjoy the blessings of peace, plenty of material comforts and happy homes, our hearts are warmed unto those who suffer from afflictions, and from want of the necessities of life; who are homeless, who are denied the right of pursuit of happiness and to worship Thee according to the dictates of their conscience. Oh may they have a surcease of hardship, and enjoy again a happy place among the races of mankind.

We do pray in Christ's own name. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Tuesday, November 15, 1938.

The Clerk proceeded to read the Journal of Tuesday, November 15, 1938, when, on motion of Mr. WINNER the further reading was dispensed with and the Journal approved.

COMMUNICATION

The SPEAKER laid before the House a communication which was read by the Clerk as follows:

DEPARTMENT OF STATE
WASHINGTON

November 18, 1938.

My Dear Mr. Callahan:

The receipt is acknowledged, by reference from the White House, of your communication of October 11, 1938 embodying a resolution of the House of Representatives of Pennsylvania commending the President's recent cabled message to the Chancellor of Germany with regard to averting a war. It is gratifying to have received your communication expressing approval of the President's action.

Sincerely your,

For the Secretary of State:
(Signed) G. Messersmith
Assistant Secretary.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

SCHOOL TAX

Telegram from Allegheny County Real Estate Owners and Taxpayers League opposing passage of Senate Bill No. 39.

Telegram from Building Owners and Managers Association of Pittsburgh opposing passage of Senate Bill No. 39.

A resolution from the West Philadelphia Realty Board opposing passage of Senate Bill No. 39.

A resolution from the Pennsylvania Real Estate Association opposing passage of Senate Bill No. 39.

Referred to the Committee on Education.

FIREWORKS

A resolution from the Oscar M. Heikes Post No. 223, American Legion of Shippensburg, requesting legislation prohibiting sale of fireworks.

Referred to the Committee on Public Health and Sanitation.

LEAVES OF ABSENCE

Mr. Holmes asked and obtained leave of absence for Mr. ALLMOND on account of illness.

Mr. Powers asked and obtained leave of absence for Mr. MIHM on account of illness.

Mr. ALEXANDER asked and obtained leave of absence for himself for the remainder of the week on account of illness in the family.

Mr. Gillette asked and obtained leave of absence for Mr. MERRELL for the remainder of the week on account of illness.

Mr. STEWART asked and obtained leave of absence for himself for the remainder of the week.

Mr. Wilson asked and obtained leave of absence for Mr. HUNTLEY for the remainder of the week on account of illness.

SENATE MESSAGES

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 67 (HOUSE BILL No. 97).

An Act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling making it unlawful for any public utility to furnish private wires except by written contract conferring and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for or intended to be used for the transmission of information or advices in furtherance of gambling making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Public Utility Commission making illegal the use of certain wires for purposes other than those specified in the written contract therefor imposing penalties making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling prescribing the burden of proof in proceedings hereunder and providing for appeal.

Referred to the Committee on Judiciary Special.

SENATE BILL No. 68 (HOUSE BILL No. 98).

An Act making illegal the use of devices and methods of transmission of information or advices in furtherance of gambling declaring the dissemination of certain information to be in furtherance of gambling provided for the seizure and forfeiture of devices used in furtherance of gambling and imposing penalties.

Referred to the Committee on Judiciary Special.

SENATE BILL No. 69 (HOUSE BILL No. 99).

An Act validating certain proceedings and elections of counties cities boroughs townships school districts and other incorporated districts or municipalities had and held pursuant to the provisions of an act approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections.

Referred to the Committee on Municipal Corporations.

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 50.

An Act making an appropriation to the Department of Property and Supplies for preliminary expenses in proposed acquisitions of real property from housing authorities.

With the information that the Senate has passed the same without amendment.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 95, entitled:

An Act licensing and regulating the business of transmitting and disseminating racing information; providing for the issuance of licenses by the Public Utility Commission; authorizing the Public Utility Commission to make examinations and issue regulation; and prescribing penalties for the violation of this act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 90, (Senate Bill No. 60), entitled:

An Act to amend Section two of the act approved the twelfth day of August one thousand nine hundred and thirty-eight(Act No. 5) entitled "An act authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued requiring the commission to make a report of its findings and recommendations to the General Assembly or to the Governor and authorizing the commission to employ counsel and employes and making an appropriation" by changing the manner of appointment of the members of said commission

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 59, as follows:

An Act to ratify confirm and make valid the commission to make a careful thorough and impartial investigation of the general practice and procedure in the courts of quarter sessions of the peace oyer and terminer and general jail delivery in the various counties of the Commonwealth and the Municipal Court in the City and County of Philadelphia appointed pursuant to the joint resolution approved the ninth day of March one thousand nine hundred and thirty-seven (Pamphlet Laws thirty-five) entitled "A joint resolution authorizing the appointment of a commission to make a fair and impartial investigation of the general practice and procedure in the courts of oyer and terminer general jail delivery and quarter sessions of the peace in the various counties of the Commonwealth and the Municipal Court in the City and County of Philadephia with special reference to the prosecution trial and disposition of all criminal cases and the probation and parole of persons guilty of crime conferring upon the commission full power to issue subpoenas requiring the commission if possible to make a report of its findings to the present session of the General Assembly together with its recommendations as to such legislation as may be necessary or desirable otherwise to make such report and recommendations to the Governor authorizing the commission to employ counsel and employes and making an appropriation" and its amendments together with its actions proceedings expenses and and expenditures

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The commission to make a careful thorough and impartial investigation of the general practice and procedure in the courts of quarter sessions of the peace oyer and terminer and general jail delivery in the various counties of the Commonwealth and the Municipal Court in the City and County of Philadelphia appointed pursuant to the joint resolution approved the ninth day of March one thousand nine hundred and thirty-seven (Pamphlet Laws thirty-five) entitled "A joint resolution authorizing the appointment of a commission to make a fair and impartial investigation of the general practice and procedure in the courts of oyer and terminer general jail delivery and quarter sessions of the peace in the various counties of the Commonwealth and the Municipal Court in the City and County of Philadelphia with special reference to the prosecution trial and disposition of all criminal cases and the probation and parole of persons guilty of crime conferring upon the commission full power to issue subpoenas requiring the commission if possible to make a report of its findings to the present session of the General Assembly together with its recommendations as to such legislation as may be necessary or desirable otherwise to make such report and recommendations to the Governor authorizing the commission to employ counsel and employes and making an appropriation" as amended by the act approved the second day of July one thousand nine hundred and thirty-seven (Pamphlet Laws two thousand seven hundred three) is hereby ratified confirmed and made valid together with all its actions proceedings expenses and expenditures whether the same have been paid or remain unpaid notwithstanding the fact that said commission was created by legislation designated "a joint resolution" and notwithstanding any other defect or informality in substance form or language in said legislation creating said commission.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 93, entitled:

An Act making an appropriation for the expenses of the special committee appointed by the Speaker of the House of Representatives pursuant to House Resolution No. 24 adopted by the House of Representatives on the eighteenth day of October one thousand nine hundred thirty-eight by authority of the act approved the thirtieth day of July one thousand nine hundred thirty-eight (Act No. 2) entitled "An act defining the procedure for and regulating the investigation of the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment authorizing the Speaker of the House to appoint a special committee for any such investigation authorizing the presentation of evidence by the Attorney General other counsel and the officers investigated providing for the summoning of witnesses and for the punishment of persons refusing to appear produce evidence or testifying and authorizing the employment and compensation of cousel and other assistants"

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 The sum of seven thousand five hundred dollars ($7500) or so much thereof as may be necessary is hereby specifically appropriated to the special committee appointed by the Speaker of the House of Representatives pursuant to House Resolution No. 24 adopted by the House of Representatives on the eighteenth day of October one thousand nine hundred thirty-eight by authority of the act approved the thirtieth day of July one thousand nine hundred thirty-eight (Act No. 2) entitled "An act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment authorizing the Speaker of the House to appoint a special committee for any such investigation authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated providing for the summoning of witnesses and for the punishment of persons refusing to appear produce evidence or testify and authorizing the employment and compensation of counsel and other assistants" for the payment of the expenses of such investigations by such committee including the compensation of counsel investigators stenographers reporters and other employes as may be necessary for the conduct of its work postage telegraph and telephone the cost of subpoenaing and attachment of witnesses witness fees supplies and printing and any other expense by a majority of the committee in connection with the conduct of its work.

On the question,

Will the House agree to the section?

Mr. HERING. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 2, lines 1 and 2, by striking out the following: "seven thousand five hundred dollars ($7500), and inserting in lieu thereof: "five thousand dollars ($5,000)"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act making an appropriation for the expenses of the special committee appointed by the Speaker of the House of Representatives pursuant to House Resolution No. 24 adopted by the House of Representatives on the eighteenth day of October one thousand nine hundred thirty-eight by authority of the act approved the thirtieth day of July one thousand nine hundred thirty-eight (Act No. 2) entitled "An act defining the procedure for and regulating the investigation of the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment authorizing the Speaker of the House to appoint a special committee for any such investigation authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated providing for the summoning of witnesses and for the punishment of persons refusing to appear produce evidence or testifying and authorizing the employment and compensation of counsel and other assistants"

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 27, (Senate Bill No. 1), entitled:

A Supplement to the act approved the eighteenth day of March, one thousand eight hundred and seventy-five (P. L. 30), entitled "An Act to authorize changes of venue in criminal cases," forbidding changes of venue in criminal prosecutions by any court on application of the Commonwealth or prosecutor.

And said bill having been read at length the second time and agreed to.

Ordered. To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 92, (Senate Bill No. 61), entitled:

An Act to ratify confirm and make valid the joint legislative committee created by Senate Concurrent Resolution Serial Number 106 approved March sixteenth one thousand nine hundred and thirty-seven and authorized thereby to make an investigation of the tax burdens placed upon industries in Pennsylvania and other industrial and mining states together with its actions proceedings expenses and expenditures and the appropriation made to said committee and making a further appropriation

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 83, (Senate Bill No. 39), entitled:

An Act to amend and re-enact Section five hundred and twenty-four of an act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by limiting and prescribing the method of fix-

ing the levy of school taxes in school districts of the first class

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—113.

Achterman,	Habbyshaw,	Moran,	Snyder,
Allen,	Haberlen,	Muir,	Sollenberger,
Arnold,	Hall,	Murrin,	Spengler,
Baker,	Hamilton, F. P.	O'Brien,	Sproul,
Balthaser,	Hamilton, R. S.,	O'Keefe,	Stank,
Bierly,	Harkins,	Ominsky,	Stewart,
Blank,	Hays,	O'Neill,	Strode,
Bohn,	Hering,	Ostroff,	Thomas,
Boles,	Hess,	Patterson J W	Thompson,
Boltz,	Hirsch,	Peale,	Tronzo,
Boose,	Holland,	Pershing,	Tumelty,
Brancato,	Holmes,	Powers,	Turner,
Cohen, H. B.	Horting,	Preston,	Valibus,
Cohen, R. E.	Imbrie,	Readinger,	VanAllsburg,
Coleman,	Jirolanio,	Rothenberger,	Walsh,
Coolahan,	Kane,	Ruffennach,	Webster,
Corrigan,	Kelso,	Sarraf,	Weidemann,
Costanzo,	Kilroy,	Scanlon,	Weiss, D. H.,
DeNote,	LaRue,	Schor,	Weiss, S. A.,
Dickinson	Levy,	Schrock,	Welliver,
Donohoe,	Lewis,	Schrope,	Welsh,
Dubbs,	Long,	Schumacher,	Whalen,
Dyson,	Mallen,	Shaw,	Woodside,
Eckels,	McDevitt,	Shea,	Wright,
Finnerty,	McElroy,	Shepard,	Yanoshat,
Fiss,	McGee,	Shoemaker,	Yeakel,
Flannery,	McShane,	Shugarts,	Zappala,
Gerard,	Melchiorre	Skale,	Furman
Gillette,	Mooney,	Smith, James A.,	

NAYS—54.

Alexander,	Ganser,	Matthews, J F	Reising,
Atkins,	Gorski,	McFall,	Royer,
Boyer,	Hagerty,	McKinney,	Rush,
Broad,	Harmuth,	Mellott,	Siegel,
Brown,	Hindman	Moomaw,	Simon,
Cadwalader,	Holstrom	Moul,	Sloan,
Caputo,	Hontz,	Nagel,	Smith, John A.
Chervenak,	Keenan,	O'Connor,	Trout,
Coakley,	Kline,	Patterson, C. S.,	Wall,
Davies,	Leisey,	Pearson,	Watkins,
Elpern,	Lopresti,	Perry,	Westrick,
Falkenstein,	Lovett,	Piole,	Wilson,
Flanagan	Lyons,	Reese,	Yourishin,
Flinchbaugh,	Marino,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

REASONS FOR VOTE

Mr. HARKINS filed the following reasons for his vote:

I am voting "aye" on this bill because I am informed that there is a serious financial situation in the Philadelphia school system and because it does not cause a mandatory rise in the tax millage but only vests a discretionary power in the school board. I believe that an emergency exists and that this bill will solve the situation until the regular session of 1939.

Mr. OSTROFF filed the following reasons for his vote:

I vote "aye" on Senate Bill No. 39 in order to insure the continued welfare of the Public School System. I believe that safeguards should be set up to protect the real estate owner against oppressive taxation. However, that legislation must be adopted by a regular session of the legislature after due deliberation.

The condition of the public schools in this emergency must be considered. In view of the emergency, I am supporting this measure which gives temporary relief.

SENATE MESSAGE TAKEN FROM TABLE

Mr. SHAW. Mr. Speaker, I move that the Senate message on House Bill No. 82, which was laid on the table on Tuesday, November 15, 1938, be taken from the table.

The motion was agreed to.

The message was read by the Clerk as follows:

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE.

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 82.

An Act to amend sections two hundred two, four hundred one and two thousand three hundred eighteen of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined", as amended; by creating as departmental administrative boards in the Department of Welfare, and conferring powers and duties upon, boards of trustees for the respective institutions acquired by the Commonwealth from counties, cities and institution districts, for use as State mental hospitals.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, line 15, by inserting after the word "administrative" the words "officers and of the several administrative"; also page 2 of the title, line 6, by striking out after the word "creating" the word "as" and inserting in lieu thereof the word "additional."

Amend Section 1, page 5, line 13, by striking out the word "of" and inserting in lieu thereof the word "for"; also page 8, by inserting at the beginning of line 5 the word "twenty-one"; also same line by inserting after the word "the" the word "twenty-ninth"; also same line by inserting after the word "of" the word "September."

Amend Section 2, page 11, line 15, by inserting after the word "Number" the words "twenty-one"; also line 16, by inserting after the word "the" the words "twenty-ninth"; also same line by inserting after the word "of" the word

"September"; also page 14, line 13, by striking out after the word "Village" the word "of" and inserting in lieu thereof the word "for"; also page 15, line 3, by inserting after the word "Number" the words "twenty-one"; also same line by inserting after the word "the" the words "twenty-ninth"; also same line by inserting after the word "of" the word "September."

Amend Section 3, page 15, line 6, by inserting after the word "institution" the words "acquired by the Commonwealth from any county, city or institution"; also line 7, by inserting after the word "Number" the words "twenty-one"; also same line by inserting after the word "the" the words "twenty-ninth."

Amend Section 4, page 15, line 14, by inserting after the syllable "ber" the words "twenty-one"; also same line by inserting after the word "the" the words "twenty-ninth"; also same line by inserting after the word "of" the word "September."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—162.

Achterman,	Finnerty,	McFall,	Shaw,
Alexander,	Fiss,	McGee,	Shea,
Allen,	Flanagan,	McKinney,	Shepard,
Arnold,	Flannery,	McShane,	Shoemaker,
Aukerman,	Flinchbaugh,	Melchiorre,	Shugarts,
Baker,	Ganser,	Mellott,	Siegel,
Balthaser,	Gerard,	Moomaw,	Simon,
Bierly,	Gillette,	Mooney,	Skale,
Blank,	Gorski,	Moran,	Sloan,
Bohn,	Haberlen,	Moul,	Smith, James A.,
Bois,	Hagerty,	Murrin,	Smith, John A.,
Boltz,	Hamilton, F. P.,	Nagel,	Sollenberger,
Boose,	Harkins,	O'Brien,	Spengler,
Boyer	Harmuth,	O'Connor,	Sproul,
Bradley	Hays,	O'Keefe,	Stank,
Brancato,	Hering,	Ominsky,	Strode,
Brigerman,	Hindman,	O'Neill,	Thomas,
Broad,	Hirsch,	Ostroff,	Thompson,
Brown,	Holland,	Patterson, C. S.,	Tronzo,
Burrows,	Holmes,	Patterson, J. W.,	Trout,
Cadwalader,	Holstrom,	Peale,	Tumelty,
Caputo,	Hontz,	Pearson,	Valibus,
Chervenak,	Horting,	Perry,	VanSickle,
Coakley,	Imbrie,	Pershing,	Vogt,
Cohen, H. B.,	Jirolanio,	Piole,	Wagner,
Cohen, R. E.,	Kane,	Powers,	Wall,
Coleman,	Keenan,	Preston,	Walsh,
Coolahan,	Kelso,	Readinger,	Webster,
Corrigan,	Kilroy,	Reese,	Weiss, D. H.,
Costanzo,	LaRue,	Reising,	Weiss, S. A.,
Davies,	Levy,	Robinson,	Welliver,
Decker,	Lewis,	Rothenberger,	Welsh,
DeNote,	Long,	Royer,	Westrick,
Dickinson,	Lovett,	Ruffennach,	Whalen,
Donohoe,	Lyons,	Rush,	Whitenight,
Downey,	Mallen,	Sarraf,	Wright,
Dubbs,	Marino,	Scanlon,	Yanoshat,
Dyson,	Matthews, J. F.	Schor,	Yourishin,
Eckels,	McDermott,	Schrope,	Zappala,
Elpern,	McDevitt,	Schumacher,	Furman,
Falkenstein,	McElroy,		

NAYS—18.

Habbyshaw,	Schrock,	Van Allsburg,	Winner,
Hall,	Serrill,	Watkins,	Wood,
Hamilton, R. S.,	Snyder,	Weidemann,	Woodside,
Kline,	Stewart,	Wilson,	Yeakel,
Muir,	Turner,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

RECONSIDERATION OF SENATE BILL No. 40

Mr. ACHTERMAN. Mr. Speaker, I move that the vote by which House Bill No. 38, Senate Bill No. 40, Printer's No. 67, entitled:

An Act to amend sections one hundred eight, five hundred eight, five hundred six, five hundred seven, eight hundred thirteen, eight hundred fourteen, and one thousand one hundred thirty-three of the act approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended; by providing for the merger of certain school districts with other districts; validating the merger of certain school districts; eliminating certain powers of county boards of school directors, and redefining indebtedness of school districts; empowering the county boards of school directors to employ an attorney and fix his compensation; increasing the salaries of members of the county board of school directors; and providing for limitations on the appointment of district superintendents.

Which was defeated in the House on Tuesday, November 15th, 1938, be reconsidered.

Mr. OMINSKY. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Monroe Mr. Achterman, vote on the final passage of this bill?

Mr. ACHTERMAN. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Ominsky, vote on the final passage of this bill?

Mr. OMINSKY. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question, recurring

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—112.

Achterman,	Finnerty,	Moran,	Shoemaker,
Alexander,	Flannery,	Murrin,	Shugarts,
Allen,	Ganser,	Nagel,	Siegel,
Arnold,	Gerard,	O'Brien,	Simon,
Baker,	Haberlen,	O'Keefe,	Skale,
Balthaser,	Hagerty,	Ominsky,	Smith, James A.,
Bierly,	Hamilton, F. P.,	O'Neill,	Smith, John A.,
Blank,	Harkins,	Ostroff,	Stank,
Bohn,	Harmuth,	Patterson, C. S.,	Tronzo,
Bois,	Hering,	Patterson, J. W.,	Tumelty,
Boltz,	Hess,	Pearson,	Valibus,
Bradley,	Hirsch,	Pershing,	Van Sickle,
Brancato,	Holland,	Piole,	Vogt,
Brigerman,	Holmes,	Powers,	Wagner,
Broad,	Holstrom,	Preston,	Weidemann,
Brown,	Hontz,	Readinger,	Weiss, D. H.,
Caputo,	Horting,	Reese,	Welliver,
Coakley,	Kane,	Reising,	Welsh,
Cohen, H. B.,	Keenan,	Robinson,	Westrick,
Cohen, R. E.,	Kelso,	Rothenberger,	Whalen,
Coleman,	LaRue,	Ruffennach,	Whitenight,
Coolahan,	Lewis,	Rush,	Winner,
Corrigan,	McElroy,	Sarraf,	Woodside,
Costanzo,	McFall,	Schor,	Wright,
DeNote,	McGee,	Schrope,	Yanoshat,
Donohoe,	Melchiorre,	Shaw,	Yourishin,
Downey,	Moomaw,	Shea,	Zappala,
Dubbs,	Mooney,	Shepard,	Furman,

NAYS—41.

Atkins,	Gillette,	McDevitt,	Snyder,
Boose,	Gorski,	McKinney,	Sollenberger,
Boyer,	Habbyshaw,	Muir,	Stewart,
Cadwalader,	Hall,	O'Connor,	Thomas,

Davies,	Hindman,	Perry,	Trout,
Dyson,	Kline,	Royer,	Turner,
Eckels,	Leisey,	Schrock,	Wampole,
Elpern,	Lovett	Schumacher,	Watkins,
Fiss.	Marino,	Serrill,	Webster,
Flanagan,	Matthews, J. F.	Sloan,	Wilson,
			Wood,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 50.

An Act making an appropriation to the Department of Property and Supplies for preliminary expenses in proposed acquisitions of real property for housing authorities

HOUSE BILL No. 82.

An Act to amend sections two hundred two four hundred one and two thousand three hundred eighteen of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commission defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative offices and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by creating additional department administrative boards in the Department of Welfare and conferring powers and duties upon boards of trustees for the respective institutions acquired by the Commonwealth from counties and cities and the institution districts for use as State mental hospitals.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILL INTRODUCED AND REFERRED

By Messrs. FALKENSTEIN and SHEA,

HOUSE BILL No. 100.

An Act to regulate and improve the civil service of the Commonwealth of Pennsylvania; to make any violation of its provisions a misdemeanor; and to provide penalties for any violation thereof.

Referred to the Committee on State Government.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. SAMUEL A. WEISS asked and obtained permission for the Committee on Municipal Corporations to meet during the session of the House.

Mr. MOOMAW asked and obtained permission for the Committee on Judiciary Special to meet during the session of the House.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess for fifteen minutes. Are there objections? The Chair hears none and declares a recess for fifteen minutes.

AFTER RECESS

The SPEAKER. The time of recess having expired the House was called to order.

The SPEAKER, (Roy E. Furman), in the Chair.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SENATE BILL No. 39.

An Act to amend and re-enact section five hundred and twenty-four of an act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by limiting and prescribing the method of fixing the levy of school taxes in school districts of the first class

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGES

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 8.

An Act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed with the General State Authority for the use and occupancy of various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

AMENDED SENATE BILL NON-CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows:

SENATE BILL No. 40.

An Act to amend Sections one hundred eight five hundred six five hundred seven eight hundred thirteen eight hundred fourteen and one thousand one hundred thirty-three of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by providing for the merger of certain school districts with other districts validating the merger of certain school districts eliminating certain powers of county boards of school directors and redefining indebtedness of school districts empowering the county boards of school directors to employ an attorney and fix his compensation increasing the salaries of members of the county board of school directors and providing for limitations on the appointment of district superintendents.

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 40

The SPEAKER. The Chair appoints as a Committee of Conference to confer with a similar committee on the part of the Senate (if the Senate shall appoint such committee) Messrs. Achterman, Simon and Woodside.

Ordered, That the Clerk inform the Senate accordingly.

REPORTS FROM COMMITTEES

Mr. BLANK from the Committee on Judiciary Special reported as committed, House Bill No. 98, (Senate Bill No. 68), entitled:

An Act making illegal the use of devices and methods of transmission of information or advices in furtherance of gambling declaring the dissemination of certain information to be in furtherance of gambling providing for the seizure and forfeiture of devices used in furtherance of gambling and imposing penalties.

Mr. BLANK from the Committee on Judiciary Special reported as committed, House Bill No. 97, (Senate Bill No. 67), entitled:

An Act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling making it unlawful for any public utility to furnish private wires except by written contract conferring and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for or intended to be used for the transmission of information or devices in furtherance of gambling making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Public Utility Commission making illegal the use of certain wires for purposes other than those specified in the written contract therefor imposing penalties making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling prescribing the burden of proof in proceedings hereunder and providing for appeal.

Mr. KANE from the Committee on Municipal Corporations reported as committed, House Bill No. 96, entitled:

An Act providing that the purchaser at sheriffs' sales of real estate may secure a sheriff's deed to the real estate purchased upon payment of the bid price minus four-fifth of the unpaid taxes assessed against such property; authorizing the payment of the remaining four-fifth of such unpaid taxes by installments under the provisions of the laws abating tax penalties and interest.

Mrs. HORTING from the Committee on Municipal Corporations reported as committed, House Bill No. 99, (Senate Bill No. 69), entitled:

An Act validating certain proceedings and elections of counties cities boroughs townships school districts and other incorporated districts or municipalities had and held pursuant to the provisions of an act approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" and the amendments and supplements thereof and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections.

UNANIMOUS CONSENT REQUESTED

Mr. BLANK. Mr. Speaker, I ask unanimous consent to have House Bill No. 97, (Senate Bill No. 67) and House Bill No. 98, (Senate Bill No. 68), read for the first time.

The SPEAKER. Will the House give its unanimous consent to have these bills read for the first time? Are there objections?

Mr. KILROY. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted.

BILLS ON FIRST READING

Mrs. HORTING asked and obtained unanimous consent to have House Bill No. 99, Senate Bill No. 69, read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 99, (Senate Bill No. 69), entitled:

An Act validating certain proceedings and elections of counties cities boroughs townships school districts and other incorporated districts or municipalities had and held pursuant to the provisions of an act approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four entitled "An Act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" and the amendments and supplements thereof and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Mr. KANE asked and obtained unanimous consent to have House Bill No. 96 read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 96, entitled:

An Act providing that the purchaser at sheriffs' sales of real estate may secure a sheriff's deed to the real estate purchased upon payment of the bid price minus four-fifth of the unpaid taxes assessed against such property authorizing the payment of the remaining four-fifth of such unpaid taxes by installments under the provisions of the laws abating tax penalties and interest.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 8.

An Act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed with the General State Authority for the use and occupancy of various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

RESOLUTION No. 7

Mr. HOLLAND. Mr. Speaker, I desire to call up at this time Resolution No. 7, Printer's No. 80.

The resolution was read by the Clerk as follows:

In the House of Representatives, August 15, 1938.

Whereas, During the past two decades, the automobile industry has developed rapidly with attendant reduction of prices to such an extent that the great majority of families and business firms now own and operate motor vehicles; and

Whereas, The general use of the automobile and other motor vehicles created the demand for more improved streets and highways, a portion of which cost is born by the revenue procured from motor vehicle licenses and gasoline taxes, while the real property owners have been required to maintain most of the city and borough streets for the benefit of such motor vehicles, as well as to mortgage their properties through municipal bond issues by city, county, borough and township governments for further improvements of streets, alleys and for maintenance of the same in addition to supplying through direct taxation on such real properties, including the homes and farms of this Commonwealth, sufficient funds to provide the essential safety devices and motor patrols for the facilitation of motor vehicular traffic; and

Whereas, The unfair tax burden place upon realty owners for financing the expenses of traffic patrols, traffic signal lights and their maintenance, better traffic committees, traffic planning commissions, traffic courts with its attendant costs of magistrates, etc., stolen car division of detective forces, and homicide squads, and many other direct costs of a similar nature, such as the civil and criminal divisions of the courts of common pleas, and the municipal and county courts, for the settlement of claims resulting from the popular use of the automobiles and trucks; and

Whereas, Real estate owners who own twenty-six per centum (26%) of the total wealth of this Commonwealth are now required to pay approximately ninety per centum (90%) of the cost of all local government, including aforementioned safety devices and measures for the protection of automotive traffic, and in addition the cost of operating the public schools, which tax burden is admittedly out of all proportion and should be remedied at the earliest possible time through equitable legislation; therefore, be it

Resolved, That the House of Representatives in Extraordinary session assemble request and direct the State Highway Department to make a survey of the costs to the municipalities of the Commonwealth for all such traffic regulation and safety services attributable to the automobile and motor truck usage of the municipal streets and highways for the purpose of enabling the next general sesion of the Legislature to properly draft bills to relieve the real property owners of such municipalities of the entire cost of such services resulting from the popular use of automotive equipment; and be it further

Resolved, That the Secretary of the State Highway Department shall present to the House of Representatives, at the next regular session, a report of the facts obtained by the above specified survey.

On the question,

Will the House adopt the resolution?

It was adopted.

RESOLUTION No. 26

Mr. BLANK. Mr. Speaker, I desire to call up at this time Resolution No. 26, Printer's No. 81.

The resolution was read by the Clerk as follows:

In the House of Representatives, October 18, 1938.

Whereas The taxing power of the City of Philadelphia is derived from the Legislature of the Commonwealth of Pennsylvania; and

Whereas The Council of the City of Philadelphia has, by ordinance enacted, imposed a tax on sales in the City of Philadelphia which has directly resulted in a precipitous drop in sales of between twenty per centum and thirty per centum and has seriously and adversely affected the best interests of the merchants of Philadelphia; and

Whereas A sales tax directly taxes that section of our population that can least afford to be taxed; and

Whereas Despite the expressed and overwhelming objection of the people of the said City of Philadelphia, said City Council has enacted such a sales tax; therefore be it

Resolved, (if the Senate concur), That it is the sense of the General Assembly of the Commonwealth of Pennsylvania that a sales tax by the Commonwealth of Pennsylvania or by any political subdivision thereof shall be illegal; and be it further

Resolved That it is the intention of the General Assembly to enact, by legislation, a prohibition of said sales tax at the next regular session of the Legislature; and be it further

Resolved That the Council of the City of Philadelphia be advised not to extend the sales tax ordinance beyond December 31, 1938, the date of its expiration and that said Council of the City of Philadelphia shall omit from its calculations the estimated receipts to be derived from the continued imposition of a sales tax; and be it further

Resolved That a copy of this Resolution be sent to the President of the City Council of Philadelphia and to the Mayor and Controller of said city.

On the question,

Will the House adopt the resolution?

Mr. McDEVITT. Mr. Speaker and members of the House, very briefly and to the point, this particular resolution certainly does not come within the call of this Legislature. I can hardly see where it is any part of the business of this House to tell City Council of Philadelphia whether they should levy a sales tax or not. They happen to have that power under the Act of 1932. They have the power to levy any tax not specifically levied by the State. I think if we want to give advice to the people, we could give a whole lot better advice than by telling them how to run the fiscal affairs of a city, particularly where it is in bad shape, and to talk about not increasing the tax on real estate, you cannot possibly expect them to operate the city on plain air, mostly hot air. I am inclined to think that this resolution merely represents cheap politics, and I don't think it is worthy of the sponsor.

Mr. BLANK. Mr. Speaker and members of the House, I am very much surprised to find that there is a member of this House who thinks so little of the constituents he represents as to be able to arise on the floor of this House and by inference advocate the sales tax. I do not know too much about legislation but I do know that those of us who are here are here for the purpose of representing the best

interests of the majority of our constituents. Possibly a sales tax represents the best interests of the majority of the constituents of the representative from Philadelphia who just spoke. I know that it does not represent the best interests of the majority of the constituents in my district, and I very much doubt whether it represents the best interests of the constituents of any member of this House.

A sales tax is one that taxes those who are least able to pay. The government must raise a certain amount of money with which it can pay its expenses, and I certainly feel, and I think the majority of the members of this House feel, that that money should not be raised from those who are least able to pay. When this resolution which was offered by me was first called to the attention of the sponsor of the city sales tax in Philadelphia, he said, "Let the Legislature mind their own business, we will mind ours.' What he did not know is that it is our business. What he did not know is that the right of any municipality or political subdivision of this state to tax, comes from the power directly granted to it by this legislature, and where any political subdivision, particularly the city of Philadelphia, will dare to rock and sock the people of the city of Philadelphia with a sales tax and are so subservient to those interests who are opposed to any decent form of tax and who are in favor of a sales tax, then I say it becomes the business of this House to tell them what they may and may not tax. The purpose of this resolution is to indicate to the city council that this parent body does not approve the sales tax, and if they see fit to reenact a sales tax for next year, then I call upon the membership of this House to pass this resolution, and to pledge that next year they will outlaw a sales tax anywhere in the State of Pennsylvania.

Mr. McDEVITT. Mr. Speaker and members of the House, I am still conscious of the fact that I am a member of the House and not a member of City Council. The City Council of Philadelphia will perform its duty in accordance with its own best interests and in accordance with the best interests of the people of the city of Philadelphia. The whole City Council comes up for election next year. I imagine they can tell the pulse of their voters. I understand that a great many voters voted Republican at the last election even though the sales tax was made an issue in that campaign.

Let me say this in conclusion, I am neither for nor against a sales tax. I do not believe we have any right to tell the Council of the city of Philadelphia what they should do in regards to a sales tax. The City Council of Philadelphia is responsible to the people who are affected by this resolution.

Mr. OMINSKY. Mr. Speaker and members of the House, just a short statement relative to this resolution on the sales tax. I think all of us know that the Governor-elect pledged himself and his party against the sales tax of Pennsylvania. This will be the first opportunity given the present minority and the future majority of the Republican party in this House to say whether or not they will fulfill their pledges. If they vote against this resolution it will show the people of Pennsylvania that it is not their intention beginning now to fulfill the pledges that have been made to the people during the last campaign.

Mr. WALSH. Mr. Speaker and members of the House, very briefly and to the point also Mr. McDevitt has failed to point out that in the last election the Democrats carried a majority of council.

POINT OF ORDER

Mr. TUMELTY. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Philadelphia will state his point of order.

Mr. TUMELTY. Mr. Speaker, the gentleman is speaking about an election in Philadelphia. We have a question before us on a resolution with reference to a sales tax. There is nothing in the resolution about pledges of parties or politics. It is now twenty minutes of twelve.

The SPEAKER. The point of order is well taken.

Mr. TURNER. Mr. Speaker and members of the House, in spite of the fact it is twenty minutes to twelve, that doesn't mean a thing to most of you fellows anyway. I think we have a tendency here to get away from the real question. This is not a question as to whether or not the Republican party pledged itself to do or not to do something in the coming session of the legislature. The question is purely one, it seems to me, of whether this legislature shall by resolution try to tell a municipal government how it shall run itself. We do have control, of course, of a municipal government by the enactment of laws. We can say what they shall tax and what they shall not tax. We can say how they shall tax and how they shall not tax. But, after all, there is a matter of home rule involved. There is a question involved of a legislative body created by the people of Philadelphia to carry on its affairs, after the legislature has given that body the power to carry on its affairs; there is a question involved of the legislature by resolution attempting to tell them whether they shall or shall not do something. If you would carry that a step further we might be telling the council of the city of Philadelphia or the council of the city of Pittsburgh or Harrisburg or Chester or some other city in the Commonwealth of Pennsylvania, the Commissioners of Townships or the councilmen in the various boroughs, how they are to act on various matters that come before them. I believe that the city of Philadelphia can take care of itself. I believe that they know thir own affairs. They know the questions that come before them. I say this would be far out of place; it would be highly improper; it would be an infringement by this body upon the powers and prerogatives of a sovereign body. It would be just as improper for the council of the city of Philadelphia to try to tell us here in the legislature what we should or should not do.

The yeas and nays were required by Messrs. BLANK, WALSH and JAMES A. SMITH.

Messrs. TURNER, SCHROCK and WINNER asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—95.

Allen,	Falkenstein,	McShane,	Schrope,
Arnold,	Finnerty,	Melchiorre,	Shea,
Aukerman,	Flanagan,	Mellott,	Shepard,
Baine,	Flannery,	Moomaw,	Shoemaker,
Baker,	Flinchbaugh,	Mooney,	Simon,
Bierly,	Gerard,	Moran,	Skale,
Blank,	Haberlen,	Moul,	Smith, James A.,
Bois,	Hagerty,	Murrin,	Smith, John A.,
Boltz,	Hering,	O'Brien,	Spengler,
Bradley	Hindman,	O'Connor,	Stank,
Brancato,	Hirsch,	O'Keefe,	Thompson,
Broad,	Holland,	Ominsky,	Tronzo,
Caputo,	Holmes,	Ostroff,	Tumelty,
Chervenak,	Hontz,	Patterson, J. W.,	Van Sant,
Cohen, H. B.,	Horting,	Piole,	Vogt,
Cohen, R. E.,	Keenan,	Powers,	Walsh,
Coleman,	Kilroy,	Preston,	Weiss, D. H.,

Coolahan,	Levy,	Readinger,	Weiss, S. A.,
Corrigan,	Lopresti,	Reese,	Welliver,
Costanzo,	Lovett,	Reising,	Welsh,
Dickinson,	Marino,	Robinson,	Westrick,
Donohoe,	McDermott,	Rush,	Whalen,
Downey,	McFall,	Sarraf,	Whitenight,
Elpern,	McGee,	Schor,	Wright,
			Furman,

NAYS—35.

Atkins,	Imbrie,	Royer,	Watkins,
Boose,	Kline,	Schrock,	Weidemann,
Boyer	Leisey,	Serrill,	Wilson,
Cadwalader,	Matthews, J. P.,	Siegel,	Winner,
Davies,	McDevitt,	Snyder,	Wood,
Eckels,	McKinney,	Stewart,	Woodside,
Gorski,	Muir,	Trout,	Yanoshat,
Habbyshaw,	Peale,	Turner,	Yeakel,
Hall,	Rothenberger,	VanAllsburg,	

So the question was determined in the affirmative, and the resolution was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

OBJECTION TO UNANIMOUS CONSENT WITHDRAWN

Mr. KILROY. Mr. Speaker, through my objection to having Senate Bills 67 and 68 read for the first time it means keeping this House an extra day, especially in Thanksgiving Week, and also because of information that it is agreed upon in Committee, to have it referred back after second reading, I withdraw my objection.

The SPEAKER. The gentleman from Philadelphia, Mr. Kilroy, withdraws his objection to having Senate Bills Nos. 67 and 68 read for the first time.

POINT OF ORDER

Mr. TURNER. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. TURNER. The bills are not before the House, Mr. Speaker.

The SPEAKER. The Chair is of the opinion that the gentleman from Philadelphia was making that as a statement. They can be brought up by unanimous consent of the House.

UNANIMOUS CONSENT REQUESTED

Mr. OSTROFF. Mr. Speaker, I ask unanimous consent of the House to have Senate Bill No. 67 read for the first time.

The SPEAKER. The Clerk will read the title of Senate Bill No. 67.

QUESTION OF INFORMATION

Mr. TURNER. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman will state his question of information.

Mr. TURNER. Mr. Speaker, are these two bills for which unanimous consent was asked to be read for the first time?

The SPEAKER. That is correct.

Mr. TURNER. Mr. Speaker, I understand that the order of the Chair is to have them read for the information of the House.

The SPEAKER. To have the titles read for the information of the House.

The Clerk will read the title to Senate Bill No. 67 for the information of the House.

The title was read by the Clerk as follows:

An Act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling making it unlawful for any public utility to furnish private wires except by written contract conferring and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for or intended to be used for the transmission of information or advices in furtherance of gambling making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Public Utility Commission making illegal the use of certain wires for purposes other than those specified in the written contract therefor imposing penalties making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling prescribing the burden of proof in proceedings hereunder and providing for appeal.

The SPEAKER. Will the House give its unanimous consent to have House Bill No. 97, (Senate Bill No. 67), read for the first time. Are there objections?

Mr. TURNER. Mr. Speaker, I object.

UNANIMOUS CONSENT REQUESTED

Mr. OSTROFF. Mr. Speaker, I ask unanimous consent to have House Bill No. 98, (Senate Bill No. 68), read for the first time.

The SPEAKER. Will the House give its unanimous consent to have House Bill No. 98, (Senate Bill No. 68), read for the first time. Is there objection?

The Clerk will read the title for the information of the House.

Mr. TURNER. Mr. Speaker, I think the House understands what the measure is, and to save the time of the House, I object.

The SPEAKER. The Chair hears objections and consent is not granted.

MOTION TO SUSPEND RULES

Mr. MOOMAW. Mr. Speaker, I move the suspension of the rules on Senate Bills Nos. 67 and 68, so that they may be acted upon for the first time.

In making this request I might say that as Chairman of the Judiciary Special Committee, the agreement as the gentleman from Philadelphia, Mr. Kilroy pointed out in withdrawing his original objection, these bills, in order to save a legislative day this week and in the interests of economy, we will have a committee meeting which will be next Mnday evening and the Committee agreed to have them recommitted after second reading tomorrow. There are several considerations and amendments in there and I am fearful that if they do not get second reading until Monday, it will prohibit the consideration of amendments which, I believe, some people would like to have considered in the bills. I would therefore ask that the gentleman from Delaware, Mr. Turner, withdraw his objection and ask for a suspension of the rules.

On the question,

Will the House agree to the motion?

Mr. TURNER. Mr. Speaker, I would be the last one to object to anything that would save the time of the membership of this House or to oppose the orderly advance of any legislation. I agree with the gentleman from Franklin, Mr. Moomaw, that these two bills need attention and amendment, as they are far-reaching in effect.

I have only given them very slight study during the time I had today, but as I see it they are bills which the people of Pennsylvania ought to have every opportunity to study and know something about them. One of the great safeguards to the people of Pennsylvania has always been that provision in the Constitution that requires bills to be read on three separate days. These bills went to the committee tonight. They were rushed out by the committee and they now come on the floor and consent is asked to have them read for the first time. They can be read for the first time tomorrow. We are not going to adjourn until Monday or Tuesday of next week. You will have time to pass them if they are proper. I do not just arbitrarily object but I cannot withdraw my objection. I think that the chairman of that committee ought not to ask that on measures of this kind as they are very intricate and he ought not to ask us to give hasty consideration and should let them go on in their ordinary course.

Mr. MOOMAW. Mr. Speaker and members of the House, for your information these bills were first introduced on November 14th, and passed the Senate on last Wednesday and up until this evening, from no one who is supposed to be seriously affected by them, have we had any opposition until an hour ago. There were a couple of technical amendments by the utilities which were vitally affecting them. Otherwise, they were perfectly satisfied with the bills. Most of these amendments were put in in the Senate but there are a few technical amendments that will be considered by this committee and will no doubt be incorporated.

POINTS OF ORDER

Mr. TURNER. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Delaware will state his point of order.

Mr. TURNER. Mr. Speaker, is the bill that is before us on the desks of the members?

The SPEAKER. The bill should be found in the Senate file.

Mr. TUMELTY. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Philadelphia will state his point of order.

Mr. TUMELTY. Mr. Speaker, does it make any difference whether the bills are on file or not when it comes to a question of suspending the rules? I think that is what we are to vote on.

The SPEAKER. The motion is made for the specific purpose of considering these two particular bills. It is the uniform practice to have bills on file. We will wait a few moments and the bills will be on file. The Sergeant-at-Arms will file them.

MOTION TO SUSPEND RULES WITHDRAWN

Mr. MOOMAW. Mr. Speaker, in view of the lateness of the hour and the lightness of the membership, I wish to withdraw my motion to suspend the rules upon consideration of Senate Bills 67 and 68.

The SPEAKER. The motion to suspend Rules 14, 41 and 43 has been withdrawn.

COMMITTEE MEETINGS

The Committee on Welfare will meet tomorrow, Tuesday, at 10:00 a. m. in the Chief Clerk's office.

ADJOURNMENT

Mr. BOLTZ. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1:00 p. m.

The motion was agreed to, and (at 12:11 a. m.) the House adjourned until Tuesday, November 21, 1938, at 1:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

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SENATE

TUESDAY, NOVEMBER 22, 1938.

The Senate met at 1:00 o'clock P. M.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, LL. D., offered the following prayer:

Our good and gracious God and our Father, the coming of another day laden with its blessings, impels to gratitude and appreciation and we offer our tribute of praise and thanks. The new day brings to us blessings which perhaps we fail to see. They come to us as duties and responsibilities, in the daily tasks of life.

Open the eyes of our understanding, that we may know the joy of duty done, of obligation fully met, the pleasure of bending to our tasks. We are living in great and awful days. Give us heart and courage, and in these fleeting hours help us to make history rather than to mark time.

God bless our beloved land that we may be a blessing to all the lands; and the glory shall be Thine forever. Amen.

JOURNAL APPROVED

The PRESIDENT—A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. RICE, the further reading was dispensed with, and the Journal was approved.

NOMINATION BY THE GOVERNOR

NOTARY PUBLIC

The Secretary to the Governor being introduced presented in writing from His Ecellency, the Governor of the Commonwealth, nomination for appointment as Notary Public which was laid on the table.

HOUSE MESSAGE

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, November 21, 1938.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, November 28, at 9 o'clock, and when the House of Representatives adjourns this week it reconvene on Monday evening, November 28, at 9 o'clock.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 64, (House Bill No. 72), entitled:

A Supplement to the act approved the second day of July, one thousand nine hundred thirty-seven (Appropriation Acts page seventy-four), entitled, "An act to provide for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven." making a deficiency appropriation to the Department of Property and Supplies for the payment of certain expenses for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine and making an additional appropriation to the Legislative Department

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Barthold,	Gilson,	Kunkel,	Rice,
Buckman,	Haluska,	Lanius,	Ruth,
Cavalcante,	Henney,	Mallery,	Shapiro,
Deitrick,	Heyburn,	McCreesh,	Sipe,
DiSilvestro,	Homsher,	McGinnis,	Sones,
Ealy,	Howell,	Pytko,	Stiefel,
Eroe,	Jacobs,	Reed,	Woodward,
Frey,	Kilgallen,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILLS ON SECOND READING

Agreeably to order,

The Rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 41, as follows:

An Act making an appropriation to the Department of Public Instruction for the payment of salaries of members of

and attorneys employed by county boards of school directors

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of fifteen thousand dollars ($15,000) or so much thereof as may be necessary is hereby appropriated to the Department of Public Instruction for the payment of salaries of members of county boards of school directors and of attorneys employed by county boards of school directors

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 62. (House Bill No. 63), entitled:

An Act to further amend section four of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 465), entitled "An act to provide for the safety of persons employed, housed, or assembled in certain buildings and structures not in cities of the first class, second class, and second class A, by requiring certain construction and ways of egress, equipment, and maintenance, providing for the licensing of projectionists; requiring the submission of plans for examination and approval; providing for the promulgation of rules and regulations for the enforcement of this act; providing for the enforcement of this act by the Department of Labor and Industry and, in certain cases, by the chiefs of fire departments in cities of the third class; providing penalties for violations of the provisions of this act; and repealing certain acts," by changing the number of ways of egress required in the case of certain buildings.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 93, (Senate Bill No. 73), entitled:

An Act making an appropriation for the expenses of the special committee appointed by the Speaker of the House of Representatives, pursuant to House Resolution No. 24, adopted by the House of Representatives on the eighteenth day of October, one thousand nine hundred thirty-eight (Act No. 2) entitled "An act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of, or involving misdemeanor, in office on the part of civil officers liable to impeachment; authorizing the Speaker of the House to appoint a special committee for any such investigation; authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated; providing for the summoning of witnesses and for the punishment of persons refusing to testify; and authorizing the employment and compensation of counsel and other assistants."

Which was committed to the Committee on Appropriations.

House Bill No. 59, (Senate Bill No. 72), entitled:

An Act to ratify, confirm and make valid the commission to make a careful, thorough and impartial investigation of the general practice and procedure in the courts of quarter sessions of the peace, oyer and terminer and general jail delivery in the various counties of the Commonwealth and the Municipal court in the City and County of Philadelphia, appointed pursuant to the joint resolution approved the ninth day of March, one thousand nine hundred and thirty-seven (P. L. 35), entitled: "A joint resolution authorizing the appointment of a commission to make a fair and impartial investigation of the general practice and procedure in the courts of oyer and terminer, general jail delivery and quarter sesions of the peace, in the various counties of the Commonwealth, and the Municipal Court in the City and County of Philadelphia, with special reference to the prosecution, trial and disposition of all criminal cases and the probation and parole of persons guilty of crime; conferring upon the commission full power to issue subpoenas; requiring the commission, if possible, to make a report of its findings to the present session of the General Assembly, together with its recommendations as to such legislation as may be necessary or desirable, otherwise, to make such report and recommendations to the Governor; authorizing the commission to employ counsel and employes; and making an appropriation," and its amendments, together with its actions proceedings, expenses, and expenditures.

Which was committed to the Committee on Appropriations.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess for five minutes.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

ANNOUNCEMENTS BY THE SECRETARY

During the recess the Committee on State Government will meet in Room 265.

The Committee on Appropriations will meet in the office of the President Pro Tempore.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL No. 1

The Clerk of the House of Representatives being introduced returned to the Senate, Senate Bill No. 1, entitled:

A Supplement to the act approved the eighteenth day of March one thousand eight hundred and seventy-five (Pamphlet Laws thirty) entitled "An act to authorize changes of venue in criminal cases" forbidding changes of venue in criminal prosecutions by any court on application of the Commonwealth or prosecutor.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 61

He also returned to the Senate, Senate Bill No. 61, entitled:

An Act to ratify confirm and make valid the joint legislative committee created by Senate Concurrent Resolution Serial Number 106 approved March sixteenth one thousand nine hundred and thirty-seven and authorized thereby to make an investigation of the tax burdens placed upon industries in Pennsylvania and other industrial and mining states together with its actions proceedings expenses and expenditures and the appropriation made to said committee and making a further appropriation.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 72

He also presented communication from the House of Representatives, informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 72 (Senate No. 64), entitled:

A Supplement to the act approved the second day of July one thousand nine hundred thirty-seven (Appropriation Acts page seventy-four) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" making a deficiency appropriation to the Department of Property and Supplies for the payment of certain expenses for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 72, entitled:

A Supplement to the act approved the second day of July one thousand nine hundred thirty-seven (Appropriation Acts page seventy-four) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judical Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" making a deficiency appropriation to the Department of Property and Supplies for the payment of certain expenses for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine

Senate Bill No. 1, entitled:

A Supplement to the act approved the eighteenth day of March, one thousand eight hundred and seventy-five, (P. L. 30), entitled "An act to authorize changes of venue in criminal cases," forbidding changes of venue in criminal prosecutions by any court on application of the Commonwealth or prosecutor.

Senate Bill No. 61, entitled:

An Act to ratify, confirm and make valid the joint legislative committee created by Senate Concurrent Resolution, Serial Number 106, approved March sixteenth, one thousand nine hundred and thirty-seven, and authorized thereby to make an investigation of the tax burdens placed upon industries in Pennsylvania and other industrial and mining states, together with its actions, proceedings, expenses and expenditures and the appropriation made to said committee and making a further appropriation.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

REPORTS FROM COMMITTEES

Mr. KILGALLEN. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KILGALLEN, from the Committee on Appropriations reported as committed, Senate Bill No. 72, (House Bill No. 59), entitled:

An Act to ratify, confirm and make valid the commission to make a careful, thorough and impartial investigation of the general practice and procedure in the courts of quarter sessions of the peace, oyer and terminer and general jail delivery in the various counties of the Commonwealth and the Municipal Court in the City and County of Philadelphia, appointed pursuant to the joint resolution approved the ninth day of March, one thousand nine hundred and thirty-seven (Pamphlet Laws thirty-five) entitled, "A joint resolution authorizing the appointment of a commission to make a fair and impartial investigation of the general practice and procedure in the courts of oyer and terminer, general jail delivery and quarter sessions of the peace in the various counties of the Commonwealth and the Municipal Court in the City and County of Philadelphia with special reference to the prosecution, trial and disposition of all criminal cases and the probation and parole of persons guilty of crime, conferring upon the commission full power to issue subpoenas, requiring the commission, if possible, to make a report of its findings to the present session of the General Assembly together with its recommendations as to such legislation as may be necessary or desirable, otherwise to make such report and recommendations to the Governor, authorizing the commission to employ counsel and employes and making an appropriation," and its amendments together with its actions, proceedings, expenses and expenditures.

Mr. FREY. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY, from the Committee on State Government, reported as amended, Senate Bill No. 63, (House Bill No. 21), entitled:

An Act to regulate the sale, storage, offering or exposing for sale of fireworks, defining fireworks, and providing for licensing and regulation of the manner of using fireworks and providing license fees and penalties.

Mr. HALUSKA. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HALUSKA, from the Committee on Appropriations, reported as committed, Senate Bill No. 73, (House Bill No. 93), entitled:

An Act making an appropriation for the expenses of the special committee appointed by the Speaker of the House of Representatives pursuant to House Resolution No. 24 adopted by the House of Representatives on the eighteenth day of October, one thousand nine hundred thirty-eight by authority of the act approved the thirtieth day of July, one thousand nine hundred thirty-eight (Act No. 2) entitled, "An act defining the procedure for and regulating the investigation of the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment, authorizing the Speaker of the House to appoint a special committee for any such investigation, authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated, providing for the summoning of witnesses and for the punishment of persons refusing to appear, produce evidence or testifying and authorizing the employment and compensation of counsel and other assistants."

MOTION TO READ BILLS THE FIRST TIME

Mr. RICE. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. McCREESH. Mr. President. I second the motion.
The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 72 (House Bill No. 59), entitled:

An Act to ratify, confirm and make valid the commission to make a careful, thorough and impartial investigation of the general practice and procedure in the courts of quarter sessions of the peace, oyer and terminer and general jail delivery in the various counties of the Commonwealth and the Municipal Court in the City and County of Philadelphia, appointed pursuant to the joint resolution approved the ninth day of March, one thousand nine hundred and thirty-seven (Pamphlet Laws thirty-five) entitled, "A joint resolution authorizing the appointment of a commission to make a fair and impartial investigation of the general practice and procedure in the courts of oyer and terminer, general jail delivery and quarter sessions of the peace in the various counties of the Commonwealth and the Municipal Court in the City and County of Philadelphia with special reference to the prosecution, trial and disposition of all criminal cases and the probation and parole of persons guilty of crime, conferring upon the commission full power to issue subpoenas, requiring the commission, if possible, to make a report of its findings to the present session of the General Assembly together with its recommendations as to such legislation as may be necessary or desirable, otherwise to make such report and recommendations to the Governor, authorizing the commission to employ counsel and employes and making an appropriation," and its amendments together with its actions, proceedings, expenses and exjenditures.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 63 (House Bill No. 21), entitled:

An Act to regulate the sale, storage, offering or exposing for sale of fireworks, defining fireworks, and providing for licensing and regulation of the manner of using fireworks and providing license fees and penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 73 (House Bill No. 93), entitled:

An Act making an appropriation for the expenses of the special committee appointed by the Speaker of the House of Representatives pursuant to House Resolution No. 24 adopted by the House of Representatives on the eighteenth day of October, one thousand nine hundred thirty-eight by authority of the act approved the thirtieth day of July, one thousand nine hundred thirty-eight (Act No. 2) entitled, "An act defining the procedure for and regulating the investigation of the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment, authorizing the Speaker of the House to appoint a special committee for any such investigation, authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated, providing for the summoning of witnesses and for the punishment of persons refusing to appear, produce evidence or testifying and authorizing the employment and compensation of counsel and other assistants."

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn until Monday, November 28, 1938, at 9:00 o'clock P. M.

Mr. LAW. Mr. President, I second the motion.
The motion was agreed to.
The Senate adjourned at 2:56 o'clock P. M., until Monday, November 28, 1938, at 9:00 o'clock P. M.

HOUSE OF REPRESENTATIVES

TUESDAY, NOVEMBER 22, 1938.

The House met at 1:00 p. m.
The SPEAKER, (Roy E. Furman), in the Chair.

PRAYER

The Chaplain, Rev. EPHRAIM Z. GALLAHER, offered the following prayer:

Our Heavenly Father, we petition Thee, today with solemn and sincere feeling. Thou who hath in times past given ear to supplications of special interests, we ask that Thou wouldst sustain us to-day. We speak for American Womanhood. Out of the storm and fury of world disorder there comes the unwarranted charge of a low and base scale of entire American Womanhood. This is a charge against our homes, as woman is the queen of our home. It is a flagrant slander of all with which woman in America has part and parcel, public and private.

Our petition, therefore is a public defense of American Womanhood, and a protest of the malicious statement of a mad-man.

In Thy holy name, we pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. VALIBUS, the further reading was dispensed with and the Journal approved.

SENATE MESSAGES

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, November 21, 1938.

Resolved (if the House of Representatives concur) That when the Senate adjourns this week it reconvene on Monday evening, November 28, 1938, at 9 o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, November 28, 1938, at 9 o'clock.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,
Will the House concur in the resolution of the Senate?
It was concurred in.
Ordered, That the Clerk inform the Senate accordingly.

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 40.

The Clerk of the Senate being introduced, informed that the Senate insists on its concurrence in the amendments

made and insisted upon by the House of Representatives to Senate Bill No. 40 entitled:

An Act to amend sections one hundred eight five hundred six five hundred seven eight hundred thirteen eight hundred fourteen and one thousand one hundrd thirty-three of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by providing for the merger of certain school districts with other districts validating the merger of certain school districts eliminating certain powers of county boards of school directors and redefining indebtedness of school districts empowering the county boards of school directors to employ an attorney and fix his compensation increasing the salaries of members of the county board of school directors and providing for limitations on the appointment of district superintendents

And has appointed Messers. RUTH, SIPE and DIETRICK a committee of conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) (already appointed) on the subject of the differences existing between the two Houses in relation to said bill.

LEAVES OF ABSENCE

Mr. Shepard asked and obtained leave of absence for Mr. BROWN for the remainder of the week.

Mr. Eckels asked and obtained leave of absence for Mr. SCHUMACHER for the remainder of the week.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 98 (Senate Bill No. 68), entitled:

An Act making illegal the use of devices and methods of transmission of information or advices in furtherance of gambling declaring the dissemination of certain information to be in furtherance of gambling providing for the seizure and forfeiture of devices used in furtherance of gambling and imposing penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 97, (Senate Bill No. 67), entitled:

An Act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling making it unlawful for any public utility to furnish private wires except by written contract conferring and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for or intended to be used for the transmission of information or advices in furtherance of gambling making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Public Utility Commission making illegal the use of wires for purposes other than those specified in the written contract therefor imposing penalties making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling prescribing the burden of proof in proceedings hereunder and providing for appeal.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 95, entitled:

An Act licensing and regulating the business of transmitting and disseminating racing information providing for the issuance of licenses by the Public Utility Commission authorizing a Public Utility Commission to make examinations and issue regulations and prescribing penalties for the violation of this act

The first section was read and agreed to as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section Short Title This act shall be known and may be cited as the "Racing Information Licensing Act"

The second section was read as follows:

Section 2 License Required No person partnership association business corporation nonprofit corporation common law trust joint-stock company or any group of individuals however organized shall on and after the effective date of this act engage or continue to engage in business of transmitting or disseminating racing information in this Commonwealth except as authorized by this act and without first obtaining a license from the Public Utility Commission

On the question,

Will the House agree to the section?

Mr. MOOMAW. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendent was read by the Clerk as follows:

Amend Section 2, Page 1, Line 10, by adding after the word "Commission" the following:

"Provided however that this Act shall not apply to newspapers of general circulation"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third to the thirteenth sections inclusive and title were separately read and agreed to as follows:

Section 3 Application for License The application for such license shall be in writing under oath and in the form prescribed by the Public Utility Commission and shall contain the name and address of the residence of the applicant and if the applicant is a partnership association joint-stock company or common law trust of every member thereof and if the applicant is a business corporation or nonprofit corporation of each officer and director thereof also the county and municipality with street and number if any office building and room number if any where the business is to be conducted and such further information as the Public Utility Commission may require The application shall be signed by the individual owner if the applicant is an individual by all the partners if the applicant is a partnership by two officers if the applicant is an association joint-stock company or common law trust and by the president and secretary if the applicant is a business corporation or a nonprofit corporation

Section 4 License Bond A bond in the penal sum of two thousand ($2,000.00) dollars shall accompany every ap-

plication for license The bond shall be executed by a surety company authorized by the laws of Pennsylvania to transact business within this Commonwealth The Public Utility Commission may in lieu of such surety company bond accept a bond executed by the applicant for license if such bond is secured by the deposit with the Public Utility Commission of cashiers checks treasurers checks or certificates of deposit of a banking institution or readily marketable securities approved by the Public Utility Commission Such collateral deposited in lieu of a surety company bond shall be deposited for safekeeping by the Public Utility Commission in the Office of the State Treasurer The bond shall be renewed and refiled annually not later than October first in each year The bond shall be executed to the Commonwealth of Pennsylvania The bond shall be for the use of the Commonwealth and for any person or persons who may have a cause of action against any licensee under this act The condition of the bond shall be that the licensee will comply with and abide by all the provisions of this act and all rules and regulations of the Public Utility Commission lawfully issued under this act and will pay to the Commonwealth to the Public Utility Commission or to any person or persons any and all moneys that may come due to the Commonwealth to the Public Utility Commission or to any person or persons from the said licensee under and by virtue of the provisions of this act If any person shall be aggrieved by the misconduct of a licensee and shall recover judgment against him therefor such person may on any execution issued under such judgment maintain an action upon the bond of the licensee in any court having jurisdiction of the amount claimed provided the Public Utility Commission assents thereto

Section 5 License Fee Every application for license under this act shall be accompanied by an annual license fee of one hundred ($100.00) dollars All licenses shall expire on October first annually No abatement of the said license fee shall be made if the license is issued for less than one year Every license shall be renewed annually on the first day of October and an additional license fee of one hundred ($100.00) dollars shall be paid for the next ensuing license year

All license fees received by the Public Utility Commission shall be deposited in the State Treasury to the credit of the Public Utility Commission for the use of the Public Utility Commission in administering this act

Section 6 Issuance of License The Public Utility Commission if it approves the application for license shall issue to each licensee a certificate showing the name of the licensee and the address of the place of business Such license shall be posted in a conspicuous place in the office of the licensee so that it shall be in full view of the public at all times Such license may not be transferred or assigned Whenever a licensee shall change his place of business to another location within the same city borough or township he shall at once give written notice thereof to the Public Utility Commission and return the license certificate to the Public Utility Commission for amendment The Public Utility Commission if it approves the removal shall endorse on the license in writing its record of the change of address and the date thereof which shall be the authority for the operation of such business under such license at such new location No change in the place of business of a licensee to a location outside the original city borough or township shall be permitted under the same license Not more than one place of business may be operated under the same license

If a licensee operates more than one place of business additional licenses may be obtained by filing a separate application for each additional place of business and furnishing an additional bond for each additional place of business and paying the license fee provided in this act for each such place of business

Section 7 Powers of the Public Utility Commission The Public Utility Commission shall have the power to reject any application for license if it is satisfied that the financial responsibility experience character and general fitness of the applicant or applicants is not such as to command the confidence of the community and to warrant the conclusion that the business will be operated honestly fairly and within the laws of this Commonwealth or if it is not satisfied that allowing such applicant to engage in business will promote the convenience and advantage of the community in which the business of the applicant is to be conducted

The Public Utility Commission may require a licensee licensed under this act to file special reports in addition to the annual report required under this act

The Public Utility Commission is hereby authorized and empowered to issue rules and regulations governing the records to be maintained by a licensee under this act and it is further authorized and empowered to issue such general rules and regulations as may be necessary for the protection of the public and to insure the proper conduct of such business and for the enforcement of this act which rules and regulations shall have the force and effect of law

Section 8 Examination by the Public Utility Commission The Public Utility Commission and any person designated by it for that purpose may at any time investigate the business and examine the books accounts records and files therein of every licensee and of every person who or which shall be engaged in the business of transmitting or disseminating racing information whether such person shall act or claim to act as principal or agent or under or without the authority of this act For this purpose the Public Utility Commission shall have free access to the office and places of business books accounts papers records files safes and vaults of all such person

The costs of every examination of the business of a licensee by the Public Utility Commission shall be paid by the licensee so examined and the Public Utility Commission may collect such costs from the surety company which has executed the bond required under this act and it may maintain an action for the recovery of such costs in any court of competent jurisdiction

Section 9 Reports to the Public Utility Commission Every licensee licensed under this act shall annually on or before the first day of March file a report with the Public Utility Commission giving such relevant information as the Public Utility Comission may require concerning the business and operations during the previous calendar year of such licensed placed of business conducted by the licensee within this Commonwealth and the name and address of every subscriber shall be incorporated in each such report Such report shall be made under oath and shall be in the form prescribed by the Public Utility Commission For failure to file such report within the time specified a licensee shall pay to the Public Utility Commission a penalty of ten ($10.00) dollars for each calendar day which such report is overdue but the Public Utility Commission may in its discretion relieve a licensee of any portion or all of such fine

Section 10 Records Required Licensees under this act shall maintain adequate records of all business transacted containing such information and in such form as shall be prescribed by the Public Utility Commission by general rule or regulation

Section 11 Penalties Any person partnership association or corporation or any partner director officer agent or member thereof who shall engage in the business of transmitting or disseminating racing information in this Commonwealth without first obtaining a license under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than five hundred ($500.00) dollars nor more than five thousand ($5,000.00) dollars and suffer imprisonment not less than six months nor more than three years in the discretion of the court

Section 12 Interpretation of Act The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section headings shall not be taken to govern or limit the scope of the sections of this act The singular shall include the plural and the masculine shall include the feminine or neuter

Section 13 Repealer All acts or parts of acts inconsistent herewith are hereby repealed

An Act Licensing and regulating the business of transmitting and disseminating racing information providing for the issuance of licenses by the Public Utility Commission authorizing a Public Utility Commission to make examinations and issue regulations and prescribing penalties for the violation of this act

And the said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 96 entitled:

An Act providing that the purchaser at sheriffs' sales of real estate may secure a sheriff's deed to the real estate purchased upon payment of the bid price minus four-fifth of the unpaid taxes assessed against such property authorizing the payment of the remaining four-fifth of such unpaid taxes by installments under the provisions of the laws abating tax penalties and interest

The first section was read as follows:

Section 1 In all cases of sheriffs' sales of real estate or of any interest in real estate where the successful bid is sufficient to pay all taxes which are or shall be valid liens against such real estate and costs the sheriff shall execute and deliver his deed for the interest or real estate so levied upon subject to the lien of four-fifths of all of said taxes which were levied for the years prior to one thousand nine hundred and thirty-eight upon receipt from the purchaser of the amount of the successful bid less four-fifths of the amount of said taxes levied for the years prior to one thousand nine hundred and thirty-eight For the payment of the unpaid portion of said taxes the purchaser shall have and enjoy the benefits and privileges and be subject to the conditions provided by the Acts of Assembly enacted by the special session of one thousand nine hundred and thirty-eight abolishing certain tax penalties and interest and for that purpose the payment herein provided for of one-fifth of such taxes shall be considered as and shall constitute the first installment payment as required by the said tax penalty abatement laws the unpaid four-fifths shall be paid in equal installments at the times specified as installment periods by the said tax penalty abatement laws applicable to such taxes

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. KANE. Mr. Speaker, I move that this bill be recommitted to the Committee on Municipal Corporation for the purpose of further study and possible amendment.

On the question,

Will the House agree to the motion?

Mr. HARKINS. Mr. Speaker, I wish to consent to the motion that has just been made by Mr. Kane.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 99 (Senate Bill No. 69), entitled

An Act validating certain proceedings and elections of counties cities boroughs townships school districts and other incorporated districts or municipalities had and held pursuant to the provisions of an act approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four entitled "An Act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the redemption of the same and to impose penalties for the illegal increase thereof" and the amendments and supplements thereof and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 90 (Senate Bill No. 60), Printer's No. 59, was passed over at the request of Mr. ACHTERMAN.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 59, entitled:

An Act to ratify confirm and make valid the commission to make a careful thorough and impartial investigation of the general practice and procedure in the courts of quarter sessions of the peace oyer and terminer and general jail delivery in the various counties of the Commonwealth and the Municipal Court in the City and County of Philadelphia appointed pursuant to the joint resolution approved the ninth day of March one thousand nine hundred and thirty-seven (Pamphlet Laws thirty-five) entitled "A joint resolution authorizing the appointment of a commission to make a fair and impartial investigation of the general practice and procedure in the courts of oyer and terminer general jail delivery and quarter sessions of the peace in the various counties of the Commonwealth and the Municipal Court in the City and County of Philadelphia with special reference to the prosecution trial and disposition of all criminal cases and the probation and parole of persons guilty of crime conferring upon the commission full power to issue subpoenas requiring the commission if possible to make a report of its findings to the present session of the General Assembly together with its recommendations as to such legislation as may be necessary or desirable otherwise to make such report and recommendations to the Governor authorizing the commission to employ counsel and employes and making an appropriation" and its amendments together with its actions proceedings expenses and expenditures

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Achterman,	Flanagan,	McDevitt,	Shaw,
Allen,	Flannery,	McElroy,	Shee,
Arnold,	Ganser,	McFall,	Shepard,
Atkins,	Gerard,	McGee,	Shoemaker,
Aukerman,	Gillette,	McShane,	Shugarts,
Baker,	Gorski,	Melchiorre,	Siegel,
Balthaser,	Habbyshaw,	Mellott,	Simon,
Bierly,	Haberlen,	Moomaw,	Skale,
Blank,	Hagerty,	Mooney,	Sloan,
Bois,	Hamilton, F. P.,	Moul,	Smith, John A.,
Boitz,	Harkins,	Muir,	Snyder,
Boose,	Harmuth,	Murrin,	Spengler,
Boyer	Hays,	Nagel,	Sproul,
Bradley	Heinz,	O'Brien,	Stank,
Brancato,	Hess,	O'Connor,	Stockham,
Brigerman,	Hindman,	O'Keefe,	Thompson,
Broad,	Hirsch,	Onunsky,	Tronzo,
Burrows,	Holland,	O'Neill,	Tumelty,
Cadwalader,	Holmes,	Ostroff,	Turner,
Caputo,	Holstrom,	Patterson, C. S.,	Valibus,
Chervenak,	Hontz,	Patterson, J. W.,	Van Allsburg,
Cohen, H. B.,	Horting,	Pearson,	Vogt,
Cohen, R. E.,	Kane,	Piole,	Wagner,
Coleman,	Keenan,	Powers,	Walsh,
Coolahan,	Kelso,	Preston,	Weidemann,
Corrigan,	Kilroy,	Readinger,	Weiss, D. H.,
Costanzo,	Kline,	Reese,	Weiss, S. A.,
Davies,	LaRue,	Reising,	Welliver,
Decker,	Levy,	Robinson,	Welsh,
DeNote,	Lewis,	Rothenberger,	Westrick,
Dickinson,	Long,	Ruhlemann,	Whalen,

Donohoe,	Lopresti,	Rush,	Whitenight,
Downey,	Lovett,	Sarraf,	Winner,
Dubbs,	Mallen,	Scanlon,	Woodside,
Dyson,	Marino,	Schor,	Yanoshat,
Elpern,	Matthews, J. F.	Schrock,	Yeakel,
Falkenstein,	McCullough,	Schrope,	Furman,
Finnerty,	McDermott,	Serrill,	

NAYS—11

Eckels,	Imbrie,	McKinney,	Royer,
Fiss,	Leisey,	Peale,	Wilson,
Hall,	Lyons,	Perry,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 93 as follows:

An Act making an appropriation for the expenses of the special committee appointed by the Speaker of the House of Representatives pursuant to House Resolution No. 24 adopted by the House of Representatives on the eighteenth day of October one thousand nine hundred thirty-eight by authority of the act approved the thirtieth day of July one thousand nine hundred thirty-eight (Act No. 2) entitled "An act defining the procedure for and regulating the investigation of the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment authorizing the Speaker of the House to appoint a special committee for any such investigation authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated providing for the summoning of witnesses and for the punishment of persons refusing to appear produce evidence or testifying and authorizing the employment and compensation of counsel and other assistants"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 The sum five thousand dollars ($5,000) or so much thereof as may be necessary is hereby specifically appropriated to the special committee appointed by the Speaker of the House of Representatives pursuant to House resolution No. 24 adopted by the House of Representatives on the eighteenth day of October one thousand nine hundred thirty-eight by authority of the act approved the thirtieth day of July one thousand nine hundred thirty-eight (Act No. 2) entitled "An act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment authorizing the Speaker of the House to appoint a special committee for any such investigation authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated providing for the summoning of witnesses and for the punishment of persons refusing to appear produce evidence or testify and authorizing the employment and compensation of counsel and other assistants" for the payment of the expenses of such investigations by such committee including the compensation of counsel investigators stenographers reporters and other employes as may be necessary for the conduct of its work postage telegraph and telephone the cost of subpoenaing and attachment of witnesses witness fees supplies and printing and any other expense of every kind and description which may be authorized by a majority of the committee in connection with the conduct of its work

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS--111

Achterman,	Flanagan,	McCullough,	Sarraf,
Allen,	Flannery,	McDermott,	Schor,
Arnold,	Ganser,	McElroy,	Shaw,
Baker,	Gerard,	McGee,	Shea,
Balthase,	Gorski,	McShane,	Shepard,
Bierly,	Haberlen,	Melchiorre	Shoemaker,
Blank,	Hagerty,	Mellott,	Shugarts,
Bois,	Hamilton, F. P.	Moomaw,	Siegel,
Boltz,	Harkins,	Mooney,	Simon,
Bradley	Hays,	Murrin,	Smith, John A.,
Brancato,	Hering,	Nagel,	Spengler,
Brigerman,	Hess,	O'Brien,	Sproul,
Broad,	Hindman,	O'Connor,	Stank,
Burrows,	Hirsch,	O'Keefe,	Thompson,
Caputo,	Holmes,	Ominsky,	Tumelty,
Chervenak,	Holstrom	O'Neill,	Valibus,
Coakley,	Hontz,	Ostroff,	Vogt,
Cohen, H. B.	Horting,	Patterson, J. J.	Walsh,
Cohen, R. E.,	Keenan,	Pearson,	Weidemann,
Coleman,	Kelso,	Piole,	Weiss, S. A.,
Corrigan,	Kilroy,	Powers,	Welliver,
Costanzo,	LaRue,	Preston,	Welsh,
DeNote,	Levy,	Readinger	Westrick,
Dickinson,	Lewis,	Reese,	Whalen,
Donohoe,	Long,	Reising,	Wright,
Downey,	Loprest,	Robinson,	Yanoshat,
Elpern,	Lovett,	Rothenberger	Furman,
Finnerty	Marino,	Rush,	

NAYS—27

Atkins,	Gillette,	Muir,	Stockham,
Boose,	Habbyshaw,	Peale,	Turner,
Boyer	Hall,	Perry,	Watkins,
Cadwalader,	Imbrie,	Royer,	Wilson,
Davies,	Kline,	Schrock,	Wood,
Eckels,	Leisey,	Sloan,	Yeakel,
Fiss,	McKinney,	Snyder,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 27 (Senate Bill No. 1), entitled:

A Supplement to the act approved the eighteenth day of March one thousand eight hundred and seventy-five (Pamphlet Laws thirty) entitled "An act to authorize changes of venue in criminal cases" forbidding changes of venue in criminal prosecutions by any court on application of the Commowealth or prosecutor

On the question,

Will the House agree to the bill on third reading?

REQUEST TO PASS BILL OVER

Mr. ACHTERMAN. Mr. Speaker I ask unanimous consent to pass this bill over in its order.

The SPEAKER. Will the House give its consent to pass this bill over in its order? Is there objections?

Mr. KANE. Mr. Speaker, I would like to interrogate the gentleman from Monroe, Mr. Achterman.

The SPEAKER. Will the gentleman from Monroe, Mr. Achterman, permit himself to be interrogated?

Mr. ACHTERMAN. I will, Mr. Speaker.

Mr. KANE. Mr. Speaker, I would like to ask the gentleman from Monroe the purpose of having the bill passed over in order. As one of those who is very desirous to see the bill become a law, naturally I am opposed to any unnecessary delays in its consideration. Would the gentleman mind telling me the purpose of passing it over.

Mr. ACHTERMAN. Mr. Speaker, in answer to the gentleman from McKean I might ask the question whether

the gentleman from McKean, as the Republican floor leader, can assure me the support of the Republican delegation for this bill? If so, perhaps I can withdraw my request.

Mr. KANE. Mr. Speaker, the gentleman does me a great honor. However, Mr. Turner will have to answer that question in regard to what the Republican floor leader will do. I am merely taking the floor here as the representative from McKean county and as a lawyer.

Mr. ACHTERMAN. Mr. Speaker, I desire to apologize to the gentleman. I have apparently been misinformed as to the gentleman's standing.

In reply to the question I might state that there are a number of members of the House who are desirous of studying this bill further before it is brought to a vote, and in view of the fact that there will be another day of session, the gentleman will have the opportunity, I have no doubt, to vote on the bill.

Mr. KANE. Mr. Speaker, may I ask the gentleman from Monroe, as the great objector in the House, whether or not he will consent to have this bill considered tomorrow if the House is in session.

REQUEST TO PASS BILL OVER WITHDRAWN

Mr. ACHTERMAN. Mr. Speaker, I will assist the gentleman from McKean considerably by permitting him to vote today on the bill. I will withdraw my request.

Mr. KANE. I thank the gentleman from Monroe.

On the question recurring,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. KANE. Mr. Speaker, I would like to explain very briefly to the members of the House, who may not have had a chance to consider this bill, the origin of the measure and also how it affects them, because, while it might appear on the surface to be a highly academic piece of legislation—

POINT OF ORDER

Mr. HERBERT B. COHEN. Mr. Speaker, I hate to interrupt my colleague, but I rise to a point of order.

The SPEAKER. The gentleman from York will state his point of order.

Mr. HERBERT B. COHEN. Mr. Speaker, I understood that the objection of the gentleman from Monroe to the immediate consideration of the bill was withdrawn in order to give the gentleman from McKean an opportunity to vote on the bill. He said nothing about an opportunity to speak on the bill.

The SPEAKER. The point of order of the gentleman from York is not well taken. The gentleman from McKean has the floor.

Mr. KANE. Mr. Speaker and members of the House, for a lawyer like Mr. Cohen, who is thoroughly familiar with this subject, to voice an objection to my further talking about it, is, of course, something I can understand very well. However, there may be members of the House who do not realize that this bill is an outgrowth of the famous trial of the Commonwealth versus Reilly in the courts of Somerset County, which many of you may remember. So that you won't think I am going to go into the legal aspects of it, I will refer any of the members of the House to the very elaborate brief in the Senate Journal of February 8th last by Senator Cavalcante of Fayette County, who was very much interested in the subject, and who did a masterful job on that occasion in explaining the law. There are some aspects to the situation that may have arisen since. Many of you know that up until the Somerset trial everyone assumed that a man had the right to be tried for an offense either in the county where the offense occurred or in the county in which the defendant lived. There have been a good many changes in the Commonwealth since that memorable trial. At that time Charles Margiotti, who was the Attorney General of the Democratic Administration, went out to Fayette County, and there he was dissatisfied with the fact that he thought that the defendant in the case might have some advantage over the Commonwealth in the trial, and he secured a change of venue from Fayette County over to Somerset County. How he convinced the Supreme Court of the Commonwealth that he had that right, I don't know, but as he is a very eloquent man and is able to convince a lot of people on different things, it is not hard to understand, and perhaps the members of the House on the Democratic side can appreciate that situation with greater force and effect than they would had this arisen six or eight months ago. The reason I mention this is because I think that this law, of all of the ones that we have considered since we have been in this session, deals with the most fundamental proposition involving human liberties that we have had before us since I have been in the legislature and since most of you have been here. Until that trial nobody assumed that a prosecutor had the right to take you as a possible defendant from your home and neighborhood and try you before a jury of strangers. We never heard of such a proposition before. Not only that, but going clear back to the time of the American Revolution, you will find that that was one of the things that the colonists revolted against in their war against England, and it is one of the things that Thomas Jefferson and George Washington, and many other statesmen, revered by both sides of the House, protested against because the colonists were transported from their homes beyond the seas to stand trial.

We have heard about the legal aspects of the case, and I want to talk to you about two practical things, two practical matters that might occur to any of us, when you are justly or unjustly accused of a crime. The first one is that a trial by jury means that you shall be tried by a jury in the vicinage or neighborhood in which you yourself reside. The Commonwealth has ample powers and ample funds to prosecute any and all of you that they may see fit to prosecute. It is a question of whether you as a private citizen can afford the elaborate preparation and vast expense that might be necessary, for instance, in case you lived over near the Ohio line and the Commonwealth forced a change of venue in your case to Philadelphia. To make the case more clear, I will take an exaggerated example. Suppose the Federal government were to advocate a similar power to that which the state of Pennsylvania has assumed since the Commonwealth versus Reilly case, and the Federal government were to presume to take a negro citizen of the state of Pennsylvania, who was accused of a crime, and to transport him to the state of Alabama, there to stand trial for his life or liberty. How many of you feel that that man would get the same kind of a break in Alabama that he would get in Pennsylvania, where people might know him, and where the people feel that a man is entitled to equal rights regardless of color. Take the situation as it exists in Europe today, how many of you feel that a Jewish citizen would receive the same treatment and the same rights

in certain localities that he might receive in the neighborhood where he resides.

I want to point out to you, members of the Assembly, one of the most precious privileges which you have as a poor ordinary citizen on trial, where the penalty may be very severe, is that during your lifetime you have built up a character among the people who know you best and the people who live around your home. What you are entitled to under the Constitution is the fact that a reasonable doubt might arise in the minds of the jury by the testimony of your friends and neighbors who live around you and who know you as a decent, honorable and honest citizen. That might be the only defense that you can afford to raise, and that in itself might be sufficient to raise a reasonable doubt and might be sufficient to warrant the jury in freeing you.

I implore the members of the House to vote "aye" on this bill because the passage of this law will put us back in the same position and with the same rights that we always presumed we had before the case of Commonwealth versus Reilly. I feel that the Supreme Court made a mistake in that decision and that it is up to us as legislators to set it right, and I therefore ask my colleagues on both the Republican and Democratic sides of this House to vote "aye" on this bill, to re-establish the proper liberties of the citizens of Pennsylvania.

Mr. DONOHOE. Mr. Speaker, I desire to interrogate the gentleman from McKean, Mr. Kane.

The SPEAKER. Will the gentleman from McKean permit himself to be interrogated?

Mr. KANE. I will, Mr. Speaker.

Mr. DONOHOE. Mr. Speaker, I desire, to ask the gentleman from McKean, Mr. Kane, whether a man who is indicted in Schuylkill county, his residence being in Philadelphia, can make application to the court to have a change of venue and then be tried in Philadelphia county.

Mr. KANE. Mr. Speaker, my answer to that question is this: this bill in no way interferes with the right of a defendant to ask the court for a change of venue when he lays the proper grounds for his request. A defendant is still entitled to ask for a change of venue in order to have a fair trial. This bill merely takes away from the Commonwealth the right which they assume in the Somerset county case to have the right as prosecutor to take a man from one vicinity to another.

Mr. DONOHOE. Mr. Speaker, does this prevent the prosecutor and the Commonwealth from making that application for change of venue?

Mr. KANE. Mr. Speaker, this bill specifically denies to the Commonwealth the right to even apply for a change of venue. It would not, of course, deny anyone in the Commonwealth the right to apply, as a defendant for a change of venue or anything of that sort but merely deprives the prosecuting authority of the right to transport a defendant to a place other than that where he now stands trial.

Mr. TUMELTY. Mr. Speaker, the gentleman from McKean used several examples to show how a change of venue might hurt some one. Some of us have a certain extraction, and I feel that perhaps it might be well to put us in also. For example, if a man be moved from the south to the north of Ireland for trial.

Mr. KANE. Mr. Speaker, as a legislator and of Irish extraction, which we are proud of, I think that the argument the gentleman puts forth is very strong and I will add Ireland to the list.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—162

Achterman,	Flannery,	McFall,	Shea,
Allen,	Flinchbaugh,	McGee,	Shepard,
Arnold,	Ganser,	McKinney,	Shoemaker,
Atkins,	Gerard,	McShane,	Shugarts,
Baine,	Gillette,	Melchiorre,	Siegel,
Baker,	Gorski,	Mellott,	Simon,
Balthaser,	Habbyshaw,	Moomaw,	Skale,
Bierly,	Haberlen,	Mooney,	Sloan,
Blank,	Hagerty,	Moran,	Smith, James A.,
Bohn,	Hall,	Moul,	Smith, John A.,
Bois,	Hamilton, F. P.	Murrin,	Snyder,
Boltz,	Harkins,	Nagel,	Sollenberger,
Boose,	Harmuth,	O'Brien,	Spengler,
Boyer	Hays,	O'Keefe,	Sproul,
Bradley,	Hering,	Ominsky,	Stank,
Brancato,	Hess,	O'Neill,	Stockham,
Brigerman,	Hindman,	Ostroff,	Thompson,
Broad,	Hirsch,	Patterson, C. S.,	Tumelty,
Burrows,	Holland,	Patterson, J. W.,	Valibus,
Cadwalader,	Holmes,	Peale,	VanAllsburg,
Caputo,	Holstrom,	Pearson,	VanSickle,
Chervenak,	Hontz,	Perry,	Vogt,
Cohen, H. B.,	Horting,	Pershing,	Wagner,
Cohen, R. E.,	Imbrie,	Piole,	Walsh,
Coleman,	Kane,	Powers,	Watkins,
Coolahan,	Keenan,	Preston,	Weiss, D. H.,
Corrigan,	Kelso,	Readinger,	Weiss, S. A.,
Costanzo,	Kilroy,	Reese,	Welliver,
Davies,	Kline,	Reising,	Welsh,
Decker,	LaRue,	Robinson,	Westrick,
DeNote,	Levy,	Rothenberger,	Whalen,
Dickinson,	Lewis,	Royer,	Whitenight,
Donohoe,	Long,	Ruffennach,	Winner,
Downey,	Lopresti,	Rush,	Wood,
Dubbs,	Lovett,	Sarraf,	Woodside,
Dyson,	Mallen,	Scanlon,	Wright,
Eckels,	Marino,	Schor,	Yanoshat,
Elpern,	McCullough,	Schrope,	Yeakel,
Falkenstein,	McDermott,	Serrill,	Yourishin,
Finnerty,	McDevitt,	Shaw,	Furman,
Flanagan,	McElroy,		

NAYS—3

O'Connor,	Tronzo,	Weidemann,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 92 (Senate Bill No. 61), entitled:

An Act to ratify confirm and make valid the joint legislative committee created by Senate Concurrent Resolution Serial Number 106 approved March sixteenth one thousand nine hundred and thirty-seven and authorized thereby to make an investigation of the tax burdens placed upon industries in Pennsylvania and other industrial and mining states together with its actions proceedings expenses and expenditures and the appropriation made to said committee and making a further appropriation

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—187

Achterman,	Ganser,	McFall,	Shugarts,
Allen,	Gerard,	McGee,	Siegel,
Allmond,	Gillette,	McKinney,	Simon,
Arnold,	Gorski,	McShane,	Skale,
Atkins,	Habbyshaw,	Melchiorre,	Sloan,
Aukerman,	Haberlen,	Mellott,	Smith, James A.,
Baine,	Hagerty,	Moomaw,	Smith, John A.,
Baker,	Hall,	Mooney,	Snyder,
Balthaser,	Hamilton, F. P.,	Moran,	Sollenberger,
Bierly,	Hamilton, R. S.,	Moul,	Spengler,
Blank,	Harkins,	Muir,	Sproul,
Bohn,	Harmuth,	Murrin,	Stank,
Boles,	Hays,	Nagel,	Stockham,
Boltz,	Hering,	O'Brien,	Strode,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hindman,	O'Keefe,	Thompson,
Bradley,	Hirsch,	Ominsky,	Tronzo,
Brancato,	Holland,	O'Neill,	Trout,
Brigerman,	Holmes,	Ostroff,	Tumelty,
Broad,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Patterson, J. W.,	Valibus,
Cadwalader,	Horting,	Peale,	Van Allsburg,
Caputo,	Imbrie,	Pearson,	Van Sickle,
Chervenak,	Jirolanio,	Perry,	Vogt,
Coakley,	Kane,	Pershing,	Wagner,
Cohen, H. B.,	Keenan,	Piole,	Wall,
Cohen, R. E.,	Kelso,	Powers,	Walsh,
Coleman,	Kilroy,	Preston,	Watkins,
Coolahan,	Kline,	Readinger,	Webster,
Corrigan,	Kroll,	Reese,	Weidemann,
Costanzo,	LaRue,	Reising,	Weiss, D. H.,
Davies,	Leisey,	Robinson,	Weiss, S. A.,
Decker,	Levy,	Rothenberger,	Welliver,
DeNote,	Lewis,	Royer,	Welsh,
Dickinson,	Long,	Ruffennach,	Westrick,
Donohoe,	Longaker,	Rush,	Whalen,
Downey,	Lopresti,	Sarraf,	Whitenight,
Dubbs,	Lovett,	Scanlon,	Wilson,
Dyson,	Lyons,	Schor,	Winner,
Eckels,	Mallen,	Schrock,	Wood,
Elpern,	Marino,	Schrope,	Woodside,
Falkenstein,	Matthews, J. F.,	Serrill,	Wright,
Finnerty,	McCullough,	Shaw,	Yanoshat,
Fiss,	McDermott,	Shea,	Yeakel,
Flanagan,	McDevitt,	Shepard,	Yourishin,
Flannery,	McElroy,	Shoemaker,	Zappala,
Flinchbaugh,			Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. SAMUEL A WEISS asked and obtained permission for the Committee on Municipal Corporations to meet during the session of the House.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 72.

A Supplement to the act approved the second day of July one thousand nine hundred thirty-seven (Appropriation Acts page seventy-four) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" making a deficiency appropriation to the Department of Property and Supplies for the payment of certain expenses for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, line 15, by inserting after the word "thirty-nine" the words "and making an additional appropriation to the Legislative Department."

Amend Section 1, page 2, line 22, by inserting after the word "law" the following:

"Legislative Department To the Senate For deficiencies in the appropriation to the Senate incurred in the completion of the work of the Extraordinary Session of 1938 for the payment of the mileage of fifty (50) Senators for salaries of officers and employes of the Senate for the payment of the mileage of the officers and employes of the Senate and for the payment of the necessary expenses including extra labor in the office of the Chief Clerk the sum of twelve thousand five hundred dollars (12,500) or so much thereof as may be necessary to be available for expenditure for the Extraordinary Session of one thousand nine hundred and thirty-eight"

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAY—185

Achterman,	Ganser,	McGee,	Siegel,
Allen,	Gerard,	McKinney,	Simon,
Arnold,	Gillette,	McShane,	Skale,
Atkins,	Gorski,	Melchiorre,	Sloan,
Aukerman,	Habbyshaw,	Mellott,	Smith, James A.,
Baine,	Haberlen,	Moomaw,	Smith, John A.,
Baker,	Hagerty,	Mooney,	Snyder,
Balthaser,	Hall,	Moran,	Sollenberger,
Bierly,	Hamilton, F. P.,	Moul,	Spengler,
Blank,	Hamilton, R. S.,	Muir,	Sproul,
Bohn,	Harkins,	Murrin,	Stank,
Boles,	Harmuth,	Nagel,	Stockham,
Boltz,	Hays,	O'Brien,	Strode,
Boose,	Hering,	O'Connor,	Thomas,
Boyer,	Hess,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Tronzo,
Brancato,	Hirsch,	O'Neill,	Trout,
Brigerman,	Holland,	Ostroff,	Tumelty,
Broad,	Holmes,	Patterson, C. S.,	Turner,
Burrows,	Holstrom,	Patterson, J. W.,	Valibus,
Cadwalader,	Hontz,	Peale,	Van Allsburg,
Caesar,	Horting,	Pearson,	Van Sickle,
Caputo,	Imbrie,	Perry,	Vogt,
Chervenak,	Jirolanio,	Pershing,	Wagner,
Coakley,	Kane,	Piole,	Wall,
Cohen, H. B.,	Keenan,	Powers,	Walsh,
Cohen, R. E.,	Kelso,	Preston,	Watkins,
Coleman,	Kilroy,	Readinger,	Webster,
Coolahan,	Kline,	Reese,	Weidemann,
Corrigan,	LaRue,	Reising,	Weiss, D. H.,
Costanzo,	Leisey,	Robinson,	Weiss, S. A.,
Davies,	Levy,	Rothenberger,	Welliver,
Decker,	Lewis,	Royer,	Welsh,
DeNote,	Long,	Ruffennach,	Westrick,
Dickinson,	Longaker,	Rush,	Whalen,
Donohoe,	Lopresti,	Sarraf,	Whitenight,
Downey,	Lovett,	Scanlon,	Wilson,
Dubbs,	Lyons,	Schor,	Winner,
Dyson,	Mallen,	Schrock,	Wood,
Eckels,	Marino,	Schrope,	Woodside,
Elpern,	Matthews, J. F.,	Serrill,	Wright,
Falkenstein,	McCullough,	Shaw,	Yanoshat,
Finnerty,	McDermott,	Shea,	Yeakel,
Fiss,	McDevitt,	Shepard,	Yourishin,
Flanagan,	McElroy,	Shoemaker,	Zappala,
Flannery,	McFall,	Shugarts,	Furman,
Flinchbaugh,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

RESOLUTION

CONGRATULATIONS

Mr. WALSH offered the following resolution which was twice read, considered and adopted.

In the House of Representatives November 22, 1938

Whereas The Northwestern Business Men's Association has for many years endeavored to remove the Glenwood Cemetery in Philadelphia and replace it with homes; and

Whereas The Philadelphia Authority has finally consented to take over the Glenwood Cemetery for the Purpose of a Slum Clearance Project; and

Whereas Charles L. Fluck, President Emeritus, and Samuel Baker, have been unrelenting in their efforts to effect the removal of this cemetery; therefore be it

Resolved That the House of Representatives extend its congratulations to the said Charles L. Fluck and Samuel Baker on their success; and be it further.

Resolved That copies of this resolution be sent to the said Charles L. Fluck and Samuel Baker at the headquarters of the Association, 2338 West Columbia Avenue, Philadelphia, by the Chief Clerk.

REPORT FROM COMMITTEE

Mr. LEVY from the Committee on Municipal Corporations re-reported as committed, House Bill No. 96, entitled

An Act providing that the purchaser at sheriffs' sales of real estate may secure a sheriff's deed to the real estate purchased upon payment of the bid price minus four-fifth of the unpaid taxes assessed against such property authorizing the payment of the remaining four-fifth of such unpaid taxes by installments under the provisions of the laws abating tax penalties and interest.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 72

A Supplement to the act approved the second day of July one thousand nine hundred thirty-seven (Appropriation Acts page seventy-four) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" making a deficiency appropriation to the Department of Property and Supplies for the payment of certain expenses for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine and making an additional appropriation to the Legislative Department

COMMITTEE MEETING

The Committee on Judiciary Special will meet on Monday, November 28, 1938 at 5:00 o'clock in the office of the Chief Clerk.

ADJOURNMENT

Mr. CAPUTO. Mr. Speaker, I move that this House do now adjourn until Monday, November 28, 1938, at 9:00 p.m.

The motion was agreed to, and (at 2:44 p.m.) the House adjourned until Monday, November 28, 1938, at 9:00 p.m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1938

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SENATE

MONDAY, NOVEMBER 28, 1938.

The Senate met at 9:00 o'clock P. M.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, LL. D., offered the following prayer:

Our Father, we invoke Thy blessing as we assemble tonight. Give us wisdom and grace, a will to do Thy will. Lead on Thy hosts, here and throughout the world, to the triumph of

"The right against the wrong;
The weak against the strong."

We pray for an awakening of conscience; for revolt of justice against the horrors of persecution and hate and madness and tyranny. May Thy Spirit move mightily among the German people. Rescue them from the thrall of brutal despotism. Lead them back to the high standards of the German tradition. God forbid that the virus of racial hate, or the spirit of bigotry and intolerance shall ever find an abode in the American heart or life.

We rejoice and give thanks for the renewed lease of life given to Thy servant, that distinguished ecclesiastical statesman and humanitarian, the good and gifted Pontiff of the Catholic Church. Spare him yet many days to his people and to the peoples of the world.

May Try grace, mercy and peace rest upon us. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. RICE, the further reading was dispensed with, and the Journal was approved.

LEAVES OF ABSENCE

Mr. Rankin asked and obtained leave of absence for the Senator from Allegheny, Mr. HENNEY.

Mr. Rice asked and obtained leave of absence for the Senator from Lycoming, Mr. SONES.

He also asked and obtained leave of absence for the Senator from Monroe, Mr. HUFFMAN.

PETITIONS AND REMONSTRANCES

FAVORING THE ENACTMENT OF THE FIREWORKS BILL

The Chair cleared his table and laid before the Senate communication from the Philadelphia Committee for Prevention of Blindness urging the immediate passage of House Bill No. 21 prohibiting the sale of fireworks.

QUESTION OF PERSONAL PRIVILEGE

Mr. WOODWARD. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Woodward, will state his question of personal privilege.

Mr. WOODWARD. Mr. President, the question of personal privilege is to deliver a slight farewell address to the departing Democrats. Whether the next Senate will be fifty-fifty, or to be accurate twenty-five twenty-five, is in the lap of the Gods. By the lap of the Gods I mean that some Democrats may see the light and become Republicans, some Democrats may see that the light of the New Deal is a mere will-of-the-wisp as compared with that beautiful little shining miner's lamp of Governor James. If the famous "round robin" is still alive when the clock strikes twelve on the first Tuesday of January, some Democrats may be missing. Whether it may be battle, murder and sudden death I do not know, but as a friend of all the Senators, especially of the Democrats who will be here January 3rd, I strongly advise insurance—casualty insurance. The New Deal has taught us that the end justifies the means and therefore I hope that all the Democrats to be here will lead and walk a straight and narrow path and watch their step until the gavel falls on that day.

Whatever happens, Mr. President, I have myself obtained a high office through no fault of my own and through no merit of my own, only by the grace of God and Father Time. I have become the Dean of the Senate. That is the reason I am making this farewell address. I have looked up the office of the Dean of the Senate in the Constitution and I did not find it and I did not find it in the rules of the Senate but I take it that the duty of the Dean of the Senate is to from time to time give fatherly advice and to admonish the Senators.

This is a solemn occasion. If for no other reason it is a solemn occasion when we are about to lose our presiding officer, our Lieutenant-Governor. It gives me a great pleasure to stand here and bear testimony to his fairness and dignity and courtesy. He has not only been fair to the favored ones around the middle aisle but he has been fair to those of us clinging to the brass rail. I am sure the Lieutenant-Governor will understand me when I say that one regret I have in his leaving is that he doesn't leave us sooner. I would suggest that he would leave us at 11:55 A. M. on Tuesday, January 3rd.

I regret the absence of our President Pro Tempore, the

Senator from Monroe. I count him an old friend and I wish to say anything I can nice about Senator Huffman. I think perhaps the safest description is that the Senator from Monroe is a gentleman and a scholar. My only consolation in his case is that I am looking forward with some hope to occupying his desk and regaining a place on the middle aisle. I would like to say a word of commendation for our Secretary of the Senate, Mr. Morlock, who has also treated us here near the brass rail with due consideration and has not played any favorites and has been a most efficient and perhaps the best looking Secretary of the Senate we have ever had. I can quite understand that after January 3rd, Mr. Morlock may still be with us. These remarks then, applied to him, might be called an emergency appropriation. I also might have said when I talked about getting Senator Huffmans' desk that that will at least enable me to hear something of what the reading clerk reads. In every office there is some indispensable individual. In this office of Secretary of the Senate that individual is Miss Carroll. I would like at this time to commend very highly the services of Miss Carroll. Certainly she has performed a very important function and she has done it most intelligently.

Now coming to the brothers of the Senate I would like to quote Shakespeare, that "Parting is such sweet sorrow, that I could say farewell until the morrow"; that is a remark made by Romeo to his lady love Juliet. I looked over the other side of the aisle at the Democrats to see if I could select an outstanding Juliet, and I first thought of the Senator from Clarion, Dr. Kahle, but somehow he did not measure up to the requirements of Juliet. I then thought of my colleague from Philadelphia, Mr. Pytko, and the Senator from Centre, Mr. Thompson, and the Senator from Mercer, whose name escapes me for the moment, our authority on constitutional law, Mr. Glen R. Law, but these Senators are all too virile and lack the clinging qualities of Juliet. I have however found an outstanding Senator on the Democratic side who will be my choice as Juliet. You can perhaps guess that he is the Senator, the very good looking Senator from Lehigh, Mr. Rupp. We shall all miss Senator Rupp. We all like him and we certainly wish him success in the practice of law in Allentown.

I would like to say also we shall miss very much the Senator from Allegheny, Mr. Rodgers, and I feel I shall never understand the complex workings of flood control in the absence of Mr. Rodgers. Last but not least is the Senator from Lycoming, Mr. Sones, whom I regret to say is detained by an automobile accident. He is one of the landmarks in the front row. Sometimes you see him smoking, always. I guess, you see him smoking, but the peculiar office of the Senator from Lycoming is to suspend Rule 38. I have never read Rule 38 but I have taken a strange dislike to it. I know there is something wrong with Rule 38 or the Senator from Lycoming would not be forever suspending it.

The Democrats have all done very well. I can almost hear Mr. Lawrence saying, "they seen their duty and they done it." They did not always see eye to eye with the Supreme Court. Whether the Supreme Court was cockeyed or whether the Democratic Senators were cockeyed is not for me to say.

I can express personal regret for the Senator from Allegheny, Mr. McGinnis, who has just lost out on his little NRA. Again the highest court must have erred. We did not all of us see eye to eye with the Senators on the other side nor did we always vote "Aye to Aye".

Some Democrats I love and some Democrats I like and some Democrats I have to get used to. Let the Democrats depart in peace and may their districts always vote Republican.

Now when it comes to our brothers on this side of the aisle, the Republican Senators, the Senate will never look the same without that Senator from Philadelphia, Mr. Salus. The Senate will look exactly the same without that Senator from Luzerne, Mr. Sordoni. The Senate will look something the same in the absence of the Senator from Montgomery, Mr. Bean. We are about to say goodbye to Johnny Howell. We all regret that. Our hearts go out to the cherub Johnny Howell and our minds will be somewhat vague, because if you ever want the low-down on anything you can go to Johnny Howell and he always knows it. When I come to my superior officers sitting here, the Senator from Bucks, Mr. Buckman, we certainly will not be the same without him. I can only put my tribute in his own words, and referring to his departure I move that it be indefinitely postponed.

Now, I wish to bear testimony to the good fellowship of this Chamber. We strive mightily at the law but we can eat and drink as friends. That is saying a mouthful, and I think it is a hall-mark, one of the hall-marks certainly, of representative government. I read the other day, "the true value of anything is what it is at its best. The false value of anything is what it is at its worst." Sometimes we are at our best and sometimes we are at our worst. You may remember the nursery rhyme of the little girl that had a curl right in the middle of her forehead, and when she was good she was very, very good and when she was bad she was horrid; and that is something like the Senate.

I often picture representative government as a triangle. It was originally an equilateral triangle and through our own fault perhaps it has become a right-angle triangle with the long leg belonging to the executive department, and now that I am Dean of the Senate and the Republican caucus is expected to do anything that I tell them, one of my first admonitions will be, "Always thumb your nose at every executive." This triangle is now unfortunately what those who have studied geometry know as an isosceles triangle, which has two long legs, the executive and the judiciary, and the miserable stubby short leg at the bottom is the legislative department of the Government. On us rest the other two branches of the Government; they cannot do anything about us. It is like what the man said about a woman, "I can't get along with her and I can't get along without her." But I believe that the Republicans and Democrats and even New Dealers will admit that the best hope for representative government lies in this legislative department.

We never know how much power we have. We could picture it as a reservoir of power with the executives generally tapping it and syphoning off the power from us. Or you could picture it as the throne of Representative Government. Now I believe, in conclusion this is, that we are climbing painfully and slowly up toward the throne but we often slip back. In fact not only slip but we are dragged back by at least two dragons in politics, and one is waste and one is patronage. There are plenty of ex-

amples of waste, not only of Democratic waste but also of Republican waste, but of course the Democratic waste is the more recent. I do not want to catalogue all the waste but I do say that it is something of a waste to spend a half a million dollars advertising the beauties of Pennsylvania and the only tangible result we have is that Senator McGinnis has found his way to Hazleton, the home of the Lieutenant-Governor and found that it was not a dump. That is hardly worth a half million dollars. The printing bill in the last regular session was nearly a half million dollars, or to be accurate, just around $470,000. The worst example of waste in my opinion is to pay $77,000 to three men, practically three men, who do not live in Pennsylvania, but are receiving $1,000 a month, and I think it is generally well known that as I put it, "the bootleggers stole the coal and the anthracite Commission stole the report." Because it seems to be well authenticated that they copied the report written in 1914 by a professor of Harvard University. I think the Ruth Commission did a good job but I am not in favor of paying a lawyer from Kansas City a good deal of the $50,000 that went to the Ruth Commission.

When it comes to patronage, that is a very tender subject. But I can cite one example and that is the Department of Public Assistance. I have a little disappointment in this because when the Senator from Luzerne was chairman of that committee I put in a bill which got no consideration. That bill would have created a commission of five in each county and the Governor would have had only two of those appointments and the Courts would have had two, and the fifth would have been the President of the County Commissioners. But at present, I guess you know, the County Chairman hands these names into Harrisburg and the whole thing is on a political basis. I think a very good example of politics in relief could be found in Indiana County.

Now there is a third dragon, not so well known, and that is the disrespect of the public toward office-holders and politicians. We brought it on ourselves a good deal, and yet whenever we try to build a good-government house and invite the public to see that we are doing better, we immediately put the dragon of waste in the front yard and the dragon of patronage in the backyard and the public says, "Nothing doing, we will not come into your house."

So in conclusion, as Dean of the Senate (if anyone wants the job they can have it) I would like as a benediction to repeat that phrase again and ask you to remember it: "The true value of anything is what it is at its best and the false value of anything is what it is at its worst." Thank you very much.

QUESTION OF PERSONAL PRIVILEGE

Mr. THOMPSON. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Centre, Mr. Thompson, will state his question of personal privilege.

Mr. THOMPSON. Mr. President, ordinarily at this late date in ones term I would not have the temerity to speak but the toast of the Senator from Philadelphia, Dr. Woodward compels me to a response.

One of the most difficult operations that faces any Legislator today is to maneuver himself around the halls of this capitol building without being stopped by every Tom, Dick, and Harry that you run into and listen to his reason why the Democratic party lost the election. It is almost impossible for anyone to get anything done the last two weeks and still be courteous with the people he meets, as everyone seems to have his own particular hypothesis as to why the Democrats did not receive the majority of the votes on November 8.

I have been trying for a couple of weeks to get the situation sort of straightened out in my own mind with a view possibly of trying to learn a reason, for reference in future campaigns. There is no question but what a great variety of quantities entered into the outcome of this year's voting, but there are two facts which stand out as the result of this election which seem to me not to be subject to the slightest challenge.

The first fact is that the Republican party won this election. This fact is so well-evident and so far reaching in its effect that it needs little or no comment.

The second fact that stands out very clearly in the whole situation is that although the Republican party won this election, they don't owe the people of Pennsylvania anything in having done so. The election was bought and paid for and the Republican party will go into office in January with a sort of carte blanche authority from the people of this state.

Facts which have come to light since election day furnish a most interesting analysis of the factors which brought about a change in the political thinking of the people of this State. We had all believed that with the elections of 1932 and 1934 and 1936 that the electorate of this State had sort of been graduated out of the position where the expenditures of large sums of money would be an influencing factor in the determination of an election—perhaps this was not the controlling factor in this year's election but I think it is safe to say that probably in the history of this State there never has been an election where money was spent as freely as it was this year.

After elections people say things and do things which they would not say or do during the secrecy of a campaign and it has only been within the last two weeks that a lot of interesting sidelights of this year's voting have been revealed to the scrutiny of public opinion and that if what we learn is true, and there is no substantial ground for disbelief of what we learn, the expenditure of party funds on the part of the Republicans this year was one of the most cunning and prudent adventures politically that I have ever seen.

Let's go back to immediately following the primary election. I have represented two counties of this State during the last four years—Centre and Clearfield Counties—immediately after the primary election there were four people in each county placed upon the payroll of the Republican State Committee or one of its subordinate agencies at a salary of $250 a month. At least two of these people that I know left good paying jobs to take the assignment tendered them. These gentlemen did nothing during the summer and fall but effect political organizations and political strategy. Under them there were progressively influenced a host of Republican minor missionaries whose salaries ranged from $10 a week up.

These minor missionaries did nothing but spread the gospel of the damning effects of the New Deal and the millennium that would be forthcoming by the election of

a Republican ticket. These people were cleverly chosen and stategetically placed.

I know of two people on WPA projects who, beginning the first of August went on the payroll at $15 a week to supplement their WPA income. A number of others received their $10 bill each Saturday afternoon slipped to them over the table in a quiet corner of a bar-room or a pool-room.

It is a safe estimate that in the two counties at least 200 people were employed as needlers on WPA projects and highway projects at an average rate of not less than $15 a week from August 1 to November 8 of this year.

My active interest in politics in my section of the State has extended back only over a period of 12 or 13 years but within those years I have only known of but one occasion in my two counties when there was anything approaching a real election scandal.

Some funds were expended imprudently this year. As an example of this let me cite the case of one gentleman who earned $140 a month as a general foreman on a WPA project. He was industrious and frugal and a good foreman, came of a respectable family, and commanded considerable public influence among his associates. He carried on a bank account in his modest way; never banking very much at any one time over a period of three or four years until the week before election. The bank ledger shows a deposit of $1000 and the gentleman's influence, although Democrat perennially, was turned toward the channels of Republican success.

And then there is the Democrat in Bellefonte who last year came within a few votes of being elected tax collector of that borough, who, the day before election received $150 for himself and $150 for expenditure among those people whose votes he could influence.

Then there is another Democrat in Sandy Township, outside of the city of DuBois, who, as his letters will show, was a loyal Democrat up until the Friday before election but who called me on the telephone Sunday and said he had been offered $250 to work for the Republican party and asked release from his Democratic promises. Being of a kind and generous disposition and knowing the man's necessities, he was promptly released from his promises and the economic exigencies of his family relieved.

One of the most interesting quantities in any election is 'election beer'. I read in books that beer and more particularly whiskey were stable factors in elections in this country as far back as a hundred years ago, and one of the most interesting things about any campaign to those of us who were plunged into the arena of politics as novices is to learn that for a period of about two weeks before an election we are all expected to play Santa Claus to that branch of the electorate whose thirst is always consuming.

In once precinct of Clearfield County, immediately adjoining the town in which I live, I had a couple of Democrats who guaranteed me that their thirst was unquenchable, keep track of the beer that the different Republican agencies placed in this precinct for the two weeks before election. Their report the day before election stated that they had attended no less than 14 missionary meetings, at each of which one barrel of Republican beer was the piece de resistance, garnished with competent Republican oratory.

It is interesting in connection with the experience of this precinct to note how little beverages really influence an election as this precinct went 3 to 1 for the entire Democratic ticket.

One of the most interesting incidents of the whole campaign was a big Sunday School picnic this summer. On the outskirts of this picnic, in the bushes hidden from view of the officiating clergyman, were two barrels of Republican beer where the thirsty Christians regaled themselves when the proceedings of the Sunday School picnic became a little too dry for endurance.

I would not want anybody to believe that the Republican party placed 14 barrels of beer in every precinct in my senatorial district for campaign purposes but I do think a fair average would be a little bit less than a third of that, say about four barrels to each of the 178 precincts which would involve the modest campaign expenditure of $9,968.00.

There is probably no political commentator but who would agree that the organization to get out the votes on the part of both parties this year was probably the most effective we have ever seen in Pennsylvania. In my own ward, for example, we have 377 registered Democrats of which 376 voted.

As Democrats we figured this year for election day expenses in my two counties the sum of $20 a precinct—the Republican party has always figured on the basis of $50 a precinct. I do not know whether it was more or less this year. I do know that in our judicial campaign in 1937 the Republican party had provided the sum of $75 a precinct for election day expenses, but basing their expenditures on their time-honored basis of $50 a precinct in the 178 precincts of Centre and Clearfield Counties we have an expenditure of $8900. This, of course, presumably would not include the precincts in the two counties—of which there were a number—where men stood at the polls and voluntarily, for the good of party principle, gave a $2.00 bill for each vote as it came from the polls and assured the donor that the elector had voted to "Save Our State."

Nor would this include the expenditure at precincts where $15.00 was paid to the owner or driver of a car for each car-load of voters that were brought to the polls.

Apart from the incidental expenses, I think it is a safe bet that in my two counties we had at a minimum a $74,000 election. My district is about the average in population over the State, containing a trifle under 150,000 people, or a little bit less than 1½% of the population of the State. If the balance of the State were as well nurtured financially as my own district, we can be proud this year of our $5,000,000 election in Pennsylvania.

When I think of this sum the shade of William S. Vare comes before my eyes and the fact that he was deprived of a seat in the United States Senate because his primary campaign expenditures exceeded $125,000 the maximum figure set by the Corrupt Practices Act.

Of course the Democrats can lay a lot of blame for their defeat to other factors beside the financial bounties of the Republican party.

To the eye of the voter, the Democratic party this year had become the conservative party while the Republican party was not only liberal with their money but liberal with their promises. I do not know of a single Democratic candidate who gave any help, aid, or assistance to the Townsend Plan and now we have the spectacle of a

Republican conservative United States Senator going to Washington pledged to support the $200 a month pension which Dr. Townsend has made famous to say nothing of a host of Republican Congressmen throughout the length and breadth of this State. I do not mean that these Republican representatives mean to keep these promises—as I said in the beginning the Republican party really owes this State nothing as they bought and paid for this election.

As early as last summer I personally plead with the High Command of the Democratic party to liberalize our program at this election—our platform was as meaningless as the Republican party's platform.

One thing that I desired was that the Democratic party should pledge to the people of this State during the next four years the 100% improvement of all rural roads in Pennsylvania. This was not a myth but as a goal which is capable of realization during the next four years, not only by the Democratic party but can be realized by the Republican party if it so desires. At the rate rural roads have been built in my district for the past three years by the end of next year there will be no more numbered routes to improve if the program is maintained at its present rate.

The same procedure which has been followed in my two counties can be very nicely extended into every corner of the State, and once we would get our rural road system completed we can begin in an intelligent systematic way the building of trunk line, super-highways which will enable our vehicular traffic to keep apace with the needs of increasing speed and heavier traffic in transportation. Of course the railroads will oppose this but progress will go on just the same.

Not only is road improvement still a vital issue with people of this State but the matter of school building construction is just as great in this State today at it was a few weeks ago when I introduced into this Legislature a series of bills providing the legislative mechanics for what has become known as the Thompson School Building Plan.

As early as April of this year I plead with the leaders of our party and its candidates to take up intelligently and systematically this question of public school building construction with a view of bringing the facilities of this State up to a decent standard and to relieve a large part of the burden of this item from local real estate taxation. However, it was not until this Legislature convened in July that I received even half-hearted cooperation in the plan and even then little or no enthusiasm, and had the plan bog down a couple of weeks before the election in the hands of men who had lost their courage and their grip upon public matters.

Today the future of the plan is uncertain in view of the open hostility of the incoming administration to it during the campaign and the reluctance of the Federal Government to pledge its funds to an activity to which the appropriation of state funds by the incoming administration is uncertain.

Again as early as June of this year I plead with our brain trusters to adopt a positive stand with respect to a system of Old Age Pensions. The attitude of the people of Pennsylvania on the question of an Old Age Pension is obvious.

In 1937 the Democratic party gave to the people of Pennsylvania an amendment to the State Constitution which permits the enactment of an Old Age Pension law in this State as distinguished from the present existing unwholesome system of Old Age Assistance.

The Republican High Command was smart enough to see that the vast majority of the people of Pennsylvania are in favor of an outright Old Age Pension, and promised their support to the Townsend Pension Plan. In my own meager way I still think the Townsend Plan unworkable but we can pass in Pennsylvania an Old Age Pension law which will give to every person over the age of 65 a pension of $50 a month, with an additional increment of $25 a month where that person is married and has a dependent wife.

It certainly should not be difficult for the Republican party pledged to a $200 a month pension to enact next year a $75 a month pension. I hope the incoming administration does enact such legislation. I am confident that such legislation will have the support of many Democrats in this Senate. It is something that should be done in this State and I am confident that the great majority of people will say "Amen" to such legislation whether the legislators be Democrats or whether they be Republicans. However, I still go back to my original promise that the Republican party has bought and paid for this election, owes the people nothing, and will not keep their pledge.

For four years I have voiced the opinion that we should have a minimum wage rate in this State for employees of fifty cents an hour irrespective of the character of work these employees perform. The strategists of the Republican party likewise had some such idea when they promised the laborers upon our highway a minimum wage of $85.00 a month. This, likewise, is a wholesome measure with which I am sure the rank and file of the people would concur and I for one will gladly voice my approval of the Republicans establishing in accordance with their promises a minimum wage of $85.00 a month for highway workers.

Of course the Republicans made a lot of wild promises during this campaign—they promised WPA workers a minimum wage of $100 a month, and I know one Republican barber shop tenor in conversation with three or four WPA workers during the campaign saying, "My heart bleeds for you poor fellows who must labor so arduously for $52.80 per month."

Well, of course, a promise of this kind was a lot of hot air as I feel confident that the Republicans were intelligent enough to know that win, lose, or draw, they would have no influence on WPA employment or wage rates; but they promised, and it would not surprise me a bit if the incoming administration in order to keep this promise would provide $47.20 a month out of state funds to supplement the compensation of WPA workers.

Of course when I say they would do this, I must depart from my original promise that the Republican party has bought and paid for this election and owes nothing to the people of this State.

Well, we shall see what we shall see. There is no question but what the Democratic party lost a lot of votes at this last election because they would not promise the people of this State things that they knew were impossible of fulfillment. They would not even promise things that were possible of fulfillment where there was the slightest uncertainty of their ability to execute such promises.

As we said in the beginning, the Republican party owes

the people of this State nothing—anything they give to the population of our State during the next four years will be gratuitous, but I am still for the Republican party taking care of the people of this State and anything they do along this line I am confident will be as much appreciated by the rank and file of the Democrats as it will be by the people of the State as a whole.

Right now the people of my district are having quite a fever of buying ear-muffs. Everybody is rushing to our stores to get protection for their ears against the noise of the factory whistles when they start blowing. You know the factory whistles were to begin to blow immediately after Republican success. I try to tell these people that they don't need to hurry into this—that steel production has slipped off every week since the election, but they are still buying ear-muffs. Some people are even talking about starting a whistle factory to take care of the needs of the new industries which are going to flock to Pennsylvania. Maybe this is so.

Let me state, however, that in my humble judgment the Democratic administration can still stand upon its record and to illustrate I will tell a little story.

When I was a youngster I had two very good boy-friends. One of them about a year older than I am and one of them a year younger. We played together continuously. They ate at my house and I ate at theirs. The mother of these two boys was a widow. The only source of income of the family was the slender pittance that the mother worked out by taking in washings and working out by the day. As I said, I often ate at their home. What do you suppose the steady diet was? Bread and black coffee three times a day. That was all this family could afford in the way of food. I do not recall ever having eaten a meal at this home where the diet was anything but the items mentioned above. Today, one of those boys is dead from tuberculosis. The other boy is almost a hopeless invalid from rheumatic trouble and I am convinced in my own mind that the first troubles of my two friends resulted entirely from the years of undernourishment when they were young.

During the last four years of the Democratic administration no family in the State of Pennsylvania has had to live as this family lived when we were youngsters. No family has starved in Pennsylvania during the last four years. There has been available to everybody the necessities of at least bare subsistence. Perhaps we did tax the corporations of this State 10% of their net revenues. Perhaps we did repeal the exemption manufacturing corporations enjoyed from the five mills capital stock tax—although the coal companies of my district had to pay it.

I am satisfied to stand upon record of those last four years when the Government of Pennsylvania has not only been a government by the people and of the people, but a governmnt for the people as well.

QUESTION OF PERSONAL PRIVILEGE

Mr. BUCKMAN. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Bucks, Mr. Buckman will state his question of personal privilege.

Mr. BUCKMAN. Mr. President, I am somewhat surprised at the young and verdant Senator from Centre County, Mr. Thompson, who has now delivered his swan song and goes to join the alumni of the Senate of Pennsylvania known as "one-termers," and in view of the extemporaneous speech which he has just been prompted to give by the address of our colleague from Philadelphia, Senator Woodward, I now suggest without a formal motion that a vote of thanks be extended to Senator Thompson, and I now send to him this pair of crutches, to the lame-duck Senator from Centre.

Mr. THOMPSON. Mr. President, of course I can do nothing but thank the Senator from the bottom of my heart for his kindness, but I will say that while I may need crutches for my feet, I do not believe I need any crutches yet for my head.

QUESTION OF PERSONAL PRIVILEGE

Mr. LAW. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Mercer, Mr. Law will state his question of personal privilege.

Mr. LAW. Mr. President, I had not intended to speak this evening but fearing that at tomorrow's session we might be minus the presence of my beloved friend and colleague from Philadelphia, the distinguished doctor whose name escapes me at the moment, I would like to say a few words now in regard to the $500,000 appropriation which he has repeatedly referred to here as extravagant. I want to call attention to the fact that one of the large newspapers of the State today mentioned the fact that Pennsylvania this year ranked third in the tourist trade of America. And I want to say that the Republican Party in the next four years will be entitled to a great deal of credit if they are able to bring in new industries to the State in the same volume of business that has been attracted by the Publicity Commission of Pennsylvania in respect to the tourist trade. I might state another point in passing for the benefit of the Senator from Philadelphia, for among the things that he mentioned was patronage, and I might say that I believe that when the Republican Party has faced the patronage problem for four years as the Democratic Party has been doing it the last four, at a time when people throughout the country were really in need of jobs, that there is a very strong possibility that he will be able by that time, if he is back here in the 1943 session, to obtain his Civil Service Bill as an Act of the Legislature.

QUESTION OF PERSONAL PRIVILEGE

Mr. THOMPSON. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Centre, Mr. Thompson will state his question of personal privilege.

Mr. THOMPSON. Mr. President, I desire at this time to present to the Senate the report to the General Assembly of the Commission to study devices and methods of disseminating information in the furtherance of gambling. This is the final report of the Commission and contains the recommendation of the Commission. The testimony that was taken before the Commission, and the exhibits, will be placed on file among the records of the Senate.

The PRESIDENT. The report will be made a matter of record in the Appendix of the Journal.

Mr. BUCKMAN. Mr. President, I would like to interrogate the Senator from Centre, Mr. Thompson.

The PRESIDENT. Will the Senator from Centre Mr. Thompson permit himself to be interrogated?

Mr. THOMPSON. Mr. President, yes.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator from Centre if this report contains the itemized expenses of the Commission and shows how they used or how much they have left of the $25,000 appropriation given to them by this legislature.

Mr. THOMPSON. Mr. President, this report does not contain anything with reference to the expenses of the Commission. We are working this week on the itemization of the expense account. We have quite a number of bills which are as yet unpaid. Those bills will be collected and gotten together this week and there will be filed with the Secretary of the Senate and the Clerk of the House an itemized statement of the expenses of this Commission.

Mr. BUCKMAN. Mr. President, would the Senator even let us have some idea as to whether we can hope to have any of this money left or not?

Mr. THOMPSON. Mr. President, I think I made the Senator from Bucks a sort of half a promise that we would do everything we could to have some of the money left. While I have not seen all of the bills as yet which the Commission has incurred, I am very optimistic that we will be able to turn back a balance to the State Treasury.

Mr. BUCKMAN. Mr. President, would the Senator care to suggest any tentative amount that we might hope for?

Mr. THOMPSON. Mr. President, I would not like to suggest any tentative amount at this time for the reason that there are certain expenditures like the compensation of counsel, expenditures of that nature which the Commission itself has not decided on as to what those figures should be, and until the Commission decides on what the figures of that sort should be, of course we will not know what will be the total amount of expenditures.

Mr. WOODWARD. Mr. President, of the Gambling Commission of six members I am the sole survivor, the only member who survived the election, and so I have been made a kind of custodian of any funds; and if anybody wants to known about them, they can come to me after December the first, as the sole survivor.

The PRESIDENT. The Chair observed some time ago that this commission had a chance to double the money and evidently they didn't do that.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVAL OF SENATE BILL NO. 30

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, November 23, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 30, Printer's No. 55, entitled "An Act authorizing the compromise of delinquent taxes on real property and the penalties interest and costs due thereon before a tax sale of such real property and providing the procedure in such case."

GEORGE H. EARLE.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

He also presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, November 28, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

ALDERMAN CITY OF HAZLETON

Fred H. Waechter, 617 West First Street, Hazleton, Luzerne County, for appointment as Alderman in the Eleventh Ward of the City of Hazleton, Luzerne County, until the first Monday in January, 1940, vice Oliver Liebensberger, deceased.

ALDERMAN CITY OF NANTICOKE

John A. Fedor, 126 Welles Street, Nanticoke, Luzerne County, for appointment as Alderman in the Eight Ward of the City of Nanticoke, Luzerne County, until the first Monday in January, 1940, vice Fred A. Schmidt, deceased.

JUSTICE OF THE PEACE

Charles Mecadon, 12 Ford Street, Wilkes-Barre, Luzerne County, for appointment as Justice of the Peace in the Township of Pittston, Luzerne County, until the first Monday in January, 1940, vice Edw. J. Keating, deceased.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, November 28, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

JUSTICES OF THE PEACE

J. Dale Gamble, 264 Marion Avenue, Oakdale, Allegheny County, for appointment as Justice of the Peace in the Borough of Oakdale, Allegheny County, until the first Monday in January, 1940, vice Donald R. Hezlep, resigned.

G. Ira Burket, Box 53, Claysburg, Blair County, for appointment as Justice of the Peace in the Township of Greenfield, Blair County, until the first Monday in January, 1940, vice Jacob Karn, deceased.

ALDERMAN CITY OF DUBOIS

Thomas F. Price, 109 Chestnut Street, DuBois, Clearfield County, for appointment as Alderman in the First Ward of the City of DuBois, Clearfield County, until the first Monday in January, 1940, to fill a vacancy.

JUSTICE OF THE PEACE

Edward J. Dane, 826 West Spruce Street, Shamokin, Northumberland County, for appointment as Justice of the Peace in the township of Coal, Northumberland County, until the first Monday in January, 1940, vice Harrison Heslop, deceased.

GEORGE H. EARLE.

MEMBERS FOREST COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, November 28, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following members of the Forest County Board of Assistance:

James C. Bowman, (Democrat) Tionesta, Forest County, for the term ending December 31, 1940, vice Hobert Hillard, resigned.

Miss Helen Landers, (Democrat) Tionesta, Forest County, for the term ending December 31, 1940, vice S. J. Russell, resigned.

George H. Reed, (Democrat) Tionesta, Forest County, for the term ending December 31, 1938, vice Mrs. Leona Zerbe, resigned.

GEORGE H. EARLE.

NOMINATIONS RECALLED

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, November 28, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nominations made to your Honorable body on July 25, 1938, for the appointment of the following persons who have subsequently resigned:

Hobert Hillard, East Hickory, Forest County, as a member of the Forest County Board of Assistance, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

S. J. Russell, Tionesta, Forest County, as a member of the Forest County Board of Assistance, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

Mrs. Leona Zerbe, Pigeon, Forest County, as a member of the Forest County Board of Assistance, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

GEORGE H. EARLE.

RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES TO ACCELERATE CONSTRUCTION OF CANAL ACROSS THE STATE OF NEW JERSEY

Mr. STIEFEL offered the following resolution which was twice read, as follows:

In the Senate, November 28, 1938.

Whereas, The Atlantic Deeper Waterways Association under the leadership of Honorable J. Hampton Moore had maintained for the last 31 years a non-political, patriotic status, constantly seeking to promote the country's welfare by the construction through all the Atlantic Seaboard States of an inside waterway free from the perils of the ocean, and,

Whereas, Such an inside system of waterways from Maine to the Gulf is destined to serve commerce in peace and will be capable of vital military service in the event of an attack or remote as it may be, of foreign blockade in time of war, and,

Whereas, All but one link of said Atlantic Intracoastal waterway approximately eighteen hundred miles long has been already constructed and permits a free movement of traffic along inland waters in many states of the Atlantic coast, and,

Whereas, All that is needed now to complete this gigantic artery of national defense is the construction of the long discussed canal across the State of New Jersey from Sayreville on the Raritan Bay to Bordentown on the Delaware River above Philadelphia, and,

Whereas, The construction of this 31 mile long canal across New Jersey will remove the last barrier that blocks the national waterway designed to afford a safe channel inside the hazardous Atlantic Coast from Florida to New England and thence to the Great Lakes, and,

Whereas, Such a canal across New Jersey will provide safe communications between the ports and Navy Yards at New York and Philadelphia and will make it unnecessary to circumnavigate the Atlantic coastal waters along the shores of New Jersey, and,

Whereas, The construction of such a canal will restore to the Port of Philadelphia its lost lustre and regain for it part of its former hegomony, and,

Whereas, Through the construction of this canal across New Jersey new vistas will become opened to Pennsylvania's industries generally and the coal industry especially by bringing closer to our State the Port of New York and the markets of New England and the Middle West, and,

Whereas, The delay in the construction of the canal across New Jersey—the so-called "missing link" of the Inland Atlantic Intracoastal Waterway has been caused by the hesitancy of the Army Engineers Corps, and,

Whereas, The construction of the canal across New Jersey is important to every national and commercial interest in the United States, now, be it

Resolved (if the House of Representatives concur) that the General Assembly of Pennsylvania shall and does hereby memorialize His Excellency, the President of the United States and Commander-in-Chief of the Army and Navy to accelerate the construction of the above mentioned canal across New Jersey from Sayreville on the Raritan Bay to Bordentown on the Delaware River, and be it further

Resolved, That the Clerk of the Senate forward a copy of this resolution following its passage to His Excellency, the President of the United States of America.

Mr. STIEFEL. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection?

Mr. BUCKMAN. Mr. President, I object to immediate consideration and ask that the resolution lie on the table until we have had a chance to digest it a little more fully.

The PRESIDENT. Is there objection to the resolution lying on the table? The Chair hears none.

RESOLUTION

EXTENDING SYMPATHY TO HONORABLE CHARLES W. SONES

Mr. RICE offered the following resolution which was twice read, considered, and agreed to:

In the Senate, November 28, 1938.

Whereas, the Honorable Charles W. Sones, an esteemed member of the Senate of Pennsylvania, was injured Wednesday, November 23, 1938, in an automobile accident, and

Whereas, Senator Sones is highly respected for his unfailing courtesy, and is known for his faithful attendance to his duties as a member of this Senate, therefore be it

Resolved, That the Senate of Pennsylvania express to our colleague, Honorable Charles W. Sones its deep regret because of his injury and the confident hope for his early recovery, and be it further

Resolved, That the Secretary of the Senate is hereby directed to convey to the honored Senator a copy of this message.

REPORT FROM COMMITTEE

Mr. SHAPIRO. Mr. President, I ask unanimous consent to make a brief and final report at this time from a committee.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO. Mr. President, as the final report of the committee appointed to investigate the costs of functions of the City Government in Philadelphia, I desire to read a copy of a letter sent to the State Treasurer today. It reads as follows: "I enclose herewith my check as Chairman of the Joint Legislative Committee to investigate costs of City Government in Philadelphia, in the sum of $6,913.19, representing the balance of an appropriation of $25,000, appropriated to this committee by the Legislature."

This represents the balance from the last accounting submitted to this special session of the Legislature, which at that time was $6,938.19, and since that time for postage and incidental expenses the sum of $25.00 has been expended. I thought I ought to make this report at this time in view of the anxiety of the Senator from Bucks about the state of the treasury when the Republicans come in next year, and I thought that I could assure him now that $6,900. will be available to them.

Mr. WOODWARD. Mr. President, I simply wish to say that this is a small contribution towards the expense of the two Common Pleas Courts that have been set up in Philadelphia.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 41, entitled:

An Act making an appropriation to the Department of Public Instruction for the payment of salaries of members of and attorneys employed by county boards of school directors.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Barthold,	Gilson,	Law,	Rodgers,
Cavalcante,	Haluska,	McCreesh,	Rupp,
Dando,	Howell,	McGinnis,	Ruth,
Deitrick,	Jaspan,	Pytko,	Shapiro,
Dent,	Kahle,	Rankin,	Sipe,
DiSilvestro,	Kilgallen,	Reed,	Stiefel,
Ealy,	Kunkel,	Rice,	Woodward,
Eroe,	Lanius,		

NAYS—7

Buckman,	Homsher,	Owlett,	Wolfenden,
Chapman,	Mallery,	Scarlett,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 62 (House Bill No. 63), entitled:

An Act to further amend section four of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws four hundred sixty-five) entitled "An act to provide for the safety of persons employed housed or assembled in certain buildings and structures not in cities of the first class second class and second class A by requiring certain construction and ways of egress equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the third class providing penalties for violations of the provisions of this act and repealing certain acts" by changing the number of ways of egress required in the case of certain buildings

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—27

Barthold,	Gilson,	Law,	Rice,
Cavalcante,	Haluska,	McCreesh,	Rupp,
Dando,	Jaspan,	McGinnis,	Ruth,
Dent,	Kahle,	Mundy,	Shapiro,
DiSilvestro,	Kilgallen,	Pytko,	Sipe,
Eroe,	Kunkel,	Rankin,	Stiefel,
Frey,	Lanius,	Reed,	

NAYS—13

Buckman,	Gelder,	Mallery,	Scarlett,
Chapman,	Homsher,	Owlett,	Wolfenden,
Deitrick,	Howell,	Rodgers,	Woodward,
Ealy,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. DENT. Mr. President, I ask unanimous consent that Senate Bill No. 63 (House Bill No. 21), on second reading, entitled:

An Act to regulate the sale storage offering or exposure for sale of fireworks, defining fireworks and providing for licensing and regulation of the manner of using fireworks and providing license fees and penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 72, (House Bill No. 59), entitled:

An Act to ratify, confirm and make valid the commission to make a careful, thorough and impartial investigation of the general practice and procedure in the courts

of oyer and terminer sessions of the peace, oyer and terminer and general jail delivery in the various counties of the Commonwealth and the Municipal Court in the City and County of Philadelphia appointed pursuant to the joint resolution, approved the ninth day of March, one thousand nine hundred and thirty-seven (P. L. 35), entitled "A joint resolution authorizing the appointment of a commission to make a fair and impartial investigation of the general practice and procedure in the courts of oyer and terminer, general jail delivery and quarter sessions of the peace, in the various counties of the Commonwealth, and the Municipal Court in the City and County of Philadelphia, with special reference to the prosecution, trial and disposition of all criminal cases and the probation and parole of persons guilty of crime; conferring upon the commission full power to issue subpoenas; requiring the commission, if possible, to make a report of its findings to the present session of the General Assembly, together with its recommendations as to such legislation as may be necessary or desirable, otherwise, to make such report and recommendations to the Governor; authorizing the commission to employ counsel and employes; and making an appropriation," and its amendments, together with its action, proceedings, expenses and expenditures.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 73. (House Bill No. 93), entitled:

An Act making an appropriation for the expenses of the special committee appointed by the Speaker of the House of Representatives pursuant to House resolution No. 24, adopted by the House of Representatives on the eighteenth day of October, one thousand nine hundred thirty eight by authority of the act approved the thirtieth day of July, one thousand nine hundred thirty-eight (Act No. 2) entitled "An act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of, or involving misdemeanor, in office on the part of civil officers liable to impeachment; authorizing the Speaker of the House to appoint a special committee for any such investigation; authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated; providing for the summoning of witnesses and for the punishment of persons refusing to appear, produce evidence or testify; and authorizing the employment and compensation of counsel and other assistants.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. SHAPIRO. Mr. President, I am advised by my colleague who made the request that Senate Bill No. 63 go over in order that his intent is that this bill go over until tomorrow. In my opinion this will have the effect of killing the bill, making impossible its final passage if the request is intended to be followed by amendments.

I therefore move that the Senate do now proceed to the consideration of Senate Bill No. 63, (House Bill No. 21), on second reading entitled:

An Act to regulate the sale storage offering or exposing for sale of fireworks, defining fireworks, and providing for licensing and regulation of the manner of using fireworks and providing license fees and penalties.

Mr. McCREESH. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

QUESTION OF PARLIAMENTARY INQUIRY

Mr. DENT. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Westmoreland, Mr. Dent, will state his question of parliamentary inquiry.

Mr. DENT. Mr. President, I believe that the Senate has acted upon my request to have the bill go over in order.

The PRESIDENT. Well, that does not prevent it from being called up, especially when business intervenes.

Mr. DENT. Mr. President, I don't believe that having this bill go over in order will have the effect of killing the bill. It was my understanding that we will be here Wednesday and the bill can be passed on second reading tomorrow and passed finally Wednesday. I believe I showed my intentions in this Senate when I voted for a previous bill up in the Senate for the regulation of fireworks. No one in this Senate cares to see anybody maimed or injured and I am just as sincere as any man here, when I say that I for one want to vote for some sort of a fireworks bill, but I don't see how it is fair to say that we must vote for a bill without the opportunity to get into that bill certain features that are necessary. I just received an hour ago a memorandum on the bill which if true calls attention to certain facts that are dangerous in such a piece of legislation to be passed by this Senate. I only ask the courtesy of a chance to study the bill, and if necessary get the proper amendments ready. If the Senator from Philadelphia does not agree that that is necessary, that is his business.

Mr. SHAPIRO. Mr. President, a reference to the History will show that this bill was introduced in the House on July 27th. It will also show that it was in the Committee on State Government in the Senate on October 17th. I am not asking anybody to vote any way or other on this bill, but I have made up my mind that I want an opportunity to vote on this bill, and I want that opportunity now. I don't think that there should be any more fooling with this proposition. Either we are for or against this bill and any other time I certainly would hesitate before refusing to extend a courtesy to a colleague, but when that courtesy involves a bill which is of vital importance to a great many people—it is within the Governor's call, it is one of the things that has been debated in public press, it is one of the things that has been agitated for many years, and it is not a new piece of legislation, nor is it a rush piece of legislation in this session. It has been up in many sessions. Each time it came up the manufacturers came here and said to us, we have a stock of merchandise on hand and now you come along in February, a month or two before the fireworks and want to prohibit the manufacture and sale, and as a result of that you are going to lose thousands of dollars for us." When this bill came up in this session suggestions were made to let it go until the next session, and if we did that, that same argument would be put up then against the bill. I am satisfied and I have no desire to influence any vote, but I do think that we owe it to the public to take a position on this bill. If this bill goes over tomorrow and is amended and then passes on Wednesday, and then goes to the House, and they don't agree with the amendments, we will have a conflict and we will have no time to appoint a committee of conference, and get the report of the conference committee approved. There has been plenty of

time to amend this bill and therefore I insist on my request that this bill be acted upon.

Mr. DENT. Mr. President, the mere fact that this bill was introduced in the House at an early date and the fact also that it rested in committee in the Senate does not necessarily mean that every member of the Senate is acquainted with the contents of the legislation. I think that the Senator objects rather wildly here when he takes the attitude that this legislation is being killed. I do not believe any person here has had any closer contact with accidents that may occur and do occur with fireworks. I also know that the prohibition of any one thing does not always cure the evils that we are trying to cure. We had that experience with the prohibition of the manufacture and sale of liquor. I think one of the most dangerous things on the Fourth of July or any day of celebration where fireworks are used is the home-made variety of fireworks. I do not believe that the Senator is being entirely fair when he says we have had an opportunity to amend the legislation when it is only on the calendar for second reading now. This is the first opportunity that I have had to have called to my attention by those interested in this legislation the evils that exist in this particular piece of legislation.

As I understand it there are something like twenty-five hundred people who are going to be thrown out of work immediately on the day that this bill is signed by the Governor and I think that sometimes—I am advised by my colleague Senator Lanius that there will be eight thousand people thrown out of work. I do not think that we can deliberately sit here and take a legal industry in Pennsylvania and say that all their investments, all their employment, should be deliberately set aside, that they cannot work, that they have to quit doing business in the State of Pennsylvania, because we say they must. I want an opportunity at least to study the angles of this thing and come before this Senate prepared to debate the question more thoroughly. If the Senator does not have that particular type of manufacturing in his district, it does not mean that those of us who do have are not interested in finding out what we can do to save it.

Mr. BUCKMAN. Mr. President, I would like to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator if it isn't a fact that this Senate unanimously passed a bill earlier in this session on this same subject, and that that bill has been held up for some reason in the House, and I would like to ask the Senator the reason for that.

Mr. SHAPIRO. Mr. President, I cannot tell what is in their minds except that they in all probability felt that the amendments subsequently inserted in the House met the situation more nearly than the bill sent from the Senate. I understand that Senator Law's bill was passed by the Senate and it is over in the House.

Mr. BUCKMAN. Mr. President, unanimously passed, was it not?

Mr. SHAPIRO. Mr. President, I do not know—the record will show—but that is not the question before us now. I would be perfectly willing to vote for Senator Law's bill if it were before us but I certainly think we ought to vote one way or another on this bill.

The PRESIDENT. The Chair might impart a little information to the Senate to the effect that this discussion is all out of order.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. SHAPIRO. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of parliamentary inquiry.

Mr. SHAPIRO. Mr. President, is this bill before the Senate now for action?

The PRESIDENT. It is not. It can only come before the Senate when we dispense with going into Committee of the Whole. We cannot discuss the merits of the bill now.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 63, (House Bill No. 21), entitled:

An Act to regulate the sale storage offering or exposing for sale of fireworks, defining fireworks, and providing for licensing and regulation of the manner of using fireworks and providing license fees and penalties.

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill?

MOTION TO RECOMMIT

Mr. HALUSKA. Mr. President, I move that the bill be recommitted to the Committee on State Government.

Mr. DENT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. Owlett and were as follows, viz:

YEAS—13

Buckman,	Ealy,	Howell,	Scarlett,
Chapman,	Haluska,	Mallery,	Wolfenden,
Deitrick,	Homsher,	Owlett,	Woodward,
Dent.			

NAYS—28

Barthold.	Gilson,	McCreesh,	Rodgers,
Cavalcante,	Heyburn	McGinnis,	Rupp,
Dando,	Jaspan.	Mundy,	Ruth,
DiSilvestro,	Kilgallen,	Pytko,	Shapiro,
Eroe,	Kunkel,	Rankin,	Sipe.
Frey,	Lanius,	Reed,	Stiefel,
Gelder,	Law,	Rice,	Thompson,

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on second reading?

QUESTION OF PERSONAL PRIVILEGE

Mr. CAVALCANTE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his question of personal privilege.

Mr. CAVALCANTE. Mr. President, I do wish the Senator from Philadelphia and the Senator from Westmoreland would come together on this proposition. I seriously think that the bill ought to go over in order because it appears here that the bill ought to be amended. Here in Section 2, it says, "except as hereinafter provided it shall be unlawful," and then it lists a whole lot of things and among them is this, "balloons which require fire underneath to propel."

Now what in the name of common sense have balloons got to do with fireworks, balloons that you have got to light a fire under and send up with hot air in them? What has hot air got to do with fireworks?

Mr. SHAPIRO. Mr. President, that is a perfectly proper provision. I do not believe that children should be permitted to fool with fire and children have been burned that way. I object to the bill going over in order.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. DENT. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Westmoreland, Mr. Dent, will state his question of parliamentary inquiry.

Mr. DENT. Mr. President, if a vote is taken at this time and it passes second reading then it will appear on the third reading calendar tomorrow, is that right?

The PRESIDENT. That is right.

Mr. DENT. Mr. President, then in order to consider it on second reading to-morrow the Senate must recede from its position taken today and vote to reconsider its vote, and place it back on second reading.

The PRESIDENT. Unanimous consent can accomplish the purpose or a motion to reconsider the vote by which the bill passed second reading.

Mr. DENT. Mr. President, well since the Democrats opposed any move to set this over I do not suppose it is possible to get unanimous consent. Is it possible to ask for a roll call for consideration of this bill at this time?

The PRESIDENT. That is correct.

And the question recurring,

Will the Senate agree to the bill on second reading?

Mr. DENT. Mr. President, I ask for a roll call on second reading.

The PRESIDENT. The Chair might point out that if the amendments are strike-out amendments on third reading you can accomplish the purpose of passing the bill finally by the adoption of the amendments, provided they are strike-out amendments.

Mr. LAW. Mr. President, before entering upon a roll call I want to say that while I consider this, in the language of a famous statesman, "A damn bad bill", it is better than none at all and I trust that those on the other side who are here together with the Democrats who will be back, and the new members, will make a good bill out of this in the next session.

And the question recurring,

Will the Senate agree to the bill on second reading?

The yeas and nays were required by Mr. Dent and were as follows, viz:

Yeas—26.

Barthold,	Heyburn,	McGinnis,	Rodgers,
Dando,	Jaspan,	Mundy,	Rupp,
DiSilvestro,	Kahle,	Pytko,	Ruth,
Eroe,	Kilgallen,	Rankin,	Shapiro,
Frey,	Kunkel,	Reed,	Sipe,
Gelder,	Law.	Rice,	Stiefel,
Gilson.	McCreesh,		

Nays—15.

Buckman,	Dent,	Howell,	Scarlett,
Cavalcante,	Ealy,	Lanius.	Wolfenden,
Chapman,	Haluska,	Mallery,	Woodward,
Deitrick,	Homsher,	Owlett,	

So the question was determined in the affirmative.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess for ten minutes.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

ANNOUNCEMENT BY THE SECRETARY

The Committee on Executive Nominations will meet during the recess in the office of the President Pro Tempore.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

BILL SIGNED

The PRESIDENT, (Lieutenant Governor Thomas Kennedy), announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 63, entitled:

An Act to further amend section four of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 465), entitled "Fire safety building regulation law" by changing the number of ways of egress required in the case of certain buildings.

Whereupon,

The PRESIDENT, (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

REPORT FROM COMMITTEE

Mr. FREY. Mr. President, I ask unanimous consent to make a report from Committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY. Mr. President, on Monday night, November 21, the Committee on Executive Nominations reported for confirmation by the Senate several appointments by the Governor which failed of confirmation because of the absence of some of the Senators and the unanimous opposition of the Republican Senators present. The Chairman of the Committee on Executive Nominations, being informed by the Republican Members that they could not be expected to vote for any confirmation except Justices of the Peace and Aldermen and since two of the Democratic Senators are absent on account of illness the Committee on Executive Nominations feels it would be of no avail to report any of the nominations submitted by the Governor now in committee.

CONSIDERATION OF RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES TO ACCELERATE THE CONSTRUCTION OF CANAL ACROSS THE STATE OF NEW JERSEY

Mr. BUCKMAN. Mr. President, earlier in the evening at tonight's session, a resolution was introduced by the Senator from Philadelphia, Mr. Stiefel to which I made temporary objection. I now desire to withdraw that objection, and move that the Senate do now proceed to the consideration of the resolution which was laid on the table.

Mr. STIEFEL. Mr. President, I second the motion.

The motion was agreed to.

The resolution was read as follows:

In the Senate, November 28, 1938.

Whereas, The Atlantic Deeper Waterways Association under the leadership of Honorable J. Hampton Moore had maintained for the last 31 years a non-political, patriotic, status, constantly seeking to promote the country's welfare by the construction through all the Atlantic Seaboard States of an inside waterway free from the perils of the ocean, and,

Whereas, Such an inside system of waterways from Maine to the Gulf is destined to serve commerce in peace and will be capable of vital military service in the event of an attack or remote as it may be, of a foreign blockade in time of war, and,

Whereas, All but one link of said Atlantic Intracoastal waterway approximately eighteen hundred miles long has been already constructed and permits a free movement to traffic along inland waters in many states of the Atlantic coast, and.

Whereas, All that is needed now to complete this gigantic artery of national defense is the construction of the long discussed canal across the State of New Jersey from Sayreville on the Raritan Bay to Bordentown on the Delaware River above Philadelphia, and,

Whereas, The construction of this 31 mile long canal across New Jersey will remove the last barrier that blocks the national waterway designed to afford a safe channel inside the hazardous Atlantic Coast from Florida to New England and thence to the Great Lakes, and,

Whereas, Such a canal across New Jersey will provide safe communications between the ports and Navy Yards at New York and Philadelphia and will make it unnecessary to circumnavigate the Atlantic coastal waters along the shores of New Jersey, and,

Whereas, The construction of such a canal will restore to the Port of Philadelphia its lost lustre and regain for it part of its former hegomony, and,

Whereas, Through the construction of this canal across New Jersey new vistas will become opened to Pennsylvania's industries generally and the coal industry especially by bringing closer to our State the Port of New York and the markets of New England and the Middle West, and,

Whereas, The delay in the construction of the canal across New Jersey—the so-called "missing link" of the Inland Atlantic Intracoastal Waterway has been caused by the hesitancy of the Army Engineers Corps, and,

Whereas, The construction of the canal across New Jersey is important to every national and commerical interest in the United States, now, be it,

Resolved (if the House of Representatives concur) that the General Assembly of Pennsylvania shall and does hereby memorialize His Excellency, the President of the United States and Commander-in-Chief of the Army and Navy to accelerate the construction of the above mentioned canal across New Jersey from Sayreville on the Raritan Bay to Bordentown on the Delaware River, and be it further.

Resolved, That the Clerk of the Senate forward a copy of this resolution following its passage to His Excellency, the President of the United States of America.

Mr. STIEFEL. Mr. President, I ask unanimous consent that rule 39, which requires resolutions be referred to an appropriate committee, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

Which was agreed to.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn until Tuesday, November 29, 1938 at 1:00 o'clock P. M.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:45 o'clock P. M. until Tuesday, November 29, 1938 at 1:00 o'clock P. M.

HOUSE OF REPRESENTATIVES

MONDAY, NOVEMBER 28, 1938

The House met at 9:00 p. m.

The SPEAKER, (Roy E. Furman), in the Chair.

PRAYER

The Chaplain, Rev. EPHRAIM Z. GALLAHER, offered the following prayer:

Most gracious Lord, while this temple is a meeting place for law givers, we are pleased that it is first a meeting place with Thee. Before we begin the transaction of stated duties, we call upon Thee to start us right. Teach us then to study to show ourselves approved of Thee, workmen that need not to be ashamed, rightly dividing the word of Truth.

In His name we pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Tuesday, November 22, 1938.

The Clerk proceeded to read the Journal of Tuesday, November 22, 1938, when, on motion of Mr. NAGEL the further reading was dispensed with and the Journal approved.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 72

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, November 23, 1938.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 72, Printer's No. 84, entitled, "A Supplement to the act approved the second day of July one thousand nine hundred thirty-seven (Appropriation Acts page seventy-four) entitled 'An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the

public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven' making a deficiency appropriation to the Department of Property and Supplies for the payment of certain expenses for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine and making an additional appropriation to the Legislative Department."

GEORGE H. EARLE.

RESOLUTION INTRODUCED AND REFERRED

By Mr. HOLLAND. RESOLUTION No. 29.

In the House of Representatives, November 22, 1938.

Whereas, Session after session bills are introduced into the General Assembly for the purpose of eliminating the present exemption of the real estate of utility companies from taxation by the counties. cities, boroughs, incorporated towns, townships, school districts or institution districts where such public utility company operates and conducts its business; and

Whereas, This exemption of the real estate of public utility companies from taxation is the result of judicial decisions and not as a result of any statutory enactment; and

Whereas, The injustice of this form of tax exemption has shocked the consciousness of the citizens of this Commonwealth over a long period of time; nevertheless, for one reason or another bills introduced to correct this injustice have never been finally approved by the General Assembly, the principal reason of which is the lack of specific knowledge as to the extent of this exemption, together with the lack of information as to where most of this real estate is located; therefore be it

Resolved, That the Secretary of Internal Affairs is hereby requested to conduct a state-wide survey of the amount of real estate owned by public utilities which has been exempt from local real estate taxes, to list the value of such property by political subdivision, showing the tax rate imposed on adjacent real estate to that owned and controlled by any public utility company, and to secure all additional information pertinent to this subject and calculated to be helpful in drafting the legislation to terminate this gross injustice to the other real estate taxpayers of this State, and that the said Secretary of Internal Affairs shall file his report with the House of Representatives as soon as possible after the next regular session of the General Assembly shall have been convened.

Referred to the Committee on Rules.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 1.

A Supplement to the act approved the eighteenth day of March one thousand eight hundred and seventy-five (P. L. 30) entitled "An act to authorize changes of venue in criminal cases" forbidding changes of venue in criminal prosecutions by any court on application of the Commonwealth or prosecutor.

SENATE BILL No. 61.

An Act to ratify confirm and make valid the joint legislative committee created by Senate Concurrent Resolution Serial Number 106 approved March sixteenth one thousand nine hundred and thirty-seven and authorized thereby to make an investigation of the tax burdens placed upon industries in Pennsylvania and other industrial and mining states together with its actions proceedings expenses and expenditures and the appropriation made to said committee and making a further appropriation.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

LEAVES OF ABSENCE

Mr. Thompson asked and obtained leave of absence for Mr. ALLMOND for the remainder of the week due to illness.

Mr. Nagel asked and obtained leave of absence for Mr. REISING for tonight's session.

Mr. Hess asked and obtained leave of absence for Mr. LA RUE for tonight's session.

Mr. Gillette asked and obtained leave of absence for Mr. MERRELL for the remainder of the week due to illness.

Mr. SOLLENBERGER asked and obtained leave of absence for himself for the remainder of the week.

Mr. SCHUMACHER asked and obtained leave of absence for himself for the remainder of the week.

Mr. Samuel A. Weiss asked and obtained leave of absence for Mr. ZAPPALA for the remainder of the week due to illness.

Mr. Haberlen asked and obtained leave of absence for Mr. PERSHING.

The Speaker asked and obtained leave of absence for Mr. SIEGEL for tonight and tomorrow's sessions.

The Speaker asked and obtained leave of absence for Mr. HETRICK for the week's session.

REPORT FROM COMMITTEE

Mr. OMINSKY from the Committee on Rules reported as committed, House Resolution No. 28.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess for fifteen minutes. Are there objections? The Chair hears none and declares a recess for fifteen minutes.

AFTER RECESS

The SPEAKER. The time of recess having expired the House was called to order.

The SPEAKER, (Roy E. Furman), in the Chair.

SENATE MESSAGES

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 63.

An Act to further amend section four of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Law 465) entitled "An act to provide for the safety of persons employed housed or assembled in certain buildings and structures not in cities of the first class second class and second class A by requiring certain construction and ways of egress equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the third class providing penalties for violations of

the provisions of this act and repealing certain acts" by changing the number of ways of egress required in the case of certain buildings

With the information that the Senate has passed the same without amendment.

SENATE BILL FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 41 (HOUSE BILL No. 101).

An Act making an appropriation to the Department of Public Instruction for the payment of salaries of members and attorneys employed by county boards of school directors.

Referred to the Committee on Appropriations.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 63.

An Act to further amend section four of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Law 465) entitled "An act to provide for the safety of persons employed housed or assembled in certain buildings and structures not in cities of the first class second class and second class A by requiring certain construction and ways of egress equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the third class providing penalties for violations of the provisions of this act and repealing certain acts" by changing the number of ways of egress required in the case of certain buildings

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 67, entitled:

An Act to amend section one of the act approved the fifth day of August one thousand nine hundred and thirty-two (Pamphlet Laws forty-five) entitled "An act empowering cities of the first and second classes to levy assess and collect or to provide for the levying assessment and collection of certain additional taxes for general revenue purposes authorizing the establishment of bureaus and the appointment and compensation of officers and employes to assess and collect such taxes and permitting penalties to be imposed and enforced" by prohibiting the passage of any sales tax ordinance by any city of the first class

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the fifth day of August one thousand nine hundred and thirty-two (Pamphlet Laws forty-five) entitled "An act empowering cities of the first and second class to levy assess and collect or to provide for the levying assessment and collection of certain additional taxes for general revenue purposes authorizing the establishment of bureaus and the appointment and compensation of officers and employes to assess and collect such taxes and permitting penalties to be imposed and enforced" is hereby amended to read as follows

Section 1 Be it enacted &c That from and after the effective date of this act the council of any city of the first or second class shall have the authority by ordinance for general revenue purposes to levy assess and collect or provide for the levying assessment and collection of such taxes on persons transactions occupations privileges subjects and personal property within the limits of such city of the first or second class as it shall determine except that such council shall not have authority to pass any ordinance imposing a tax upon sales by any city of the first class or to levy assess and collect or provide for the levying assessment and collection of any tax on a privilege transaction subject or occupation or on personal property which is now or may hereafter become subject to a State tax or license fee If subsequent to the passage of any ordinance under the authority of this act the General Assembly shall impose a tax or license fee on any privilege transaction subject or occupation or on personal property taxed by any city of the first or second class hereunder the act of assembly imposing the State tax thereon shall automatically vacate the city ordinance passed under the authority of this act as to all taxes accruing subsequent to the effective date of the act imposing the State tax or license fee It is the intention of this section to confer upon cities of the first and second classes the power to levy assess and collect taxes upon any and all subjects of taxation which the Commonwealth has power to tax but which it does not now tax or license subject only to the foregoing provision that any tax upon a subject which the Commonwealth may hereafter tax or license shall automatically terminate upon the effective date of the State act imposing the new tax or license fee

On the question.

Will the House agree to the section?

BILL DROPPED FROM CALENDAR

Mr. OMINSKY. Mr. Speaker, in moving that House Bill No. 67 be dropped from the calendar, I do so reluctantly, but due to the fact that I received an opinion from the Attorney General that House Bill No. 67 is not within the call and, therefore, even if passed would be unconstitutional, I move that it be dropped from the calendar. In doing so, I serve notice upon the members, particularly the minority members, who will be the majority members during the next session, that it is my intention to introduce a similar bill at the next session, and make sure that the Republican members fulfill their pledge to the people of the Commonwealth of Pennsylvania by voting for such a bill in the session in 1939.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 98, (Senate Bill No. 63), entitled:

An Act making illegal the use of devices and methods of transmission of information or advices in furtherance of gambling; declaring the dissemination of certain information to be in furtherance of gambling; providing for the seizure and forfeiture of devices used in furtherance of gambling; and imposing penalties.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 97, (Senate Bill No. 67), entitled:

An Act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling; making it unlawful for any public utility to furnish private wires except by written contract; conferring and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for or intended to be used for the transmission of information or advices in furtherance of gambling; making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Public Utility Commission; making illegal the use of certain wires for purposes other than those specified in the written contract therefor; imposing penalties; making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling; prescribing the burden of proof in proceedings hereunder; and providing for appeal.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILLS RECOMMITTED

Mr. MOOMAW. Mr. Speaker, in accordance with an agreement made in the Committee on Judiciary Special last week, that Senate Bills Nos. 68 and 67 would be recommitted after second reading, I move that Senate Bills 68 and 67, House Bills Nos. 98 and 97, be recommitted to the Committee on Judiciary Special.

I might say that even though the agreement which was made in the Judiciary Special Committee of the House last week was that the bills be reported out for two readings, and then, go back for consideration by the subcommittee, that was done with the understanding that unanimous consent would be given to read the bills last week. Even though that agreement was broken on the floor of the House, nevertheless, in keeping with our agreement, I move that the bills be recommitted to the Committee on Judiciary Special.

On the question,

Will the House agree to the motion to recommit House Bill No. 98, Senate Bill No. 68?

Mr. O'BRIEN. Mr. Speaker, I would ask for a division on this question. Is this in relation to Senate Bill No. 68 or Senate Bill No. 67, or both Senate Bills 68 and 67?

The SPEAKER. The Chair has divided the question. The House is now voting on Senate Bill No. 68.

Mr. O'BRIEN. Mr. Speaker, I ask for a roll call.

The request for a roll call was seconded by Messrs. MARINO and TRONZO.

Mr. SPROUL. Mr. Speaker, in accordance with Mr. Moomaw's statement of an agreement in the Committee on Judiciary Special, I ask that the membership of this House support the motion to recommit.

Mr. HERBERT B. COHEN. Mr. Speaker, I would like to interrogate the gentleman from Delaware, Mr. Sproul.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. SPROUL. Mr. Speaker, I will.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman from Delaware, Mr. Sproul, whether it was not the agreement in the Committee on Judiciary Special, when the bills were reported out, that they should be given first reading on the eve on which they were reported out. I am asking the gentleman from Delaware if that was not the agreement.

Mr. SPROUL. Mr. Speaker, that was the agreement in the committee, but we could not bind the House and we resolved to stand on our own agreement.

Mr. HERBERT B. COHEN. Mr. Speaker, I would like to further inquire of the gentleman from Delaware, Mr. Sproul, since that was the agreement in the Committee on Judiciary Special, did the gentleman from Delaware object or in any way try to prevail upon the minority leader of the House, his colleague, the gentleman from Delaware, Mr. Turner, when Mr. Turner objected to the giving of unanimous consent, so that the bill might be read the first time and so that the agreement in the committee could be carried out?

POINT OF ORDER

Mr. WOODSIDE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Dauphin will state his point of order.

Mr. WOODSIDE. Mr. Speaker, the question submitted by the gentleman from York, Mr. Cohen, is out of order, as not bearing on the question before the House and as being a personal reflection upon a member of this House.

Mr. SPROUL. Mr. Speaker, I would like to answer the question of the gentleman from York, Mr. Cohen.

The SPEAKER. The point of order raised by the gentleman from Dauphin is well taken. The Chair asks the gentleman to confine his remarks to the question before the House, which is the question to recommit.

QUESTION OF PERSONAL PRIVILEGE

Mr. SPROUL. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The Chair rules the gentleman out of order because there is a question pending before the House. The gentleman will be recognized later if he so desires.

Mr. WOODSIDE. Mr. Speaker and members of the House, I would just like to leave one thought with the membership on this question, and that is when a committee makes an agreement to return a bill I do not see how they can go back on that agreement. They certainly cannot make any agreement in the committee as to the action on the bill on the floor of the House, that would bind the entire House. There has never been in my recollection any time when a committee attempted to bind the action of the entire House.

POINT OF ORDER

Mr. ACHTERMAN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Monroe will state his point of order.

Mr. ACHTERMAN. Mr. Speaker, the gentleman is not

debating or discussing the question on the motion before the House, and he has failed just as completely in falling away from the Speaker's decision and order, that the remarks be confined to the question before the House.

The SPEAKER. The point of order of the gentleman from Monroe is well taken. The gentleman will confine his remarks to the motion before the House.

CONSENT REQUESTED TO MAKE STATEMENT

Mr. SPROUL. Mr. Speaker, I just had a conversation with the gentleman from York, Mr. Cohen, and I ask unanimous consent of the House to make a statement in regard to it.

The SPEAKER. Will the House give its unanimous consent to the gentleman from Delaware to make a statement at this time. Are there objections?

QUESTION OF PARLIAMENTARY INQUIRY

Mr. BROWN. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Allegheny will state his question of parliamentary inquiry.

Mr. BROWN. Mr. Speaker, I understand that the gentleman from Delaware, Mr. Sproul, is predicating his remarks on some consent which he said he received from Mr. Cohen. Mr. Cohen used to run this House but he doesn't run it any more.

The SPEAKER. Will the House give its unanimous consent?

The Chair hears objection and consent is not granted.

Mr. SPROUL. Mr. Speaker, I withdraw my request for unanimous consent.

The SPEAKER. The withdrawal came too late.

On the question recurring,

Will the House agree to the motion to recommit House Bill No. 98, Senate Bill No. 68?

The yeas and nays were required by Messrs. O'BRIEN, MARINO and TRONZO and were as follows:

YEAS—128.

Achterman,	Flanagan,	Matthews, J. F.,	Schumacher,
Arnold,	Ganser,	McDermott,	Serrill,
Atkins,	Gerard,	McDevitt,	Shaw,
Baine,	Gillette,	McElroy,	Shoemaker
Baker,	Haberlen,	McFall,	Skale,
Balthaser,	Hagerty,	McGee,	Snyder,
Blank,	Hall,	McKinney,	Spengler,
Boles,	Hamilton, F. P.,	McShane,	Sproul,
Boltz,	Harkins,	Moomaw,	Stank,
Boose,	Hays,	Mooney,	Stewart,
Boyer,	Hering,	Muir,	Stockham,
Brancato,	Hess,	Nagel,	Thompson,
Brigerman,	Hindman,	O'Connor,	Trout,
Broad,	Holland,	O'Keefe,	Tumelty,
Brown,	Holmes,	Ominsky,	Valiboe,
Cadwalader,	Holstrom,	O'Neill,	VanAllsburg,
Chervenak,	Hontz,	Patterson, C. S.,	Van Sickle,
Coakley,	Huntley,	Patterson, J. W.,	Vogt,
Cohen, R. E.,	Imbrie,	Peale,	Wall,
Coolahan,	Kane,	Pearson,	Walsh,
Corrigan,	Keenan,	Powers,	Webster,
Costanzo,	Kilroy,	Preston,	Weidemann,
Davies,	Kline,	Readinger,	Weiss, S. A.,
Decker,	Leisey,	Reese,	Welliver,
Dickinson,	Levy,	Robinson,	Welsh,
Donohoe,	Lewis,	Rothenberger,	Westrick,
Downey,	Longaker,	Royer,	Wilson,
Dyson,	Lopresti,	Rush,	Winner,
Eckels,	Lovett	Sarraf,	Woodside,
Elpern,	Lyons,	Schor,	Yanoshat,
Finnerty,	Mallen,	Schrock,	Yeakel,
Fiss,	Matthews, R. T.,	Schrope,	Furman,

NAYS—32.

Bierly,	Flinchbaugh,	Melchiorre,	Scanlon,
Caputo,	Harmuth,	Mellott,	Shugarts,
Cohen, H. B.,	Hirsch,	Moran,	Simon,
Coleman,	Horting,	Moul,	Smith, James A.,
Dougherty,	Kelso,	Murrin,	Tronzo,
Dubbs,	Long,	O'Brien,	Weiss, D. H.,
Falkenstein,	Marino,	Piole,	Whalen,
Flannery,	McCullough,	Ruffenach,	Wright,

So the question was determined in the affirmative.

REASONS FOR VOTE

Mr. MOOMAW filed the following reasons for his vote: My only reason for supporting this motion is because I was Chairman of the Committee and was bound to make the motion to recommit in accordance with committee action.

I am personally opposed to recommitting the bill.

On the question,

Will the House agree to the motion to recommit House Bill No. 97, Senate Bill No. 67.

It was agreed to.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. MOOMAW asked and obtained permission for the Committee on Judiciary Special to meet during the session of the House.

QUESTION OF PERSONAL PRIVILEGE

Mr. TROUT. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. TROUT. Mr. Speaker and members of the House, some of you recall some months ago in the discussion of certain legislation, certain references were made to editorials that appeared in the Manheim Sentinel. You may also recall that the gentleman from York, Mr. Cohen, at that time made a statement on the floor of the House that he was going to give a subscription to that widely read newspaper. I want to announce now and acknowledge a subscription from the gentleman from York, Mr. Cohen, through my circulation manager, the gentleman from Delaware, Mr. Weidemann. However, I was a bit disappointed in the fact that the gentleman from York only extended his subscription for a period of four months. I am not sure, but what I have assumed a personal obligation in that I may not be able to convert the gentleman from York into our Republican way of thinking in that length of time. I would like to say that if I do not succeed, I would be very glad to have an extension of the subscription so that eventually—

POINT OF ORDER

Mr. TUMELTY: Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. TUMELTY. Mr. Speaker, I believe we have a rule of the House which says, "Peddling and soliciting on the floor of the House is not permitted".

The SPEAKER. The point of order is well taken.

Mr. TROUT. Mr. Speaker and members of the House, I did not mean to infer that I was soliciting subscriptions from anybody else. I simply wanted to acknowledge, Mr.

Speaker and members of the House, that the gentleman from York has carried out his promise made some months ago.

The SPEAKER. The remarks of the gentleman on the question of personal privilege will be spread in full upon the Legislative Journal.

REPORT FROM COMMITTEE

Mr. OSTROFF, from the Committee on Judiciary Special, re-reported as amended, House Bill No. 97, (Senate Bill No. 67), entitled:

An Act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling; making it unlawful for any public utility to furnish private wires except by written contract; conferring and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for or intended to be used for the transmission of information or advices in furtherance of gambling; making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Public Utility Commission; making illegal the use of certain wires for purposes other than those specified in the written contract therefor; imposing penalties; making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling; prescribing the burden of proof in proceedings hereunder; and providing for appeal.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 90 (Senate Bill No. 60), entitled:

An Act to amend Section two of the act approved the twelfth day of August one thousand nine hundred and thirty-eight (Act No. 5) entitled "An act authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued requiring the commission to make a report of its findings and recommendations to the General Assembly or to the Governor and authorizing the commission to employ counsel and employes and making an appropriation" by changing the manner of appointment of the members of said commission.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken.

Messrs. Reuben E. Cohen, and Skale requested a verification of the roll which was subsequently withdrawn.

Messrs. SPROUL, McDEVITT and WEIDEMANN asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—117.

Achterman,	Finnerty,	McElroy,	Scanlon,
Arnold,	Flanagan,	McFall,	Schor,
Aukerman,	Flannery,	McShane,	Schrope,
Baker,	Flinchbaugh,	Melchiorre,	Shea,
Balthaser,	Gerard,	Mellott,	Shoemaker,
Bierly,	Haberlen,	Moomaw,	Shugarts,
Blank,	Hagerty,	Mooney,	Simon,
Bois,	Hamilton, F. P.,	Moran,	Skale,
Boltz,	Harkins,	Moul,	Smith, James A.,
Bradley	Harmuth,	Nagel,	Smith, John A.,
Brancato,	Hays,	O'Brien,	Spengler,
Brigerman,	Hering,	O'Connor,	Stank,
Broad,	Hess,	O'Keefe,	Thompson,
Brown,	Hindman,	Ominsky,	Tronzo,
Caputo,	Hirsch,	O'Neill,	Tumelty,
Chervenak,	Holland,	Ostroff,	Valibus,
Coakley,	Holmes,	Patterson, C. S.,	VanSickle,
Cohen, H. B.,	Holstrom,	Patterson, J. W.,	Vogt,
Cohen, R. E.,	Hontz,	Pearson,	Walsh,
Coleman,	Horting,	Piole,	Weiss, D. H.,
Coolahan,	Keenan,	Powers,	Weiss, S. A.,
Corrigan,	Kelso,	Preston,	Welliver,
Costanzo,	Kilroy,	Readinger,	Welsh,
Decker,	Lewis,	Reese,	Westrick,
Dickinson,	Lopresti,	Robinson,	Whalen,
Donohoe,	Lovett,	Rothenberger,	Whitenight,
Downey,	Marino,	Ruffennach,	Wright,
Dubbs,	Matthews, H. T.,	Rush,	Yanoshat,
Dyson,	McDermott,	Sarraf,	Furman,
Falkenstein,			

NAYS—37.

Baine,	Huntley,	Muir,	Trout,
Boose,	Imbrie,	Murrin,	Turner,
Boyer	Kane,	Peale,	VanAllsburg,
Cadwalader,	Kline,	Royer,	Wall,
Davies,	Leisey,	Schrock,	Watkins,
Eckels,	Longaker,	Serrill,	Weidemann,
Fiss,	Lyons,	Sproul,	Wilson,
Ganser,	Matthews, J. F.,	Stewart,	Winner,
Gillette,	McDevitt,	Stockham,	Woodside,
Hall,			Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 95 as follows:

An Act Licensing and regulating the business of transmitting and disseminating racing information providing for the issuance of licenses by the Public Utility Commission authorizing a Public Utility Commission to make examinations and issue regulations and prescribing penalties for the violation of this act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Short Title This act shall be known and may be cited as the "Racing Information Licensing Act"

Section 2 License Required No person partnership association business corporation nonprofit corporation common law trust joint-stock company or any group of individuals however organized shall on and after the effective date of this act engage or continue to engage in business of transmitting or disseminating racing information in this Commonwealth except as authorized by this act and without first obtaining a license from the Public Utility Commission Provided however that this Act shall not apply to newspapers of general circulation

Section 3 Application for License The application for such license shall be in writing under oath and in the form prescribed by the Public Utility Commission and shall contain the name and address of the residence of the applicant and if the applicant is a partnership association joint-stock company or common law trust of every member thereof and if the applicant is a business corporation or noneprofit corporation of each other officer and director thereof also the county and municipality with street and number if any office building and room number if any and where the business is to be conducted and such further information as the Public Utility Commission may require The application shall be signed by the individual owner if the applicant is an individual by all the partners if the

applicant is a partnership by two officers if the applicant is an association joint-stock company or common law trust and by the president and secretary if the applicant is a business corporation or a nonprofit corporation

Section 4 License Bond A bond in the penal sum of two thousand ($2,000.00) dollars shall accompany every application for license The bond shall be executed by a surety company authorized by the laws of Pennsylvania to transact business within this Commonwealth The Public Utility Commission may in lieu of such surety company bond accept a bond executed by the applicant for license if such bond is secured by the deposit with the Public Utility Commission of cashiers checks treasurers checks or certificates of deposit of a banking institution or readily marketable securities approved by the Public Utility Commission Such collateral deposited in lieu of a surety company bond shall be deposited for safekeeping by the Public Utility Commission in the Office of the State Treasurer The bond shall be renewed and refiled annually not later than October first in each year The bond shall be executed to the Commonwealth of Pennsylvania The bond shall be for the use of the Commonwealth and for any person or persons who may have a cause of action against any licensee under this act The condition of the bond shall be that the licensee will comply with and abide by all the provisions of this act and all rules and regulations of the Public Utility Commission lawfully issued under this act and will pay to the Commonwealth to the Public Utility Commission or to any person or persons any and all moneys that may come due to the Commonwealth to the Public Utility Commission or to any person or persons from the said licensee under and by virtue of the provisions of this act If any person shall be aggrieved by the misconduct of a licensee and shall recover judgment aginst him therefor such persor may on any execution issued under such judgment maintain an action upon the bond of the licensee in any court having jurisdiction of the amount claimed provided the Public Utility Commission assents thereto

Section 5 License Fee Every application for license under this act shall be accompained by an annual license fee of one hundred ($100.00) dollars All licenses shall expire on October first annually No abatement of the said license fee shall be made if the license is issued for less than one year Every license shall be renewed annually on th first day of October and an additional license fee of one hundred ($100.00) dollars shall be paid for the next ensuing license year

All license fees received by the Public Utility Commission shall be deposited in the State Treasury to the credit of the Public Utility Commission for the use of the Public Utility Commission in administering this act

Secton 6 Issuance of License The Public Utility Commission if it approves the application for license shall issue to each license a certificate showing the name of the licensee and the address of the place of business Such license shall be posted in a conspicuous place in the office of the licensee so that it shall be in full view of the public at all times Such license may not be transferred or assigned Whenever a licensee shall change his place of business to another location within the same city borough or township he shall at once give written notice thereof to the Public Utility Commission and return the license certificate to the Public Utility Commission for amendment The Public Utility Commission if it approves the removal shall endorse on the license in writing its record of the change of address and the date thereof which shall be the authority for the operation of such business under such license at such new location No change in the place of business of a licensee to a location outside the original city borough or township shall be permitted under the same license Not more than one place of business may be operated under the same license

If a licensee operates more than one place of business additional licenses may be obtained by filing a separate application for each additional place of business and furnishing bond for each additional place of business and paying the license fee provided in this act for each such place of business

Section 7 Powers of the Public Utility Commission The Public Utility Commission shall have the power to reject any application for license if it is satisified that the financial responsibility experience character and general fitness of the applicant or applicants is not such as to command the confidence of the community and to warrant the conclusion that the business will be operated honestly fairly and within the laws of this Commonwealth or if it is not satisfied that allowing such applicant to engage in business will promote the convenience and advantage of the community in which the business of the applicant is to be conducted

The Public Utility Commission may require a licensee licensed under this act to file special reports in addition to the annual report required under this act

The Public Utility Commission is hereby authorized and empowered to issue rules and regulations governing the records to be maintained by a licensee under this act and it is further authorized and empowered to issue such general rules and regulations as may be necessary for the protection of the public and to insure proper conduct of such business and for the enforcement of this act which rules and regulations shall have the force and effect of law

Section 8 Examination by the Public Utility Commission The Public Utility Commission and any person designated by it for the purpose may at any time investigate the business and examine the books accounts records and files therein of every licensee and of every person who or which shall be engaged in the business of transmitting or disseminating racing information whether such person shall act or claim to act as principal or agent or under or without the authority of this act For this purpose the Public Utility Commission shall have free access to the office and places of business books accounts papers records files safes and vaults of all such persons

The costs of every examination of the business of a licensee by the Public Utility Commission shall be paid by the licensee so examined and the Public Utility Commission may collect such costs from the surety company which has executed the bond required under this act and it may maintain an action for the recovery of such costs in any court of competent jurisdiction

Section 9 Reports to the Public Utility Commission Every licensee licensed under this act shall annually on or before the first day of March file a report with the Public Utility Commission giving such relevant information as the Public Utility Commission may require concerning the business and operations during the previous calendar year of such licensed place of business conducted by the licensee within this Commonwealth and the name and address of every subscriber shall be incorporated in each such report Such report shall be made under oath and shall be in the form prescribed by the Public Utility Commission For failure to file such report within the time specified a licensee shall pay to the Public Utility Commission a penalty of ten ($10.00) dollars for each calendar day which such report is overdue but the Public Utility Commission may in its discretion relieve a licensee of any portion or all of such fine

Section 10 Records Required Licensees under this act shall maintain adequate records of all business transacted containing such information and in such form as shall be prescribed by the Public Utility Commission by general rule or regulation

Section 11 Penalties Any persons partnership association or corporation or any partner director officer agent or member thereof who shall engage in the business of transmitting or disseminating racing information in this Commonwealth without first obtaining a license under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than five hundred ($500.00) dollars nor more than five thousand ($5,000.00) dollars and suffer imprisonment not less than six months nor more than three years in the discretion of the court

Section 12 Interpretation of Act The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that

this act would have been adopted had such unconstitutional provisions not been included herein

Section headings shall not be taken to govern or limit the scope of the sections of this act The singular shall include the plural and the masculine shall include the feminine or neuter

Section 13 Repealer All acts or parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—60.

Achterman,	Falkenstein,	Long,	Powers,
Aukerman,	Finnerty,	Lovett,	Robinson,
Baine,	Flanagan,	Matthews, H. T.	Shoemaker,
Bierly,	Flannery,	McDermott,	Shugarts,
Blank,	Gerard,	McFall,	Simon,
Boltz,	Haberlen,	Mellott,	Smith, John A.,
Broad,	Hamilton, F. P.,	Moomaw,	Stank,
Caputo,	Harkins,	Moran,	Tronzo,
Coakley,	Hays,	Moul,	Tumelty,
Cohen, H. B.,	Hindman,	Murrin,	Walsh,
Cohen, R. E.,	Hirsch,	O'Brien,	Weiss, D. H.,
Coleman,	Holmes,	Ostroff,	Welliver,
Coolahan,	Hontz,	Patterson, J. W.,	Welsh,
Donohoe,	Horting,	Pearson,	Wright,
Dubbs,	Lewis,	Piole,	Yanoshat,

NAYS—47.

Atkins,	Holland,	McShane,	Stewart,
Baker,	Imbrie,	Muir,	Stockham,
Boose,	Keenan,	Nagel,	Thompson,
Bradley,	Kilroy,	O'Connor,	VanAllsburg,
Cadwalader,	Kline,	Peale,	Watkins,
Corrigan,	Leisey,	Readinger,	Westrick,
Davies,	Levy,	Reese,	Wilson,
Downey,	Lyons,	Royer,	Winner,
Eckels,	Matthews, J. F.	Schor,	Wood,
Elpern,	McCullough,	Schrock,	Woodside,
Hall,	McElroy,	Schumacher,	Yeakel,
Hess,	McKinney,	Sproul,	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 99, (Senate Bill No. 69), entitled:

An Act validating certain proceedings and elections of counties, cities, boroughs, townships, school districts and other incorporated districts or municipalities, had and held pursuant to the provisions of an act approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four, entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," and the amendments and supplements thereof; and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—174.

Achterman,	Ganser,	McFall,	Simon,
Arnold,	Gerard,	McGee,	Skale,
Atkins,	Gillette,	McShane,	Smith, James A.,
Aukerman,	Habbyshaw	Melchiorre	Smith, John A.,
Baine,	Haberlen,	Mellott,	Snyder,
Baker,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Harkins,	Moul,	Stank,
Boles,	Harmuth,	Muir,	Stewart,
Boltz,	Hays,	Murrin,	Stockham,
Boose,	Hering,	Nagel,	Strode,
Boyer,	Hess,	O'Brien,	Thompson,
Bradley,	Hindman,	O'Connor,	Tronzo,
Brancato,	Hirsch,	O'Keefe,	Trout,
Brigerman,	Holland,	Ominsky,	Tumelty,
Broad,	Holmes,	O'Neill,	Turner,
Brown,	Holstrom,	Ostroff,	Valibus,
Cadwalader,	Hontz,	Patterson, C. S.,	VanAllsburg,
Caputo,	Horting,	Patterson, J. W.,	VanSickle,
Chervenak,	Huntley,	Peale,	Vogt,
Coakley,	Imbrie,	Pearson,	Wagner,
Cohen, H. B.,	Jirolanio,	Perry,	Wall,
Cohen, R. E.,	Kane,	Piole,	Walsh,
Coleman,	Keenan,	Powers,	Watkins,
Coolahan,	Kelso,	Preston,	Webster,
Corrigan,	Kilroy,	Readinger,	Weidemann,
Costanzo,	Kline,	Reese,	Weiss, D. H.,
Davies,	Leisey,	Robinson,	Weiss, S. A.,
Decker,	Levy,	Rothenberger,	Welliver,
Dickinson,	Lewis,	Royer,	Welsh,
Donohoe,	Long,	Ruffennach,	Westrick,
Dougherty,	Longaker,	Rush,	Whalen,
Downey,	Lopresti,	Sarraf,	Whitenight,
Dubbs,	Lovett,	Scanlon,	Wilson,
Dyson,	Lyons,	Schor,	Winner,
Eckels,	Mallen,	Schrock,	Wood,
Elpern,	Marino,	Schrope,	Woodside,
Falkenstein,	Matthews, H. T.,	Schumacher,	Wright,
Finnerty,	Matthews, J. F.	Serrill,	Yanoshat,
Fiss,	McCullough,	Shaw,	Yeakel,
Flanagan,	McDermott,	Shea,	Yourishin,
Flannery,	McDevitt,	Shoemaker,	Furman,
Flinchbaugh,	McElroy,	Shugarts,	

NAYS—1.

McKinney,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

REPORT OF COMMISSION TO STUDY TRANSMISSION OF GAMBLING INFORMATION

The SPEAKER laid before the House the report to the General Assembly of the Commission to study devices and methods of disseminating information in furtherance of gambling appointed pursuant to Act No. 27, approved October 11, 1938.

(For report see Appendix)

SENATE MESSAGE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate of Pennsylvania November 28, 1938.

Whereas, The Atlantic Deeper Waterways Association under the leadership of Honorable J. Hampton Moore had maintained for the last 31 years a non-political, patriotic status, constantly seeking to promote the country's welfare by the construction through all the Atlantic Seaboard States of an inside waterway from the perils of the ocean, and,

Whereas, Such an inside system of waterways from Maine to the Gulf is destined to serve commerce in peace and will be capable of vital military service in the event of an attack or remote as it may be, of a foreign blockade in time of war, and,

Whereas, All but one link of said Atlantic Intercoastal waterway approximately eighteen hundred miles long has been already constructed and permits a free movement of traffic along inland waters in many states of the Atlantic coast, and,

Wheareas, All that is needed now to complete this gigantic artery of national defense is the construction of the long discussed canal across the State of New Jersey from Sayreville on the Raritan Bay to Bordentown on the Delaware River above Philadelphia, and,

Whereas, The construction of this 31 mile long canal across New Jersey will remove the last barrier that blocks the national waterway designed to afford a safe channel inside the hazardous Atlantic Coast from Florida to New England and thence to the Great Lakes, and,

Whereas, Such a canal across New Jersey will provide safe communications between the ports and Navy Yards at New York and Philadelphia and will make it unnecessary to circumnavigate the Atlantic coastal waters along the shores of New Jersey, and,

Whereas, The construction of such a canal will restore to the Port of Philadelphia its lost lustre and regain for it part of its former hegomony, and,

Whereas, Through the construction of this canal across New Jersey new vistas will become opened to Pennsylvania's industries generally and the coal industry especially by bringing closer to our State the Port of New York and the markets of New England and the Middle West, and,

Whereas, The delay in the construction of the canal across New Jersey—the so-called "missing link" of the Inland Atlantic Intercoastal Waterway has been caused by the hesitancy of the Army Engineers Corps, and,

Whereas, The construction of the canal across New Jersey is important to every national and commerical interest in the United States, now,

Be It Resolved (if the House concur) that the General Assembly of Pennsylvania shall and does hereby memorialize His Excellency, the President of the United States and Commander-in-Chief of the Army and Navy to accelerate the construction of the above mentioned canal across New Jersey from Sayreville on the Raritan Bay to Bordentown on the Delaware River, and be it,

Further Resolved, That the clerk of the Senate forward a copy of this resolution following its passage to His Excellency, President of the United States of America.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

Referred to the Committee on Rules.

COMMITTEE MEETING

The Committee on Welfare will meet on Tuesday morning, November 29th, at 11:00 a. m. in the Chief Clerk's office.

ADJOURNMENT

Mr. HINDMAN. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1:00 p. m.

The motion was agreed to, and (at 12:24 a. m.) the House adjourned until Tuesday, November 29, 1938, at 1:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1938

Vol. 22 HARRISBURG, PA., TUESDAY, NOVEMBER 29, 1938. No. 34.

SENATE

TUESDAY, NOVEMBER 29, 1938.

The Senate met at 1:00 o'clock P. M.

The PRESIDENT, (Lieutenant-Governor Thomas Kennedy), in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER LL.D., offered the following prayer:

O our God, Creator and Lord of all, for the multitude of Thy mercies, we would enter into Thy gates with thanksgiving, into Thy courts with praise.

Our Father, we are thinking today of one of our number, for many years an honored member of this honorable body, detained by serious and painful accident. Bestow Thy healing grace and restore him to his useful life. Our Father, we ask Thy blessing upon these Thy servants, and those associated with them. We thank Thee for the justification of our democracy, manifested in that gracious spirit of acquiescence and mutual good will. Unto the closing moments of this fellowship may Thy guiding spirit prevail. May we ever cherish and never relinquish the heritage of our peculiar freedom, limited only by the rights of others, and the inhibitions of just laws.

Bless our beloved Commonwealth, never least among the sisterhood of states; and may the stars of the ensign of our Republic ever shine to the pride of our hearts, to the glory of our "Sweet Land of Liberty." Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. DI SILVESTRO, the further reading was dispensed with, and the Journal was approved.

PETITIONS AND REMONSTRANCES

URGING PASSAGE OF FIREWORKS BILL

The Chair cleared his table and laid before the Senate communication from Wilmer Krusen, Chairman, Philadelphia Committee for Prevention of Blindness, urging the defeat of proposals to change or defeat the Fireworks Bill.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

COMMUNICATION

RELATIVE TO CRIME INVESTIGATION IN PHILADELPHIA COUNTY

The Chair cleared his table and laid before the Senate the following communication from Honorable Curtis Bok, President Judge of the Court of Common Pleas No. 6 of the County of Philadelphia.

Judges' Chambers, Court of Common Pleas No. 6,
City Hall, Philadelphia, November 28, 1938.

Curtis Bok,
President Judge.

President of the Senate,
Capitol Building,
Harrisburg, Pennsylvania.

My dear Mr. President:

I am enclosing with this letter a certified copy of the Twelfth Special Presentment made to me on November 25, 1938, by the October 1937 Grand Jury which is investigating into crime and corruption in this county. This presentment dealing with certain loans made to the Mayor of Philadelphia shows a situation which the Court cannot ignore. I therefore call it to your attention for such action as may be proper under the Constitution and laws of the Commonwealth.

I am sending identic letters to the Speaker of the House and to the Governor. The House, Senate and the Governor are the removing and impeaching agencies provided by law.

Very truly yours,

CURTIS BOK.

The PRESIDENT, The Chair is in a quandary, and the only suggestion he has to offer to the Senate is that the findings of the Grand Jury be made a matter of record in the Appendix and noted in the Journal.

Are there any objections? The Chair hears none, and it is so ordered.

Mr. WOODWARD, Mr. President, What is the action?

The PRESIDENT. The letter and the report of the Grand Jury will be noted in the Journal and made a matter of record in the Appendix to the Legislative Journal.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL No. 60

The Clerk of the House of Representatives being introduced returned to the Senate, Senate Bill No. 60, entitled:

An Act to amend section two of the act, approved the twelfth day of August, one thousand nine hundred and

thirty-eight (Act No. 5), entitled "An act authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate, efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth; conferring upon the commission full power to issue subpoenas, and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued; requiring the commission to make a report of its findings and recommendations to the General Assembly or to the Governor; and authorizing the commission to employ counsel and employes, and making an appropriation," by changing the manner of appointment of the members of said commission.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 69

He also returned to the Senate, Senate Bill No. 69, entitled:

An Act validating certain proceedings and elections of counties, cities, boroughs, townships, school districts and other incorporated districts or municipalities, had and held pursuant to the provisions of an act approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four, entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," and the amendments and supplements thereof; and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections.

with the information that the House has passed the same without amendments.

BILLS SIGNED

The PRESIDENT, (Lieutenant-Governor Thomas Kennedy), announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 60, entitled:

An Act to amend section two of the act, approved the twelfth day of August, one thousand nine hundred and thirty-eight (Act No. 5), entitled "An act authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate, efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth; conferring upon the commission full power to issue subpoenas, and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued; requiring the commission to make a report of its findings and recommendations to the General Assembly or to the Governor; and authorizing the commission to employ counsel and employes, and making an appropriation," by changing the manner of appointment of the members of said commission.

SENATE BILL No. 69, entitled:

An Act validating certain proceedings and elections of counties, cities, boroughs, townships, school districts and other incorporated districts or municipalities, had and held pursuant to the provisions of an act approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four, entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," and the amendments and supplements thereof; and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections.

Whereupon,

The PRESIDENT, (Lieutenant-Governor Thomas Kennedy), in the presence of the Senate signed the same.

AUTHORIZING PRINTING OF MEMORIAL PROCEEDINGS IN HONOR OF THE LATE SENATOR JOHN G. HOMSHER

Mr JACOBS offered the following resolution which was twice read, considered, and agreed to:

In the Senate, November 29, 1938.

Resolved, (if the House of Representatives concur), That three hundred copies of the proceedings of the memorial service, held in honor of the late Honorable John G. Homsher, be printed for the use of the Senate.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 63 (House Bill No. 21), entitled:

An Act to regulate the sale storage offering or exposing for sale of fireworks, defining fireworks, and providing for licensing and regulation of the manner of using fireworks and providing license fees and penalties.

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution.

On the question,

Will the Senate agree to the bill?

Mr. HALUSKA. Mr. President, I ask unanimous consent to offer the following amendments:

Amend, page 11, line 10, by striking out the following: "This Act shall become effective immediately upon its final enactment" and insert in lieu thereof the following: "This Act shall become effective the first Monday of September 1939"

Mr. SHAPIRO. Mr. President, I object.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. WOODWARD. Mr. President, this is the famous fireworks bill, and I call the attention of the Senate to this very good propaganda which each one has received I imagine. These messages are made out as from the employes that this bill is going to throw out of work. All I have to say is that I understand this bill is a prohibitory bill and if the Senate wants to go along with any prohibitory bill which invites bootlegging, then of course this picture of the child setting off fireworks is a big argument for voting "No" on this bill. People are bound to shoot off fireworks as you have just witnessed, and they bootleg fireworks which are unsafe either under a regulatory or or prohibitory bill.

And the question recurring,

Will the Senate agree to the bill on third reading?

MOTION TO GO INTO COMMITTEE OF THE WHOLE

Mr. DENT. Mr. President, I move that the Senate do

now resolve itself into Committee of the Whole for consideration of amendments.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. SHAPIRO. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro will state his question of parliamentary inquiry.

Mr. SHAPIRO. Mr. President, am I correct in understanding that if the Senate adopts this motion that automatically adopts the amendment?

The PRESIDENT. The Chair does not understand so.

Mr. SHAPIRO. Mr. President, I think that matter therefore should be decided upon before we act on it. It has always been my impression, Mr. President, with all due respect to the Chair, and we have so I understand conducted ourselves here, that the adoption of the motion to go into Committee of the Whole carried with it the amendments.

The PRESIDENT. That is only in the case of special amendments.

Mr. SHAPIRO. Mr. President, then I rise to a further question of parliamentary inquiry and ask whether or not the Chair considers this a special amendment?

The PRESIDENT. The motion just made by the Senator from Westmoreland, Mr. Dent, does not encompass any special amendments as I understand it unless he presents the amendments. But his motion does not order it. In other words the motion is a general motion.

POINT OF ORDER

Mr. SHAPIRO. Mr. President, then I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro will state his point of order.

Mr. SHAPIRO. Mr. President, since there are no amendments to be considered in the motion suggested by the Senator from Westmoreland, therefore the Senate cannot go into Committee of the Whole. The motion should be out of order. I understand that the motion to go into Committee of the Whole can be only for the purpose of considering special amendments.

The PRESIDENT. The Chair understands that perfectly well and the Chair has been trying to find out what the mover of the motion had in mind.

And the question recurring,

Will the Senate agree to the bill on third reading?

MOTION TO GO INTO COMMITTEE OF THE WHOLE FOR SPECIAL AMENDMENT

Mr. DENT. Mr. President, if it is mandatory that the amendments presented are special amendments then evidently the amendments I present are special amendments. I therefore withdraw my former motion and now move that the Senate resolve itself into Committee of the Whole for the purpose of special amendment which will read as follows:

"Amend bill page 2, line 19, by adding after the word 'FIREWORKS" the following:

"Signals known as red fires or flares."

The purpose of this amendment is to also include in the bill other dangerous items sold by the dispensers of fireworks which were not mentioned by the proponents of the measure because they wanted to use them in political parades.

"Amend bill page 5, line 25, by striking out all of lines 25, 26, 27, 28, and 29."

Which read as follows: "For the purpose of carrying out the provisions of this Act each County Treasurer is hereby authorized and empowered to appoint not more than one additional employe whose annual salary shall not exceed the sum of two thousand dollars ($2,000)."

It seems inconsistent to say that a county as large as Philadelphia or Allegheny should have one man and a county as small as Sullivan, or my own county with 300,000 living souls, should have one also.

The PRESIDENT. The Chair suggests that the amendments simply be stated. Argument on them can be made later. You will confuse the record if you interject argument at this time.

Mr. DENT. Mr. President, I am explaining the amendments so that the members can see that they are of a special nature.

The PRESIDENT. It would be better just to read them, and argue afterwards.

Mr. DENT. Mr. President,

"Amend page 7, line 1, by removing all of lines 1, 2, 3, 4 and 5 and inserting in lieu thereof the following:

"No smoking shall be allowed in any building where fireworks of an inflammable character are offered for sale. "No Smoking Allowed" signs shall be properly displayed."

"Amend bill page 7, line 13, by striking out all of lines 13 and 14."

"Amend bill page 7, line 22, by inserting after the word 'THEATRE' the words: "or hunters."

Mr. HALUSKA. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The PRESIDENT. The motion of the Senator from Westmoreland, Mr. Dent, is that the Senate resolve itself into Committee of the Whole for the purpose of considering special amendments which have just been presented by the Senator from Westmoreland. The motion has been seconded by the Senator from Cambria, Mr. Haluska. The adoption of this motion will carry with it the passage of the amendment.

And the question recurring,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, I understand that both the House and the Senate are going to adjourn tonight. I want to make the remark and call the attention of the Senators to the fact that any amendments to this bill at this time means the defeat of this bill.

The PRESIDENT. May the Chair point out in fairness to the Senate that the bill that is being considered has been amended by the Senate and requires concurrence by the House, without these amendments.

Mr. DENT. Mr. President, on an issue so important I do not believe the Senators and House members object to staying over a day in order to put through an intelligent piece of legislation rather than this haphazard thing before us now. I have stayed here before on measures that I thought were less important at the insistance of the leaders, way into the morning. I believe at the last session we stayed until early one Sunday morning, and I pretty nearly missed mass.

I think we can stay over tonight. Tomorrow is only Wednesday, the middle of the week.

Mr. BUCKMAN. Mr. President, as has been suggested if these amendments are inserted in this bill at this time the bill will have to be re-printed and will take another legislative day for consideration. We have been here since the 25th of July, apparently without any real reason, and as far as I am concerned another day will not make much difference, but I cannot see that the bill will be much better after these amendments are in than it is now. I intend to vote against the bill and I intend to vote against these amendments at this time as I consider it a sheer waste of time.

Mr. DENT. Mr. President, I want to make my position clear on this thing. I happen to have served on the Council in my local municipality and I introduced and had passed an ordinance prohibiting the sale of fireworks with certain restrictions. I believe in regulation. I do not believe in strangulation. These amendments are only to clarify certain very obvious errors that are in the bill and I believe that there are sufficient votes ordered here today to pass the bill because I understand that somebody promised that we would, and I read in the Philadelphia Record that someone tried to stop the bill by the name of Dent last night—I do not know who he is or where he is from—and insinuated that it is a move to kill the bill to ban the sale of fireworks. I am not making any move on this Senate floor to kill any bill that bans the sale of fireworks that are injurious. I do believe in regulation.

If you will bear with me a few minutes I will explain these amendments that I have prepared. Now we will take for instance on page 5 where I said to strike out lines 25, 26, 27, 28, 29. Why do we arbitrarily sit here and add approximately $134,000 to the cost of administering an act of legislation that we are going to pass by allowing the county treasurer to put in a special employe to handle this when we go on further in the act and say that the only thing that can possibly be sold is cap pistols and not the pistols either but the caps themselves, and these caps can only be sold for a period of ten days in an entire year. During the period of an entire year you are allowed to sell these harmless little caps that people use when they play cowboy and Indians for only ten days. Out in the country they still play that.

I think that that amendment is necessary and ought to be inserted in this Act. I do not believe that my county treasurer another $2,000-a-year man and I say to you that when it says "not to exceed $2,000" that the salary will be $2,000 because history has proven that.

On page 7, read the act as it is. It says this: "No smoking shall be allowed in any building where fireworks are offered for sale. Within each such store and over each entrance to such a store a sign in large letters and clearly legible shall be displayed reading "Fireworks for sale. No smoking allowed."

Five-and-ten-cent stores sell these little caps. But you will not be allowed to smoke in the five-and-ten during the ten day period. I think this is a very poorly drawn and written bill. I amend it by saying that "No smoking shall be allowed in any building where fireworks of an inflammable character are offered for sale. 'No smoking allowed' signs shall be properly displayed." I think that covers the situation very well for the safety of the public.

Then we go on to page 7, line 13 where I amend it by striking out all of the lines 13 and 14 because I do not believe that if these caps are dangerous 355 days a year that they are any safer for the ten day period when they are allowed to be sold, so I take it that the proposers of this measure believe that these little caps are safe and so I therefore strike out the restrictive clause in there—June 25th to July 5th—and allow them to sell these caps all years around. That is regulatory rather than prohibitory.

On page 7, line 22 I amend it by inserting after the word "theatre," the words "or hunters". You ask why do I do that? Listen to this: "For the sale or use of blank cartridges for a show or theatre," and I add the two words, "or hunters." We who belong to the sporting fraternity have a sort of field code among us so that when we go hunting and we are using a magazine load of any kind we put two blanks in it. It is a sort of a sportsman's gamble. When you are out in the woods and you shoot at the rabbit and miss the rabbit you can always blame it on the blanks. I think hunters ought to be allowed to shoot blanks if they want to.

I want to say this to the Senator from Philadelphia, Mr. Shapiro, that if he were interested in passing this legislation he would have allowed this bill to have gone over last night in order that I could have gotten these amendments ready and presented them to the Senate. Then the delay would not have been necessitated for holding this over for another day. I am sincere in saying that we want regulation. I do not hesitate to say that this Senate passed a fireworks bill. I do not believe in this system of taking it out of the hands of the Motor Police, who are more capable of saying when it is safe and where it is safe to put off display fireworks, and give it to a county treasurer who has no special qualifications for the job. I believe the Motor Police should be inserted in the bill again and they should supervise the display of fireworks.

There are many features in this act, many many features, that the gentlemen in this Senate have not read. I believe that you are all sincere when you say that you want some sort of a fireworks regulatory measure. I know I am sincere because in the past I have demonstrated that I want this type of legislation. However, I do not believe that just because we are in the last day of a legislative session that we should blindly do some things that are passed over to us and take this and swallow it and push it off on to the people of Pennsylvania just because it is a fireworks bill. Why, you could put almost any type of a bill in that bans fireworks and we would have to vote for it according to the theories of our friends who believe that you have to vote for a bill because it is the only bill before the Senate.

If the House were sincere they would have taken the bill of Senator Law—even if he will not be here next session he still should have the honor of having sponsored the fireworks legislation—and they could have cooperated with the Senate and asked us our opinion, and got them together with us on the matter. But no, they stifled this bill—the wishes of this Senate were disregarded by the House members and they say to us, "You have got to take our bill", and take the one we want to give you. We order you to take our bill."

God give me strength and life. I will be here next year. And if any further amendments are necessary, I will vote for them; and if there is anything necessary to strengthen

the rules I will vote for them. I don't believe the House should handicap this to the point where we can't amend it if necessary. Furthermore, the amendment offered by Senator Haluska is an intelligent amendment. Many of these persons have built up stocks. They have them on their shelves, and according to this Act if we pass it, they must destroy that stock. As one here suggested last night, when we are back in January we can pass an amendment to take care of that, but under this Act a man is liable to fine and imprisonment if he keeps the stock. He can't hold it until January if, as I understand it under this Act, the county treasurer shall be authorized and empowered to call upon any "sheriff, police officer or constable within the Commonwealth directing him to seize, take or remove or cause t be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored or held in violation of this Act, and hold the same subject to order of the Court." Why, a man would be a criminal; he wouldn't be allowed to hold this stuff.

You say that we have had ample opportunity to study this Act. I contend that we haven't had ample opportunity. This never appeared on the Calendar until Monday of this week, which was yesterday. As soon as it appeared those of us interested in intelligent legislation read it through. So I want to ask those of you in the Senate who are interested in regulatory as against prohibitory measures to give consideration to the vote that you are now going to pass upon the motion which I made.

Mr. SHAPIRO. Mr. President, I don't question the motives of my friend from Westmoreland nor any other Senator or question his right to present amendments, but I do reserve the right to myself to point out what the effect of those amendments is on the legislation. I am quite sure he is sincere in what he is saying, but I think I am equally certain in my analysis of this picture when I say that these amendments that are in the bill already require the concurrence of the House and since they came over here with the consent of the sponsors of the bill in the House and many of the members of the House who talked to me about it, I have very little fear of the acquiescence of the House in the amendments that are so far in the bill, but the amendments that are now offered must be printed and the bill must lie over, and that in effect in my opinion, from the information that is in the hands of every member of the Senate, means that this bill won't be passed.

I recall the statements in the newspapers of what happened last Fourth of July. I recall the editorials and the general consensus of public opinion that some sort of a preventive measure or even prohibitory measure should be passed. I recall that the Governor of the Commonwealth of Pennsylvania said that he thought the matter ought to be a subject in the Call. I remember that it was included in the Call and I know there were two bills introduced. I have no preference in any of the bills. When I recall what happened last July, I wonder whether it wouldn't have been just as well for these gentlemen who send this Christmas card out, if on the other side of this picture they had put some of the pictures of this same child or children like those who were injured, some of them blinded, most of them maimed by fireworks; then we would have had both sides of the question.

While my religion is somewhat different than those who celebrate Christmas, I have always enjoyed it and I think that universally Christmas takes on more than a religious attitude and it is rather a feeling of good cheer and brotherly love. And I am a little bit disappointed that the people whoever they were who sponsored this piece of propaganda should choose a Christmas card for their method of propaganda. It seems to me that if we want to have the cheer and we want to have the brotherly love and enjoy the love of our loved ones, we had better think not only of this Christmas, but of next Christmas and see to it that there should not be continued these unnecessary woundings of those whom we love. I do not say that for the purpose of influencing a vote. I do not care how the members of this Senate vote, but I have promised the people in my district that I would take a position on this matter, and I say and have said to the people who are rightfully interested, the people who are concerned, the men who employ these so-called eight thousand people and the men who own these businesses, that if upon mature deliberation they can point out to me anything in this bill which is unfair or unjust—at present I don't see it and I have read the bill thoroughly—if they can point it out to me, and I am not infallible, I shall be very glad to sponsor legislation which will correct the defects as one of the first things when I come back to this Senate, if I live.

Showing the danger of these rush amendments, I might call to the attention of my friend from Westmoreland, that he offers an amendment to permit sports not to be interfered with by this Act. I call his attention to page 7, of the bill in its present form. In that, nothing in this Act, Section 8, "shall be construed so as to prohibit any person, firm or co-partnership or corporation from storing for the purpose of selling at wholesale and selling at wholesale fireworks of any kind provided the same are to be shipped out of this State,"—that answers one of the objections about disposing of the property "for the use of fireworks by railroads and public transportation services for signal purposes or illumination, or the sale or use of blankcartridges for a show or theatre, or for signal or ceremonial purposes, athletic or sports, or for use by military organizations or for any lawful or commercial or industrial use."

Maybe that does not cover them entirely (I think it does) but I no not doubt that this business of amending the bill in a half-hour's time without any careful study of the bill isn't proper. All these amendments can be made before January the first if they are fair amendments and I am sure that those of us who are here and the incoming Senators will be reasonable in our attitude not to destroy a business, but I think we ought to make up our minds to treat this thing in the open and in a proper way. Either this thing ought to be regulated or it ought not to be. The Senator from Westmoreland, Mr. Dent, came here on Monday. I am sure he listened as I have listened to the people who complain against this bill. If he had offered these amendments last night and there was a possibility, if they were reasonable amendments and there was a possibility of passing them, I may not have objected. I am not objecting to these amendments at the present time, nor to Mr. Haluska's amendments, but doesn't it seem silly to stand up and argue that the sale of fireworks which may result and does result in injury to children is bad and therefore we will prohibit them after they are used, by making this act effective in September? That seems silly. It places the members of the

Senate in a ridiculous position. You say the condition is dangerous but we will correct it after the harm is done. Even if it goes into effect on January the first, or tomorrow, or doesn't become effective until the time arrives for the sale and disposition of this merchandise and that is somewhere in February or March, if these gentlemen can show me where they will be hurt I will be glad to sponsor their cause. There is nothing in this Act which says that you have to pay $2,000 for clerical hire, and if you do there are license fees here which will probably make up most of it. All that provision was put in for was to prevent the expenditure if more than $2,000 by some county like Philadelphia engaging fifteen or twenty people to issue these licenses when they don't need them, and there is nothing in this Act to prevent anybody from storing his merchandise because he is given by the terms of this Act the right to sell the merchandise in certain cases. Therefore he will be permitted to sell under a license and he certainly is permitted to store. He can sell for ceremonial purposes or celebration, and the enumerated purposes in the Act, and therefore it seems to me that the cry of emergency on the part of a manufacturer is not a serious one and it seems to me that they will come in better grace with us and the rest of the members of the Senate, if they say, "Very well, you want to pass this bill now, so pass it, but we expect you to listen to our story when you come together again."

Maybe we have been wrong about it, that we didn't do something before this bill got to the stage where it is, and maybe we are wrong trying to pass it in a hurry, but in any event we can all be right about it after January without again dodging the issue. The issue before us is whether we meant what we said in the Call or whether we called this session for the purpose of having an investigation.

Mr. DENT. Mr. President, in the first place I am not responsible for what was contained in the Call, and I don't assume any responsibility for it. In the second place, I believe that there is a danger that they can't store, because it says only 'wholesalers' in it. I want to call the attention of the Senate to a very important feature. Early in the days of airplane travel, every time an airplane cracked up and anybody was killed it was given big headlines by the newspapers, who in my opinion, having been a student of aviation in the early days, were trying to kill the advance of commercial transportation. They always took and ballyhooed any injuries or accidents and all deaths due to airplane travel. That is also true in the matter of fireworks. For some reason or other they take the number of deaths and multiply it by some unknown figure and give the people of Pennsylvania a terrible headache.

Here is the Associated Press data on Fourths of July—in 1934 there were 69 traffic deaths, 70 drowning deaths, 2 from fireworks, and 34 from other causes. Two out of the 175. In 1935, there were seven out of 216. In 1936, there were eight out of 241. In 1937, there were four out of 563 and in 1938, there were two out of 513. Now according to the Associated Press in 1938, two deaths were caused by the following reasons in the following places: First, at Bedford Pennsylvania, a fifteen-year-old boy put a stick of dynamite in a pipe to make a home-made canon, resulting in an explosion which was the cause of death. Number two was at Wilkes-Barre, Pennsylvania, where a boy attempted to make a bomb and used a wrist-pin for detonating the caps, and that resulted in death. Now as a kid I played with a group of boys of my age in the community and one day we had on the Fourth of July an accident that caused a death. We had an eighth-barrel of beer into which we were stuffing powder and running a piece of flame across it by handling a long broom stick with an oil soaked rag, and we caused an explosion by putting in an extra charge that blew the thing apart and killed a little colored boy. That was not caused by legitimate fireworks. I believe many states have tried this in their communities. In Ohio, particularly, they have gone in for a State act which is not prohibitory but is regulatory, and the Cleveland Plain Dealer which was one of the sponsors of the ban on the sale of fireworks, opposed it when it passed but after six years of operation the paper claims that it is an intelligent piece of legislation that has cut out entirely deaths due to fireworks.

I think that my child ought to have the right to shoot off a fire-cracker if I want it to. I do not think that a fire-cracker this small will kill anybody. There is such a thing as a safe and sane Fourth of July and an intelligent Fourth of July and it is easy to come in here and say that one or two persons were killed, yes, but I venture to say that the minute we write on to the books of Pennsylvania a law that is prohibitory, as is this one, we will increase the use of bootleg and home-contrived fireworks and the result will be more deaths and more injuries.

The bill can be defeated or it can be passed. It does not matter much probably to us as individuals. But we keep on ham-stringing liberty and a lot of other fundamental rights around here, whether it is the shooting off of fire-crackers or not, and pretty soon we will have Mr. Stalin and Mr. Hitler telling us we cannot sit in a chair because it may break.

Mr. HALUSKA. I had no intention of speaking upon my amendment but when the esteemed Senator from Philadelphia, Mr. Shapiro, pointed out that my amendments are silly amendments, naturally I must rise to defend those amendments. I offered those amendments because I thought of the manufacturer who has invested probably his life savings in this type of work. I know of men in this room this afternoon from my county who have invested their life savings as wholesalers and distributors, and as retailers, and surely such an amendment, making it possible for these men to get rid of their stock and making this bill effective next September, is not a silly amendment and if it is, I am happy to know that I have the ability to offer such a silly amendment.

Mr. CAVALCANTE. Mr. President, I have two boys, one of them is 12 years old and the other one is 10, and they have had cap pistols and have been shooting caps for quite a number of years, and it has been no annoyance to me, and I am not certain just where this bill might leave them. I am interested in them and I would appreciate it very much if the Senator from Philadelphia, Mr. Shapiro will state whether or not this bill will permit my two boys to buy caps for their cap pistols if it passes.

Mr. SHAPIRO. Mr. President, I am quite sure that the Senator from Fayette, Mr. Cavalcante has read this bill. I am quite sure that he knows the answer, but I have no hesitancy in saying that in certain periods of the year they will not be permitted to use those caps.

Mr. CAVALCANTE. Mr. President, I fully sympathize with the Senator from Cambria, Mr. Haluska, when he resents the statement of the Senator from Philadelphia

that the amendment offered by the Senator from Cambria was silly. The only silly thing that I see in all of this matter before this Senate is the deception being used by the proponents of this bill in trying to affect its passage. Now I asked what I think is an honorable question and every member of this Senate, I think, ought to be sympathetic to that fact. I am interested in my two boys and as I said they have had those cap pistols of theirs for quite a number of years and they have not annoyed me or their mother and I would hesitate and I do hesitate at this time and will vote against this bill if it prohibits my two children from buying caps for their cap pistols. Now, my colleagues of this Senate, I want to read to you paragraph E, on page 7 of this bill which reads as follows: "It shall be unlawful for anyone to sell fireworks of any kind at any time to children under the age of 14 years." That carries with it the sale of caps. My two boys will not be able to buy caps for their pistols under this bill if this bill is passed, and I intend to vote against it for that particular reason, although I am heartily in favor of the regulation of fireworks that are dangerous to human lives and property.

Mr. BUCKMAN. Mr. President, I am not very fond of snakes but there is a snake in this bill. I would be very glad indeed to vote for a fireworks bill at this session. I did vote for one, but if you notice that has been pickled in the House. This bill was once in much better shape than it is now. As it was, the enforcement features were in the hands of our State Motor Police. I am proud of our Motor Police. They are already on the pay-roll, they are competent trained, men of ability and integrity, but we find this bill now amended so that it means patronage for somebody. Patronage to the extent, I am told, of $130,000 a year for enforcement of this bill. That is what it will cost this Commonwealth. Somebody wants to get some patronage from some county treasurer. Why did they not leave the Motor Police in it as it was? I do not know, but I am looking at the sponsors of the bill—Ostroff, Lewis and Brancato, from Philadelphia. May it not be that they want to get some appointments from the county treasurer of Philadelphia? That may very well be the motive for this.

Mr. SHAPIRO. Mr. President, maybe there was a snake in that bill to which the Senator refers but I can tell him the answer to why it was in there. I do not suppose it is necessary to say that there will be very few jobs in Philadelphia gotten out of two thousand dollars a year but the reason for that was that the Republican members of the House felt that this matter ought to be in the hands of the county treasurers, and they used the home rule arguments, and since the amendment proposed would require the consent of the members of the House, those who were sponsoring this bill in the House felt that it would be wise to satisfy those members of the House and so at the request of the Republican members of the House in the committee and on the floor, and I think the records will sustain me, this amendment which is called the snake by the Senator from Bucks was put into the bill.

Now one thing I want to say and again I repeat it, is that I do not care whether the members of the Senate vote for or against the bill; I am not trying to influence any votes, but I would like to get the matter decided upon today. I shall vote for the bill but I am very much concerned about the statement of my friend Mr. Haluska. If anything I said reflected on him or his amendment I want to offer him a public apology because I did not mean it that way. What I said was that it would put us in a silly or ridiculous position before the public. It might do that if we take ourselves seriously enough and this bill seriously enough to say that this is a dangerous condition and ought to be corrected and then we do not make it effective until the damage has been done.

Answering the Senator from Fayette, the bill provides that children cannot use caps between the period dated June 25th & July 5th. Now, if their father buys the caps the children can use them at any time during that period so that I do not think that his children will be deprived of the use of those cap pistols. I can understand the reason for the accepted period because that is when children are probably more influenced by others who are celebrating at that time and they wanted to keep those children away from that influence. I think I have answered that question.

My two reasons for standing up were, first to correct the Senator from Bucks and let him know where the snake was, and second, I had no intention of reflecting on Senator Haluska's amendment because I know he had those amendments in mind two or three evenings ago and talked to me about them, and I gave some consideration to that, and were it not for the fact that it might make us look ridiculous I might be in favor of them.

Mr. CAVALCANTE. Mr. President, the Senator from Philadelphia has not at all satisfied my objections to this bill. If I understand it well, if my reason is with me, I feel that the only persons that use cap pistols are little boys that are under the age of fourteen years. They are the only ones because when they get to be fourteen years old and upward they are thinking about rifles and guns and something more powerful than a little cap pistol. Yet this very act prohibits the sale of caps to the very children who use cap pistols, and I do not intend to be running down to the store every hour or two when my little boys want to buy a penny or five cents worth of caps for their pistols.

The PRESIDENT. The motion is that the Senate resolve itself into Committee of the Whole for the purpose of considering special amendments which have been submitted to the Senate.

And the question recurring,

Will the Senate agree to the motion?

QUESTION OF PARLIAMENTARY INQUIRY

Mr. LAW. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Mercer, Mr. Law, will state his question of parliamentary inquiry.

Mr. LAW. Mr. President, do I understand that this carries both sets of amendments or only the amendments offered by Senator Dent?

The PRESIDENT. The amendments offered by the Senator from Westmoreland, Mr. Dent. Objection was made to the original amendments made by Senator Haluska and they are not included in this motion.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. DENT and were as follows, viz:

YEAS—13.

Dent,	Heyburn,	Lanius,	Sipe,
Ealy,	Homsher,	Mallery,	Wolfenden,
Gelder,	Kahle,	Rankin,	Woodward,
Haluska,			

NAYS—25.

Barthold,	Gilson,	Law,	Rodgers,
Buckman,	Howell,	McCreesh,	Rupp,
Cavalcante,	Jacobs,	McGinnis,	Ruth,
Dando,	Jaspan,	Pytko,	Shapiro,
Deitrick,	Kilgallen,	Reed,	Stiefel,
DiSilvestro	Kunkel,	Rice,	Thompson,
Frey,			

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. DENT. Mr. President, I want to call the attention of the Senate to the fact that it is just as reasonable to assume that in January when we come here we can put in a full new bill as it is to assume the attitude that we can pass this bad piece of legislation and later amend it. I therefore intend to vote "No" on the bill. I will not only vote for a regulatory measure in January or when we return but I will also introduce a regulatory measure. Those of you who feel the same as I do about this important matter, I ask to go along with me and vote "No".

Mr. REED. Mr. President, I intend to vote against this bill because I believe that this whole subject should be covered by a regulatory measure. I believe that the time has come when we must get away from trying to prohibit everything by the passage of legislation. When I was a boy twelve years old my father permitted me to take down the old family shotgun and use it but before he did so he sat down with me and explained all the mechanism and how to use it. Now I believe that a lot of this regulation should come from the home. You cannot destroy the teachings of the home effectively by passing legislation. I believe that this subject should be taken care of by a good regulatory measure rather than a measure of this loose nature that we have on the calendar today.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—24.

Barthold,	Heyburn,	Law,	Rodgers,
Dando,	Jacobs,	McCreesh,	Rupp,
Deitrick,	Jaspan,	McGinnis,	Ruth,
DiSilvestro,	Kahle,	Pytko,	Shapiro,
Frey,	Kilgallen,	Rankin,	Stiefel,
Gilson,	Kunkel,	Rice,	Thompson,

NAYS—13.

Buckman,	Haluska,	Lanius,	Sipe,
Cavalcante,	Homsher,	Mallery,	Wolfenden,
Dent,	Howell,	Reed,	Woodward,
Ealy,			

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 72 (House Bill No. 59), entitled:

An Act to ratify confirm and make valid the commission to make a careful thorough and impartial investigation of the general practice and procedure in the courts of quarter sessions of the peace, oyer and terminer and general jail delivery in the various counties of the Commonwealth and the Municipal Court in the City and County of Philadelphia, appointed pursuant to the joint resolution approved the ninth day of March one thousand nine hundred and thirty-seven (Pamphlet Laws thirty-five) entitled "A joint resolution authorizing the appointment of a commission to make a fair and impartial investigation of the general practice and procedure in the courts of oyer and terminer general jail delivery and quarter sessions of the peace in the various counties of the Commonwealth and the Municipal Court in the City and County of Philadelphia with special reference to the prosecution trial and disposition of all criminal cases and the probation and parole of persons guilty of crime, conferring upon the commission full power to issue subpoenas requiring the commission if possible to make a report of its findings to the present session of the General Assembly together with its recommendations as to such legislation as may be necessary or desirable otherwise to make such report and recommendations to the Governor authorizing the commission to employ counsel and employes and making an appropriation" and its amendments together with its actions proceedings expenses and expenditures.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—29.

Barthold,	Jacobs,	McCreesh,	Rupp,
Cavalcante,	Jaspan,	McGinnis,	Ruth,
Dando,	Kahle,	Pytko,	Shapiro,
Dent,	Kilgallen,	Rankin,	Sipe,
DiSilvestro,	Kunkel,	Reed,	Stiefel,
Frey,	Lanius,	Rice,	Thompson,
Gilson,	Law,	Rodgers,	Woodward,
Haluska,			

NAYS—6.

Buckman,	Homsher,	Mallery,	Wolfenden,
Deitrick,	Howell,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 73 ((House Bill No. 93), entitled:

An Act making an appropriation for the expenses of the special committee appointed by the Speaker of the House of Representatives pursuant to House Resolution No. 24 adopted by the House of Representatives on the eighteenth day of October one thousand nine hundred thirty-eight by authority of the act approved the thirtieth day of July one thousand nine hundred thirty-eight (Act No. 2) entitled "An act defining the procedure for and regulating the investigation of the House of Representatives and its committees of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment authorizing the Speaker of the House to appoint a special committee for any such investigation

authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated providing for the summoning of witnesses and for the punishment of persons refusing to appear produce evidence or testifying and authorizing the employment and compensation of counsel and other assistants"

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26.

Barthold,	Haluska,	Law,	Rodgers,
Dando,	Jacobs,	McCreesh	Ruth,
Dent,	Jaspan,	McGinnis,	Shapiro,
DiSilvestro,	Kahle,	Pytko,	Sipe,
Eroe,	Kilgallen,	Rankin,	Stiefel,
Frey,	Kunkel,	Rice,	Thompson,
Gilson,	Lanius,		

NAYS—11.

Buckman,	Heyburn,	Mallery,	Wolfenden,
Cavalcante,	Homsher,	Reed,	Woodward,
Deitrick,	Howell,	Rupp,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess for 5 minutes.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

ANNOUNCEMENT BY THE SECRETARY

The Committee on Executive Nominations will meet in the office of the President Pro Tempore.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORT FROM COMMITTEE

Mr. FREY. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY from the Committee on Executive Nominations reported with a favorable recommendation the following nominations, also communications recalling certain nominations made by His Excellency the Governor, of the Commonwealth.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 25, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

MEMBER OF THE STATE DENTAL COUNCIL AND EXAMINING BOARD

Standish C. Kahle, Greenville, from November 30, 1937, for the term of six years, and until his successor is appointed and qualified.

GEORGE H. EARLE.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, October 10, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following::

Albert W. Conly, 413 Forest Avenue, Norristown, Montgomery County, for appointment as Justice of the Peace in the Township of West Norriton, Montgomery County, until the first Monday in January, 1940, vice Alexander G. Harris, deceased.

GEORGE H. EARLE.

JUSTICES OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, November 28, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

JUSTICES OF THE PEACE

J. Dale Gamble, 264 Marion Avenue, Oakdale, Allegheny County, for appointment as Justice of the Peace in the Borough of Oakdale, Allegheny County, until the first Monday in January, 1940, vice Donald R. Hezlep, resigned.

G. Ira Burket, Box 53, Claysburg, Blair County, for appointment as Justice of the Peace in the Township of Greenfield, Blair County, until the first Monday in January, 1940, vice Jacob Karn, deceased.

ALDERMAN CITY OF DUBOIS

Thomas F. Price, 109 Chestnut Street, DuBois, Clearfield County, for appointment as Alderman in the First Ward of the City of DuBois, Clearfield County, until the first Monday in January, 1940, to fill a vacancy.

JUSTICE OF THE PEACE

Edward J. Dane, 826 West Spruce Street, Shamokin, Northumberland County, for appointment as Justice of the Peace in the Township of Coal, Northumberland County, until the first Monday in January, 1940, vice Harrison Heslop, deceased.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, November 28, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

ALDERMAN CITY OF HAZLETON

Fred H. Waechter, 617 West First Street, Hazleton, Luzerne County, for appointment as Alderman in the Eleventh Ward of the City of Hazleton, Luzerne County, until the first Monday in January, 1940, vice Oliver Liebensberger, deceased.

ALDERMAN CITY OF NANTICOKE

John A. Fedor, 126 Welles Street, Nanticoke, Luzerne County, for appointment as Alderman in the Eighth Ward of the City of Nanticoke, Luzerne County, until the first Monday in January, 1940, vice Fred A. Schmidt, deceased.

JUSTICE OF THE PEACE

Charles Mecadon, 12 Ford Street, Wilkes-Barre, Luzerne County, for appointment as Justice of the Peace in the

Township of Pittston, Luzerne County, until the first Monday in January, 1940, vice Edw. J. Keating, deceased.

GEORGE H. EARLE.

MEMBERS FOREST COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, November 25, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

Hobert Hillard, East Hickory, Forest County, as a member of the Forest County Board of Assistance, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

S. J. Russell, Tionesta, Forest County, as a member of the Forest County Board of Assistance, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

Mrs. Leona Zerbe, Pigeon, Forest County, as a member of the Forest County Board of Assistance, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, November 28, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nominations made to your Honorable Body on July 25, 1938, for the appointment of the following persons who have subsequently resigned:

Hobert Hillard, East Hickory, Forest County, as a member of the Forest County Board of Assistance, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

S. J. Russell, Tionesta, Forest County, as a member of the Forest County Board of Assistance, from December 20, 1937, until December 31, 1940, and until his successor is duly appointed and qualified.

Mrs. Leona Zerbe, Pigeon, Forest County, as a member of the Forest County Board of Assistance, from December 20, 1937, until December 31, 1938, and until her successor is duly appointed and qualified.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. LAW and Mr. RICE

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all nominations reported at to-day's session,

Which was agreed to.

Whereupon,

A motion was made by Mr. RICE and Mr. LAW

That the Senate do advise and consent to the nominations reported, excepting those for appointment as members of the Forest County Board of Assistance effected by accompaning communications recalling same.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—35.

Barthold,	Haluska,	Law,	Rupp,
Buckman,	Homsher,	Mallery,	Ruth,
Cavalcante,	Howell,	McCreesh,	Shapiro,
Dando,	Jacobs,	McGinnis,	Sipe,
Deitrick,	Jaspan,	Pytko,	Stiefel,
Dent,	Kahle,	Rankin,	Thompson,
DiSilvestro,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gilson,	Lanius,	Rodgers,	

NAYS—0.

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Mr. RICE. Mr. President, I move that at the request of His Excellency, the Governor of the Commonwealth, the foregoing nominations for appointment as Members of the Forest County Board of Assistance be returned to the Governor.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Governor be notified accordingly.

NOTARIES PUBLIC

Mr. RICE. Mr. President, I move that the Senate do now proceed to the consideration of Nominations for appointment as Notaries Public, sent to the Senate, November 22, 28 and 29, 1938, by His Excellency, the Governor of the Commonwealth.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The Nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, November 22, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for appointment as a Notary Public, for a term of four years to compute from the date of confirmation:

BLAIR COUNTY

Miss Myrtle Shollenberger, 1010 Logan Avenue., Tyrone.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, November 28, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Henry F. Woistman 6590 Frankstown Ave., Pittsburgh.

BEAVER COUNTY

Mrs. Edith P. Clark, Beaver Falls.

CAMBRIA COUNTY

A. F. Niessner, Johnstown.

DELAWARE COUNTY

Mrs. Reba C. Wootten, Chester.

LEBANON COUNTY

Miss J. L. Donmoyer, Lebanon.

LEHIGH COUNTY

Martin A. Reinsmith, Allentown.

McKEAN COUNTY

Bernard M. Lyman, Bradford.

PHILADELPHIA COUNTY

William C. Foss, City Hall Annex, Philadelphia.
John Greenbaum, 1595 North 52d Street, Philadelphia.
Mrs. Dorothy Wayne Judy, 1320 Packard Bldg., Phila.
Miss K. Grace Kephart, Rodgers Hosiery Co., Inc., Stenton & Abbottsford Aves., Philadelphia.
Mrs. Helen Tighe, 3816 J Street, Philadelphia.

WASHINGTON COUNTY

Miss Josephine S. Totora, Charleroi.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg November 29, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for appointment as a Notary Public, for a term of four years to compute from the date of confirmation:

MERCER COUNTY

Miss Margaret E. Wheeler, 6th & Main Sts., Sharpsville.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, November 29, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

C. L. McHenry, 2200 Grand Building, Pittsburgh.
Miss Irene A. Millard, 2200 Grant Building, Pittsburgh.
Miss Gladys M. Smith, 2200 Grant Building, Pittsburgh.

BUTLER COUNTY

Clyde S. Shumaker, Butler.

CENTRE COUNTY

David L. Baird, Philipsburg.

DELAWARE COUNTY

Curtis H. Galloway, 373 Summit Road, Springfield Twp., Springfield.

LANCASTER COUNTY

Mrs. E. A. Fitzgerald, Marietta.

PHILADELPHIA COUNTY

Miss Mary A. Flood, 1146 West Erie Avenue, Phila.
Miss Kathleen M. Quinn, Recreation Centre Navy Yard, Philadelphia.

GEORGE H. EARLE.

Whereupon,

A motion was made by Mr. RICE and Mr. LAW.

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz

YEAS—35.

Barthold,	Haluska,	Law,	Rupp,
Buckman,	Homsher,	Mallery,	Ruth,
Cavalcante,	Howell,	McCreesh,	Shapiro,
Dando,	Jacobs,	McGinnis,	Sipe,
Deitrick,	Jaspan,	Pytko,	Stiefel,
Dent,	Kahle,	Rankin,	Thompson,
DiSilvestro,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gilson,	Lanius,	Rodgers,	

NAYS—0.

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. RICE. Mr. President, I move that the Executive Session do now rise.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess until eight o'clock this evening.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

HOUSE MESSAGES

AUTHORIZING PRINTING OF MEMORIAL PROCEEDINGS IN HONOR OF THE LATE SENATOR JOHN G. HOMSHER

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, November 29, 1938.

Resolved (if the House of Representatives concur), That three hundred copies of the proceedings of the memorial service, held in honor of the late Honorable John G. Homsher, be printed for the use of the Senate.

SENATE BILL NO. 67 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 67 entitled:

An Act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in

furtherance of gambling; making it unlawful for any public utility to furnish private wires except by written contract; conferring and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for or intended to be used for the transmission of information or advices in furtherance of gambling; making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Public Utility Commission; making illegal the use of certain wires for purposes other than those specified in the written contract therefor; imposing penalties; making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling; prescribing the burden of proof in proceedings hereunder; and providing for appeal.

with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

Mr. RICE. Mr. President, I move that Rule 21, which requires amended bills to be noted on the calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the amendments made by the House of Representatives to the foregoing bill.

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. BUCKMAN and were as follows, viz:

YEAS—19.

Barthold,	Kilgallen,	McGinnis,	Shapiro,
Cavalcante,	Kunkel,	Mundy,	Sipe,
Dando,	Lanius,	Pytko,	Stiefel,
DiSilvestro,	Law,	Rice,	Thompson.
Frey,	McCreesh.	Ruth,	

NAYS—9.

Buckman,	Heyburn,	Howell,	Wolfenden,
Deitrick,	Homsher,	Mallery,	Woodward,
Gelder,			

Two-thirds of all the Senators present having voted "aye" the question was determined in the affirmative.

Whereupon,

Said amendments were twice read, and printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—17.

Barthold,	Kunkel,	Mundy,	Shapiro,
Dando,	Lanius,	Pytko,	Sipe,
DiSilvestro,	McCreesh.	Rice.	Stiefel,
Frey,	McGinnis.	Ruth,	Thompson,
Kilgallen,			

NAYS—11.

Buckman,	Gelder,	Homsher,	Wolfenden,
Cavalcante,	Haluska,	Howell,	Woodward,
Deitrick,	Heyburn,	Mallery,	

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

Ordered, That the Clerk inform the House of Representatives accordingly.

ADJOURNMENT SINE DIE

He also presented an extract from the Journal of the House of Representatives which was twice read as follows and laid on the table:

In the House of Representatives, November 29, 1938.

Resolved (if the Senate concur), That this Special Session of the General Assembly adjourn sine die, Tuesday, November 29, 1938, at 10 P. M.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 59 entitled:

A Supplement to the act approved the second day of July one thousand nine hundred thirty-seven (Appropriation Acts page seventy-four) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven" providing for the deficiencies in certain appropriations to the Department of Justice for the fiscal biennium ending May thirty-first one thousand nine hundred thirty-nine.

House Bill No. 93 entitled:

An Act making an appropriation for the expenses of the special committee appointed by the Speaker of the House of Representatives, pursuant to House Resolution No. 24, adopted by the House of Representatives on the eighteenth day of October, one thousand nine hundred thirty-eight (Act No. 2) entitled "An act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of, or involving misdemeanor, in office on the part of civil officers liable to impeachment; authorizing the Speaker of the House to appoint a special committee for any such investigation; authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated; providing for the summoning of witnesses and for the punishment of persons refusing to testify; and authorizing the employment and compensation of counsel and other assistants."

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

NOMINATIONS BY THE GOVERNOR

NOTARY PUBLIC

The Secretary to the Governor being introduced presented in writing from His Excellency, the Governor of the Commonwealth, nomination for appointment as Notary Public which was laid on the table.

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations.

JUSTICES OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, November 29, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

Edward Dane, for appointment as Justice of the Peace in Coal Township, Northumberland County, vice Harry Heslop, deceased, until the first Monday in January, 1940.

Lewis J. Doetsch, for appointment as Justice of the Peace in the Borough of Hawley, Wayne County, vice Dr. A. H. Catterall, deceased, until the first Monday in January, 1940.

GEORGE H. EARLE.

COMMUNICATION FROM THE GOVERNOR

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVAL OF SENATE BILL NO. 60.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, November 29, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 60, Printer's No. 59, entitled, "An Act to amend section two of the act approved the twelfth day of August one thousand nine hundred and thirty-eight (Act number five) entitled 'An act authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued requiring the commission to make a report of its findings and recommendations to the General Assembly or to the Governor and authorizing the commission to employ counsel and employes and making an appropriation' by changing the manner of appointment of the members of said commission."

GEORGE H. EARLE.

The PRESIDENT. The Secretary has an announcement to make at this time.

APPOINTMENT OF COMMITTEE TO CONCILIATE VIEWS OF EMPLOYERS AND EMPLOYES ON WORKMEN'S COMPENSATION AND THE COMMISSION TO INVESTIGATE OIL INDUSTRY IN PENNSYLVANIA.

The SECRETARY: The President Pro Tempore directs me to announce that pursuant to Senate Resolution No. 107, Pamphlet Laws Resolution No. 8, he has appointed the following Senators as members of the Joint Legislative Committee to Ascertain and Conciliate the views of Employers and Employes on Workmen's Compensation Legislation:

The Senator from Westmoreland County, Mr. DENT.
The Senator from Schuylkill County, Mr. DANDO.
The Senator from Susquehanna County, Mr. GELDER.

The President Pro Tempore also directs me to announce that pursuant to Senate Bill No. 60, Act No. 38, approved by the Governor November 28, 1938, he has appointed the following Senators as members of the Joint Legislative Commission to make a thorough and impartial investigation into the operation of the Oil Industry in Pennsylvania:

The Senator from Centre County, Mr. THOMPSON.
The Senator from Allegheny County, Mr. McGINNIS.

RESOLUTION RELATIVE TO THE PRINTING OF THE JOURNALS

Mr. STIEFEL. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STIEFEL offered the following resolution which was twice read, considered, and agreed to:

In the Senate, November 29, 1938.

Resolved (if the House of Representatives concur), That the Chief Clerks of the Senate and House of Representatives be directed to have the copy of the Journals of the two Houses of this session prepared and placed in the hands of the Director of the Bureau of Publications within thirty days after the close of the session, and the Director of the Bureau of Publications is hereby directed to have said Journals printed, bound and delivered to the Chief Clerks of the Senate and House of Representatives within ninety days after the receipt of the copy therefor.

Ordered, that the Clerk present the same to the House of Representatives for concurrence.

EXPRESSING REGRET OF MEMBERS OF SENATE AT RETIREMENT OF SENATOR BUCKMAN

Mr. WOODWARD. Mr. President, I ask unanimous consent to offer a resolution at this time?

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD offered the following resolution which was twice read, considered, and agreed to:

In the Senate, November 29, 1938.

Whereas, Clarence J. Buckman of Bucks County, well-known leader of the State Senate who was a member of the House of Representatives during the Session of 1909 and after very commendable service was elected to the Senate in 1910 by his constituents, and they being satisfied with his service reelected him in 1914 and 1918, and,

Whereas, as a reward for his efforts in said Senate he was appointed Chairman of the Appropriations Committee in 1915 and 1917, and was then elected President Pro Tempore of same body at the close of the Session of 1917 and served in that capacity during the Session of 1919, and as a further reward was reelected to the State Senate in 1922, 1926, 1930 and 1934, and,

Whereas, during all these years many members of the House and Senate and attaches of the same became acquainted with the well-known and genial Senator from Bucks County, and,

Whereas, during many debates in the Senate in which he participated during the later years as floor leader many of his brilliant and witty remarks will always be remembered, and therefore,

Be It Resolved, that we the Senate of Pennsylvania do hereby express our regret at his retirement and our personal loss in his absence from the Sessions.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess for five minutes.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORT FROM COMMITTEE

Mr. FREY. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY, from the Committee on Executive Nominations reported with a negative recommendation the following nominations:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, July 25, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

MEMBERS OF THE EMPLOYMENT BOARD

Shippen Lewis, Philadelphia, from July 21, 1937, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

Mrs. Susan Fouse, Pittsburgh, from July 21, 1937, until the third Tuesday of January 1939, and until her successor shall have been appointed and qualified.

Hugh Dolan, Pottsville, from July 26, 1937, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. RICE and Mr. LAW,

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon the nominations reported at to-day's session, excepting those already confirmed.

Which was agreed to.

Whereupon,

A motion was made by Mr. RICE and Mr. LAW

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—0.

NAYS—30.

Barthold,	Gilson,	Law,	Rice,
Buckman,	Haluska,	Mallery,	Rupp,
Cavalcante,	Homsher,	McCreesh,	Ruth,
Dando,	Jacobs,	McGinnis,	Shapiro,
Deitrick,	Jaspan,	Pytko,	Stiefel,
DiSilvestro,	Kahle,	Rankin,	Wolfenden,
Frey,	Kilgallen,	Reed,	Woodward,
Gelder,	Kunkel,	Lanius,	

Less than two-thirds of all the Senators having voted "aye" the question was determined in the negative.

Ordered, That the Governor be informed accordingly.

NOTARIES PUBLIC

Mr. RICE. Mr. President, I move that the Senate do now proceed to the consideration of the nomination for appointment as Notary Public sent to the Senate November 29, 1938 by His Excellency the Governor of the Commonwealth.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

The nomination was read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, November 29, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for appointment as a Notary Public, for a term of four years to compute from the date of confirmation:

PHILADELPHIA COUNTY

Mrs. Margaret E. Haller, 1847 E. Allegheny Ave., Phila.

GEORGE H. EARLE.

Whereupon,

A motion was made by Mr. RICE and Mr. LAW

That the Senate do advise and consent to said nomination.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—37.

Barthold,	Gilson,	Lanius,	Rodgers,
Buckman,	Haluska,	Law,	Rupp,
Cavalcante,	Homsher,	Mallery,	Ruth,
Dando,	Howell,	McCreesh,	Shapiro,
Deitrick,	Jacobs,	McGinnis,	Sipe,
Dent,	Jaspan,	Pytko,	Stiefel,
DiSilvestro,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder,			

NAYS—0.

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. RICE. Mr. President, I move that the Executive Session do now rise.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn until Wednesday, November 30, 1938 at 2 o'clock P. M.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:59 o'clock P. M. until 2:00 o'clock P. M. Wednesday, November 30, 1938.

HOUSE OF REPRESENTATIVES

TUESDAY, NOVEMBER 29, 1938.

The House met at 1:00 p. m.

The SPEAKER, (Roy E. Furman), in the Chair.

PRAYER

The Chaplain, Rev. EPHRAIM Z. GALLAHER, offered the following prayer:

Our Heavenly Father, Father of all mankind, universal and eternal, we do praise Thy holy name. We are about to come to the end of this session and we are grateful unto Thee we have been spared so long, that our health

has been given us, that we have come thus far to the work of this session. We thank Thee for the fine spirit existing among the members, the pleasant exchange; we thank Thee for the responsibilities resting upon each and every one who have faced them with loyalty and faithfulness. We ask Thy blessing, Heavenly Father upon every member and their families. We do rejoice that we have those who are willing to take the places assigned here and do their duty for the State. We thank Thee, Heavenly Father, that in this day we can say that we have done our duty well. We ask Thy blessing, Heavenly Father upon the oncoming session. Many of those who are here today, perhaps, are not returning for the coming session. May they welcome the coming of those who take their places and wish them God speed and blessing upon them. May they go out and do the duties that may be imposed upon them loyally an faithfully to their American citizenship and to their God. We ask Thy blessing upon the Commonwealth, upon our Governor, upon the officers of this body, upon the Speaker and every interest to which we are tied. In His name and for His sake we do pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. JAMES W. PATTERSON, the further reading was dispensed with and the Journal approved.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 82.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, November 29, 1938.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 82, Printer's No. 76, entitled, "An Act to amend sections two hundred two four hundred one and two thousand three hundred eighteen of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and em- and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments board and commissions shall be determined" as amended by creating additional departmental administrative boards in the Department of Welfare and conferring powers and duties upon boards of trustees for the respective institutions acquired by the Commonwealth from counties cities and institution districts for use as State mental hospitals."

GEORGE H. EARLE.

PRESENTMENT PHILADELPHIA GRAND JURY

The SPEAKER laid before the House the following communication and presentment which was read by the Clerk.

Judges' Chambers
Court of Common Pleas No. 6
City Hall,
Philadelphia

Curtis Bok
Presiding Judge

November 23, 1938.

Speaker of the House,
Capitol Building,
Harrisburg, Pennsylvania.

My dear Mr. Speaker:

I am enclosing with this letter a certified copy of the Twelfth Special Presentment made to me on November 25, 1938, by the October, 1937 Grand Jury which is investigating into crime and corruption in this county. This presentment dealing with certain loans made to the Mayor of Philadelphia shows a situation which the Court cannot ignore. I therefore call it to your attention for such action as may be proper under the Constitution and laws of the Commonwealth.

I am sending identic letters to the President of the Senate and to the Governor. The House, Senate and the Governor are the removing and impeaching agencies provided by law.

Very truly yours,

(Signed) CURTIS BOK

CB/N

Communication and presentment referred to the Committee on Judiciary General.

PETITION FOR IMPEACHMENT

The SPEAKER laid before the House a communication and petition for impeachment which was read by the Clerk as follows:

HARRY HERSHEY
ACTING DIRECTOR

LEGISLATIVE REFERENCE BUREAU
HARRISBURG, PA.
NOVEMBER 21, 1938

Hon. Roy E. Furman,
Speaker, House of Representatives,
Harrisburg, Pennsylvania.

Dear Mr. Furman:

I acknowledge receipt of the petition of Emerson P. Jennings for the impeachment of Charles J. Margiotti, and your question as to whether or not the House of Representatives has any jurisdiction in view of the fact that Charles J. Margiotti is no longer on officer of this Commonwealth.

Section 3 of Article VI of the Constitution of Pennsylvania, provides that—"The Governor and all other civil officers shall be liable to impeachment for any misdemeanor in office, but judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of trust or profit under this Commonwealth.**."

1. Black's Law Dictionary states that "an 'officer' is the incumbent of an office."

2. Webster's Dictionary states than an "'incumbent' is one who holds office."

3. Section 22 of our Constitution of 1776 provided that every officer shall be liable to impeachment by the General Assembly, either when in office, or after his resignation or removal therefrom. However, subsequent Constitutions of Pennsylvania changed this definite statement. It, therefore, may be accepted that this is positive proof that the only purpose of impeachment is for the removal of the incumbent officer and that the general laws of this Commonwealth provide for the punishment in cases where the person charged is no longer in office.

I am returning herewith the copies of the petition.

Very truly yours,

(Signed) HARRY HERSHEY
Acting Director

Communication and petition for impeachment referred to the Committee on Judiciary General.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 60.

An Act to amend Section two of the act approved the twelfth day of August one thousand nine hundred and thirty-eight (Act No. 5) entitled "An act authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued requiring the commission to make a report of its findings and recommendations to the General Assembly or to the Governor and authorizing the commission to employ counsel and employes and making an appropriation" by changing the manner of appointment of the members of said commission.

SENATE BILL No. 69.

An Act validating certain proceedings and elections of counties, cities, boroughs, townships, school districts and other incorporated districts or municipalities, had and held pursuant to the provisions of an act approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four, entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," and the amendments and supplements thereof; and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

LEAVE OF ABSENCE

Mr. ROBINSON asked and obtained leave of absence for himself after today's session.

REPORT FROM COMMITTEE

Mr. ACHTERMAN from the Committee on Rules reported as amended House Resolution No. 29.

RESOLUTION

ADJOURNMENT SINE DIE

Mr. HERBERT B. COHEN. Mr. Speaker, I report from the Committee on Rules the sine die adjournment, which has been set for this evening at 10:00 o'clock.

I wish to call to the attention of the membership of the House that if the membership will return to the House promptly at the end of the recess, which I understand will be until 8:00 o'clock this evening, I feel sure we can expedite the work of the House that we will be able to adjourn sine die at 10:00 p. m.

I therefore offer the report of the Committee on Rules on sine die adjournment.

The resolution was read by the Clerk as follows:

In the House of Representatives,
November 29, 1938.

Resolved, (if the Senate concur), That this Special Session of the General Assembly adjourns sine die Tuesday November 29, 1938, at 10 P. M.

Signed by the Committee on Rules:

ROY E. FURMAN
LEO A. ACHTERMAN
JOSEPH A. SIMON
JOHN J. O'KEEFE
HERBERT B. COHEN
JOSEPH OMINSKY

On the question,

Will the House adopt the resolution?

Mr. TUMELTY. Mr. Speaker, just what is the procedure in acting on this resolution at this time? The only thing I can see on a sine die adjournment at 10:00 p. m. is that it inconveniences everybody in the House. There is a possibility of people getting out of here on a train leaving Harrisburg just before ten. Therefore, I think that the sine die adjournment should be moved up to give people a decent break.

On the question recurring,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

COMMITTEE REPORT ON MAGISTRATE JOHN J. O'MALLEY

Mr. HERING. Mr. Speaker, I offer a report from the special committee appointed by the House of Representatives pursuant to Resolution No. 24 of the extraordinary session of 1938, to inquire into alleged violations of Magistrate John J. O'Malley of Philadelphia of constitutional and statutory provisions of this Commonwealth regulating and prescribing the powers and duties of magistrates, and I ask that the conclusions be placed in the Legislative Journal.

The report was read by the Clerk.

The SPEAKER. The report will be noted in the Journals of the House and printed in the Appendix to the Legislative Journal; the testimony taken by the committee will be filed in the Chief Clerk's office.

COMMITTEE MEETING

The Committee on Judiciary General will meet this evening at 7:30 p. m. in the Chief Clerk's office.

RECESS

The SPEAKER. If there are no objections the Chair will declare a recess until 8:00 o'clock this evening. The Chair hears none and declares a recess until 8:00 p. m.

AFTER RECESS

The time of recess having expired the House was called to order.

The SPEAKER, (Roy E. Furman), in the Chair.

SENATE MESSAGES

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, November 29, 1938.

Resolved, (if the House of Representatives concur), That three hundred copies of the proceedings of the memorial service, held in honor of the late Honorable John G. Homsher, be printed for the use of the Senate.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 59.

An Act to ratify, confirm and make valid the commission to make a careful, thorough and impartial investigation of the general practice and procedure in the courts of quarter sessions of the peace, oyer and terminer and general jail delivery in the various counties of the Commonwealth and the Municipal Court in the City and County of Philadelphia appointed pursuant to the joint resolution, approved the ninth day of March, one thousand nine hundred and thirty-seven (P. L. 35), entitled "A joint resolution authorizing the appointment of a commission to make a fair and impartial investigation of the general practice and procedure in the courts of oyer and terminer, general jail delivery and quarter sessions of the peace, in the various counties of the Commonwealth, and the Municipal Court in the City and County of Philadelphia, with special reference to the prosecution, trial and disposition of all criminal cases and the probation and parole of persons guilty of crime; conferring upon the commission full power to issue subpoenas; requiring the commission, if possible, to make a report of its findings to the present session of the General Assembly, together with its recommendations as to such legislation as may be necessary or desirable, otherwise, to make such report and recommendations to the Governor; authorizing the commission to employ counsel and employes; and making an appropriation," and its amendments, together with its action, proceedings, expenses and expenditures.

HOUSE BILL No. 93.

An Act making an appropriation for the expenses of the special committee appointed by the Speaker of the House of Representatives pursuant to House resolution No. 24, adopted by the House of Representatives on the eighteenth day of October, one thousand nine hundred thirty eight by authority of the act approved the thirtieth day of July, one thousand nine hundred thirty-eight (Act No. 2) entitled "An act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of, or involving misdemeanor, in office on the part of civil officers liable to impeachment; authorizing the Speaker of the House to appoint a special committee for any such investigation; authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated; providing for the summoning of witnesses and for the punishment of persons refusing to appear, produce evidence or testify; and authorizing the employment and compensation of counsel and other assistants.

With the information that the Senate has passed the same without amendment.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 59.

An Act to ratify confirm and make valid the commission to make a careful thorough and impartial investigation of the general practice and procedure in the courts of quarter sessions of the peace oyer and terminer and general jail delivery in the various counties of the Commonwealth and the Municipal Court in the City and County of Philadelphia appointed pursuant to the joint resolution approved the ninth day of March one thousand nine hundred and thirty-seven (P. L. 35) entitled "A joint resolution authorizing the appointment of a commission to make a fair and impartial investigation of the general practice and procedure in the courts of oyer and terminer general jail delivery and quarter sessions of the peace in the various counties of the Commonwealth and the Municipal Court in the City and County of Philadelphia with special reference to the prosecution trial and disposition of all criminal cases and the probation and parole of persons guilty of crime conferring upon the commission full power to issue subpoenas requiring the commission if possible to make a report of its findings to the present session of the General Assembly together with its recommendations as to such legislation as may be necessary or desirable otherwise to make such report and recommendations to the Governor authorizing the commission to employ counsel and employes and making an appropriation" and its amendments together with its actions proceedings expenses and expenditures

HOUSE BILL No. 93.

An Act making an appropriation for the expenses of the special committee appointed by the Speaker of the House of Representatives, pursuant to House Resolution No. 24, adopted by the House of Representatives on the eighteenth day of October, one thousand nine hundred thirty-eight (Act No. 2) entitled "An act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of, or involving misdemeanor, in office on the part of civil officers liable to impeachment; authorizing the Speaker of the House to appoint a special committee for any such investigation; authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated; providing for the summoning of witnesses and for the punishment of persons refusing to testify; and authorizing the employment and compensation of counsel and other assistants."

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

COMMITTEE APPOINTED TO INVESTIGATE OIL INDUSTRY

The SPEAKER. In accordance with the provisions of Senate Bill No. 60, Printer's No. 59, approved by the

Governor Tuesday, November 29, 1938, the Speaker appoints the following as members of the Commission: Messrs. CHERVENAK, Chairman, FINNERTY and WEIDEMANN.

COMMITTEE APPOINTED ON WORKMEN'S COMPENSATION LEGISLATION

The SPEAKER. In accordance with the provisions of Senate Resolution Serial No. 107 (1938 Pamphlet Laws No. 8) the Speaker appoints the following members as a committee on the part of the House: Messrs. MOUL, YOURISHIN and WILSON.

COMMITTEE RECORDS TO BE FILED

The SPEAKER. The rules of the House require that all committee records be filed with the Chief Clerk upon final adjournment. The chairmen of committees will govern themselves accordingly.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 97, (Senate Bill No. 67), entitled:

An Act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling; making it unlawful for any public utility to furnish private wires except by written contract; conferring and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for or intended to be used for the transmission of information or advices in furtherance of gambling; making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Public Utility Commission; making illegal the use of certain wires for purposes other than those specified in the written contract therefor; imposing penalties; making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling; prescribing the burden of proof in proceedings hereunder; and providing for appeal

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. TURNER, SPROUL and SCHROCK asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—109.

Achterman,	Finnerty,	Marino,	Ruffennach,
Arnold,	Flanagan,	Matthews, H. T.,	Rush,
Aukerman,	Flannery,	McCullough,	Sarraf,
Baird,	Flinchbaugh,	McElroy,	Scanlon,
Baker,	Gerard,	McFall,	Schor,
Balthaser,	Gorski,	McGee,	Shea,
Bierly,	Hagerty,	McShane,	Shepard,
Blank,	Hamilton, F. P.,	Melchiorre,	Shoemaker,
Bois,	Harkins,	Mellott,	Simon,
Boltz,	Harmuth,	Moomaw,	Skale,
Broad,	Hays,	Mooney,	Smith, James A.,
Brown,	Hering,	Moran,	Smith, John A.,
Burrows,	Hess,	Nagel,	Spengler,
Caesar,	Hindman,	O'Brien,	Thompson,
Caputo,	Hirsch,	O'Connor,	Tronzo,
Chervenak,	Holland,	O'Keefe,	Tumelty,
Cohen, H. B.,	Holmes,	Ominsky,	Vallbus,
Cohen, R. E.,	Hontz,	O'Neill,	Vogt,
Coleman,	Horting,	Ostroff,	Walsh,
Coolahan,	Keenan,	Patterson, J. W.,	Weiss, D. H.,
Corrigan,	Kelso,	Piole,	Weiss, S. A.,
Costanzo,	LaRue,	Powers,	Welliver,
DeNote,	Levy,	Preston,	Westrick,
Dickinson,	Lewis,	Readinger,	Whalen,
Donohoe,	Long,	Reese,	Wright,
Dougherty,	Lopresti,	Reising,	Yourishin,
Dubbs,	Lovett,	Robinson,	Furman,
Falkenstein,			

NAYS—45.

Boose,	Jirolanio,	Patterson, C. S.,	Turner,
Boyer,	Kilroy,	Peale,	VanAllsburg,
Bradley,	Kline,	Royer,	Wagner,
Downey,	Kroll,	Schrock,	Watkins,
Eckels,	Leisey,	Schrope,	Webster,
Elpern,	Longaker,	Sloan,	Weidemann,
Fiss,	Lyons,	Snyder,	Wilson,
Ganser,	Matthews, J. F.,	Sproul,	Winner,
Habbyshaw,	McDermott,	Stewart,	Wood,
Hall,	McKinney,	Stockham,	Woodside,
Huntley,	Muir,	Trout,	Yeakel,
Imbrie,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

RESOLUTION No. 28

Mr. WALSH. Mr. Speaker, I desire to call up at this time Resolution No. 28, Printer's No. 87.

The Clerk read the resolution as follows:

In the House of Representatives, November 15, 1938.

Whereas, The Philadelphia Housing Authority, in conjunction with its slum-clearance program, is about to undertake the construction of a low cost housing project upon the old Glenwood Cemetery site; and

Whereas, Adjacent to the Glenwood Cemetery site is a large stable owned by the City of Philadelphia; and

Whereas, The said stable building is not only unsightly in appearance, but presents a health menace to the community; and

Whereas, The Northwest Business Men's Association has for a period of many years endeavored to have the old Glenwood Cemetery removed and has advocated the use of the site for the building of modern homes; and

Whereas, the Northwest Business Men's Association in conjunction with the cemetery removal, urges the Philadelphia Housing Authority to condemn the Philadelphia City Stables located adjacent to this site; therefore be it

Resolved, That the House of Representatives hereby urges the Philadelphia Housing Authority to condemn the said city stables of the City of Philadelphia, located adjacent to the Glenwood Cemetery property at 27th and Glenwood Avenue; and be it further

Resolved, That the Clerk of this House shall send a copy of this resolution to the Hon. Frank Smith, Chairman of the Board of the Philadelphia Housing Authority at 658 City Hall, Philadelphia, Pennsylvania.

On the question,

Will the House adopt the resolution?

It was adopted.

RESOLUTION No. 29

Mr. HOLLAND. Mr. Speaker, I desire to call up at this time Resolution No. 29, Printer's No. 88.

The Clerk read the resolution as follows:

In the House of Representatives, November 22, 1938.

Whereas Session after session bills are introduced into the General Assembly for the purpose of eliminating the

present exemption of the real estate of utility companies from taxation by the counties cities boroughs incorporated towns townships school districts or institution districts where such public utility company operates and conducts its business and

Whereas This exemption of the real estate of public utility companies from taxation is the result of judicial decisions and not as a result of any statutory enactment and

Whereas The injustices of this form of tax exemption has shocked the consciousness of the citizens of this Commonwealth over a long period of time nevertheless for one reason or another bills introduced to correct this injustice have never been finally approved by the General Assembly the principal reason of which is the lack of specific knowledge as to the extent of this exemption together with the lack of information as to where most of this real estate is located therefore be it

Resolved That the Secretary of Internal Affairs is hereby requested to conduct a state-wide survey of the amount of real estate owned by public utilities which has been exempt from real estate taxes to list the value of such property by political subdivision showing the tax rate imposed on adjacent real estate to that owned and controlled by any public utility company and to secure all additional information pertinent to this subject and calculated to be helpful in drafting the legislation to terminate this gross injustice to the other real estate taxpayers of this State and that the said Secretary of Internal Affairs shall file his report with the House of Representatives as soon as possible after the next regular session of the General Assembly shall have been convened

On the question.

Will the House adopt the resolution?

The SPEAKER declared the noes appeared to have it.

Whereupon a division was called for, one hundred twelve members or more than a majority having voted in the affirmative the question was determined in the affirmative and the resolution was adopted.

RESOLUTION No. 2

Mr. LOVETT. Mr. Speaker, I call up Resolution No. 2 for consideration by the House and ask that it be read.

The SPEAKER. For the information of the gentleman from Westmoreland, Mr. Lovett, this resolution is still in committee.

Mr. LOVETT. Mr. Speaker, I thank you. That is the reason I called it up.

STATEMENT BY MR. HINDMAN

Mr. HINDMAN asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, the statement which I am about to make will apply largely to the majority members of this House, but before beginning that statement I should like to pay my respects to the gentlemen on the opposite side of the House, for whom I have had the most profound respect. I have registered among their number many of the best of friends and associates which I have made since I have been here on Capitol Hill. I would like especially in passing to pay my respects to the memory of Mr. Baker, one of your members, who passed away during this two year session, a gentleman for whom I had the most profound respect and whom I regarded as one of the most outstanding gentlemen of this House I am also very sorry to inform the House and remind them of the very serious illness of Dr. Merrell, who also is a man of the highest type. I just learned with regret tonight that my good friend Charlie Stott of Coatesville is very ill at the present time. He also was a member of the 1935 session and was one of my best friends.

It is with a deep feeling of regret and profound sorrow that we are meeting with many of the members of this House for the last time. Many of those who are leaving, we have been associated with for four years. Others for only two years. I cannot permit this occasion to pass without paying tribute to those men and women, many of whom are representatives of the best type of citizenship which not only our State but which the nation has to offer. In this group, you will find many of the highest classed men and women with whom it has been our privilege to be associated. Those who are God fearing christian individuals, with a deep sense of responsibility as legislators. Those who are serious, conscientious, unselfish and with an eye single to work out legislative problems in the best interests of the greatest number of people in this great Commonwealth. The tragedy of the, may I say, wanton slaughter of this group of legislators, is (to those of us who have made an honest endeavor to secure the real facts without political prejudice and with sincere intent to secure the true picture, regardless of whose ox was being gored,) that the good citizens of this great State, beyond a reasonable question of doubt, believed that the majority of the members of this House were subservient to a Governor whom they believed was guilty of serious criminal offenses. It is and has been my sincere contention and belief, ever since I went into this matter at the beginning of this session, that Governor Earle was absolutely guiltless of anything criminal. This belief is strengthened by the statement of his arch accuser, Mr. Margiotti, in the beginning of his accusations that the Governor was absolutely guiltless. This is further corroborated by the testimony of the Governor himself. I cannot see how any fair observer who listened to the Governor's testimony before the House Committee could adjudge him as anything but innocent. In this connection, I should like to read an article from last Sunday's Pittsburgh Press by Mr. Kermit McFarland. I am sure that those of us from the Western end of the State have never accused the Press or Mr. McFarland of heretofore being in the Governor's corner.

The article reads as follows:

Harrisburg—"It may sound like propaganda to the political antagonists of the Earle Administration, but it is a fact that the thing worrying George H. Earle the most at this moment is neither his defeat at the recent election nor what may happen after the Dauphin County Grand Jury convenes Dec. 5.

He is most concerned about whether his Administration will go down in history as a landmark in liberal progress in Pennsylvania.

Mr. Earle's political foes and the citizens who have been swayed by the so-called graft investigation will treat this news as a joke. But it is a profoundly serious matter to the Governor. And those who best know Mr. Earle's strange personality and the peculiar mixture which makes up his background undertand.

The outgoing Governor is a zealot. When he tackles an an idea, he frequently becomes obsessed with it. And he is a man of intense family pride.

Mr. Earle went into office almost totally lacking in political equipment for a job which is about the toughest

assignment any one man could be given. He had neither the experience nor the knack for politics.

This naivete in political affairs for a time was his best stock in trade. People were tired of the professional politicians who connived their way from office to office. They greeted this greenhorn with enthusiasm. His mistakes became his assets.

But now these same characteristics have helped to bring about the Governor's downfall. Because he is a zealot, because he is strong-willed, because he lacked practical political cunning, he could not understand how he could be accused of wrong-doing, how all the things he regarded as liberal and splendid could be forgotten in the confusion over the charges against his Administration, he waltzed into an amazing jam.

And like everybody else at some time or another he fouldered on the bewilderment which results from being plunged suddenly into a disagreeable plight, a plight he believed he, of all people, never woud be obliged to face.

Any man who faces a Grand Jury investigation, especially one he believes stacked against him, is a worried man. The Governor is no exception. But, being a zealot, he is so convinced he can clear himself this worry is secondary to his concern about what history may say of his Administration.

His main hope is that when the graft allegations have run their course and the whole record of his Administration, despite admitted mistakes, is recapitulated, it will be put down as a major step in the social progress of the State.

Most responsible for this attitude, undoubtedly, is the Governor's family pride.

The attitude of some of Mr. Earle's most political opponents has softened somewhat as a result of his appearance on the witness stand the other day.

Even Ellwood J. Turner, Republican member of the investigation committee and next Speaker of the House of Representatives, publicly complimented him on his conduct as a witness. Others who heard the testimony disclosed a modified notion of Mr. Earle's culpability in the present situation."

It cannot be denied that the Governor has made mistakes. Certainly his strategy at certain notable periods has, in our judgment, not been good, certainly not portending to his best personal interest or to the group with whom he is associated. Finally, it is our belief that when the clouds have cleared away and the chaos which has prevailed on Capitol Hill in the last few weeks has been dissipated and the true facts are known and appreciated, the world will realize that through selfish motives and with an unholy desire to discredit and crucify the present Administration at Harrisburg and the Democratic party in the State of Pennsylvania, a great injustice has been done to an Administration which, although it might not have been perfect, will go down in history as having enacted more good laws in the interest of the great masses of the people than any administration in the history of this Grand Old State.

The SPEAKER. The remarks of the gentleman will be spread on the Legislative Journal.

QUESTION OF INFORMATION

Mr. O'BRIEN. Mr. Speaker, now that we have passed Senate Bill No. 67, House Bill No. 97, I rise to a question of information.

The SPEAKER. The gentleman from Philadelphia will state his question of information.

Mr. O'BRIEN. Mr. Speaker, I would like to know whether or not the Philadelphia Inquirer, after consultation with the Justices of the State Supreme Court, has determined whether or not the bill is constitutional.

The SPEAKER. For the information of the gentleman the question has not yet been decided.

SENATE MESSAGE

AMENDED SENATE BILL NON-CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has non-concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows:

SENATE BILL No. 67.

An Act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling making it unlawful for any public utility to furnish private wires except by written contract conferring and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for or intended to be used for the transmission of information or advices in furtherance of gambling making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Public Utility Commission making illegal the use of certain wires for purposes other than those specified in the written contract therefor imposing penalties making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling prescribing the burden of proof in proceedings hereunder and providing for appeal.

MOTION TO RECEDE FROM AMENDMENTS

Mr. HERBERT B. COHEN. Mr. Speaker, I move you that the House recede from the amendments inserted by the House to Senate Bill No. 67.

On the question,

Will the House agree to the motion?

Mr. BROWN. Mr. Speaker, I would like to interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman permit himself to be interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. BROWN. Mr. Speaker, I would like to ask the gentleman from York, Mr. Cohen, if he has any information as to why the Senate has failed to concur in the amendments inserted by the House in Senate Bill No. 67.

Mr. HERBERT B. COHEN. Mr. Speaker, I have no information, but I have a very firm suspicion.

Mr. BROWN. Mr. Speaker, that is all. I wish to thank the gentleman from York, Mr. Cohen.

Mr. Speaker, I would like to interrogate the gentleman from Franklin, Mr. Moomaw.

The SPEAKER. Will the gentleman permit himself to be interrogated?

Mr. MOOMAW. I will, Mr. Speaker.

Mr. BROWN. Mr. Speaker, I would like to ask the gentleman from Franklin, Mr. Moomaw, who was the chairman of the investigating committee or one of the members responsible for these bills, whether or not he has any information as to why the Senate failed to concur in the House amendments inserted in Senate Bill No. 67.

Mr. MOOMAW. Mr. Speaker, I have nothing except what I saw with my eyes on the floor of the Senate.

Mr. BROWN. Mr. Speaker and members of the House, I know that the hour is late and we are ready to adjourn. At the same time it seems to me that before we agree to a motion such as the one made by the majority floor leader, that we ought to know why we are voting for that motion. If we are voting for it simply because the time is late and we are fearful that the bill may be lost, we ought to know that. If we are voting for the motion because the amendments that were inserted by the House are bad, we ought to know that. It does seem to me that we ought not to just recede from our amendments that were voted upon without some information as to why we are making such a concession.

Mr. Speaker and members of the House, it seems to me that there is something about this bill that we still do not understand. The amendments inserted by the House were simply clarifying amendments. They simply explained the measure and the amendments which were inserted by the Senate. I call to the attention of the members of the House that Senate Bill No. 67 is a criminal act. It must be construed strictly by the courts. We ought to give the people good laws. This act was all right until it was amended by the Senate. This amendment inserted by the Senate giving the person the right to have temporary service for 48 hours without any contract absolutely kills the bill. Until somebody can tell me why it is that they object to a simple amendment which says that a private wire for temporary purposes, not to exceed 48 hours, is permissible, provided it is not in furtherance of gambling, as defined in this act; if anybody can tell me any good reason why any person says he is in favor of this act but who says he will not vote for the act because it has that amendment in, I am willing to vote to recede from our amendments, but until that time I think we ought to stand on our amendments. We ought to call their bluff, because their amendment absolutely nullifies the bill.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I had quite a lengthy discussion with the gentleman from Allegheny and I quite agree with the gentleman that the amendments clarify Senate Bill No. 67. However, I do not agree that the amendments are essential for a good, workable enactment. The amendments that the House is asked to recede from are the amendments that have been placed in the bill on page 4. The problem that is sought to be solved by those amendments is a very simple one. Section 2 of the bill makes it unlawful for any public utility to furnish any person any private wire for use or intended use in the dissemination of gambling or gambling information. However, when a private wire is installed for emergency purposes or temporary purposes, section 3 does not require the approval of the Public Utility Commission, provided that the service is not extended for longer than 48 hours. It is the contention of the author of the amendment that this would allow a violation of the law for 48 hours, and to that end the clarifying amendment of the gentleman from Allegheny was inserted. As I have stated, I agree that it clarifies the bill. On the other hand, I do not agree that any honest court in this Commonwealth would say, in view of section 2, which makes it emphatically a crime to disseminate gambling information, that any court would say, in view of section 2, that it is all right to disseminate gambling information for 48 hours. Nevertheless, in acquiescence to the committee that saw fit to insert those amendments the bill was passed by this House with those amendments in it. Now, we find that the Senate is reduced to about 28 votes, and if the gentleman from Allegheny wishes to find a reason for the defeat of this particular legislation, I refer the gentleman from Allegheny to the party affiliation of the individuals in the Senate who voted against concurrence.

Mr. JIROLANIO, Mr. Speaker—

Mr. HERBERT B. COHEN. I will not refer to the Senate again, Mr. Speaker.

POINT OF ORDER

Mr. JIROLANIO. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Northampton will state his point of order.

Mr. JIROLANIO. Mr. Speaker, the gentleman is not discussiong the bill at the present time.

The SPEAKER. The point of order is well taken. The gentleman will confine his remarks to the question before the House.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, if the gentleman from Allegheny desires any further information as to why the bill—

POINT OF ORDER

Mr. JIROLANIO. Mr. Speaker, I again rise to a point of order.

The SPEAKER. The gentleman from Northampton will state the point of order.

Mr. JIROLANIO. Mr. Speaker the gentleman is not speaking on the motion before the House.

The SPEAKER. The Chair has already ruled and the Chair again asks the gentleman to confine his remarks to the motion before the House.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, in asking the membership of this House to recede from the amendments, in view of my motion now under discussion, I am pleading with the membership of this House regardless of their party affiliation, regardless of their attachment to the individuals who are responsible for this particular type of legislation being enacted in Pennsylvania, I am asking the membership of this House, in an effort to give the people of the Commonwealth of Pennsylvania real, honest to goodness legislation, to prevent a vice that has crept into this State just as it has crept into every other state of this Union; I am asking the membership of this House to recede from the amendments, so that it will be possible to give to your constituents the type of protection to which they are entitled. I feel sure, as I look over the list of the membership of this House. I feel sure when I look over those who are opposed to this bill, that they do not wish to return to their constituents, knowing that they have allowed the Commonwealth of Pennsylvania to be exposed to a festering cancer, to which it has been exposed, and for which this bill will provide the remedy. I am asking for this recession by the members of this House from the amendments for one reason: to save this bill, so that this General Assembly will not close this session without giving them the right to go back and tell their contituents that they have enacted honest legislation for the protection of the people of the Commonwealth of Pennsylvania.

Mr. TURNER. Mr. Speaker, I ask for a roll call.

The SPEAKER. A roll call is required under the Constitution.

On the question recurring,

Will the House agree to the motion?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. OMINSKY, WALSH and LEWIS asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—98.

Arnold,	Flannery,	McFall,	Schor,
Aukerman,	Flinchbaugh,	McGee,	Schrope,
Baine,	Ganser,	McShane,	Shaw,
Baker,	Gerard,	Melchiorre,	Shea,
Blank,	Gorski,	Mellott,	Shepard,
Bois,	Hagerty,	Moomaw,	Shoemaker,
Boltz,	Hamilton, F. P.,	Mooney,	Simon,
Brancato,	Harmuth,	Moran,	Skale,
Brigerman,	Hays,	Moul,	Smith, James A.,
Broad,	Hering,	Nagel,	Smith, John A.,
Burrows,	Hindman,	O'Brien,	Spengler,
Chervenak,	Hirsch,	O'Keefe,	Tronzo,
Cohen, H. B.,	Holland,	Ominsky,	Tumelty,
Cohen, R. E.,	Holmes,	Ostroff,	Valibus,
Coleman,	Holstrom,	Patterson, J. W.,	Vogt,
Coolahan,	Hontz,	Powers,	Walsh,
Corrigan,	Horting,	Preston,	Weiss, D. H.,
Costanzo,	Keenan,	Readinger,	Weiss, S. A.,
DeNote,	Kelso,	Reese,	Welliver,
Dickinson,	Lewis,	Robinson,	Welsh,
Donohoe,	Lopresti,	Ruffennach,	Westrick,
Dougherty,	Matthews, H. T.,	Rush,	Whalen,
Dubbs,	McCullough,	Sarraf,	Whitenight,
Falkenstein,	McElroy,	Scanlon,	Wright,
Finnerty,			Yourishin,

NAYS—53.

Achterman,	Jirolanio,	Muir,	Stockham,
Boose,	Kane,	O'Connor,	Turner,
Boyer,	Kilroy,	O'Neill,	VanAllsburg,
Brown,	Kline,	Patterson, C. S.,	VanSickle,
Caputo,	Kroll,	Peale,	Wall,
Downey,	Levy,	Perry,	Watkins,
Eckels,	Long,	Piole,	Weidemann,
Elpern,	Longaker,	Reising,	Wilson,
Habbyshaw,	Lovett,	Royer,	Winner,
Hall,	Lyons,	Schrock,	Wood,
Harkins,	Marino,	Serrill,	Woodside,
Hess,	Matthews, J. F.,	Snyder,	Yeakel,
Huntley,	McKinney,	Stewart,	Furman,
Imbrie,			

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

Ordered, That the Clerk inform the Senate that the House insists upon its amendments non-concurred in by the Senate.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, November 29, 1938.

Resolved (if the House of Representatives concur), That the Chief Clerks of the Senate and House of Representatives be directed to have the copy of the Journals of the two Houses of this session prepared and placed in the hands of the Director of the Bureau of Publications within thirty days after the close of the session, and the Director of the Bureau of Publications is hereby directed to have said Journals printed, bound and delivered to the Chief Clerks of the Senate and House of Representatives within ninety days after the receipt of the copy therefor.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

REPORTS FROM COMMITTEE

Mr. CAPUTO. Mr. Speaker, I wish to report from the Committee on Judiciary General, two communications.

The first of these was submitted by Emerson Jennings in which he asks the House to bring future impeachment proceedings against Charles Margiotti. The petition of Mr. Emerson Jennings contains many charges and I feel that the importance of this petition, and the gravity of the charges should receive the consideration of the next House of Representatives.

The other petition was presented by Judge Curtis Bok, in which he requested that an investigation with possible impeachment proceedings be brought against Mayor Wilson of Philadelphia. This petition is based upon presentments made by the Grand Jury investigating conditions in Philadelphia and this should also receive consideration from the next Legislature.

In view of the shortness of the time which the Committee had to consider these petitions, the Committee recommends that the next House of Representatives take these matters up in January and pursue a thorough investigation of both cases in order to bring to justice those who are guilty or to find innocent the men charged with the crimes alleged.

I now return to the House these two communications which were referred to our Committee.

The SPEAKER. The Communications will be filed with the Chief Clerk.

REPORT OF COMMITTEE TO INVESTIGATE CHARGES AGAINST CIVIL OFFICERS

Mr. HERBERT B. COHEN. Mr. Speaker, as Chairman of the Special Committee created to inquire into the official conduct of civil officers named in the petition of the District Attorney of Dauphin County, pursuant to House Resolution Serial No. 13, I desire to submit to the House the majority report of the Committee and move its adoption.

The report was read by the Clerk.

On the question,

Will the House adopt the majority report?

PARLIAMENTARY INQUIRY

Mr. TURNER. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. TURNER. Mr. Speaker, I desire, on behalf of the minority members, to submit a report and move that it be substituted for the majority report. Should that not be done before action is taken on the majority report?

The SPEAKER. It is now in order for the gentleman to offer the minority report.

MINORITY REPORT PRESENTED

Mr. TURNER. Mr. Speaker, on behalf of the gentleman from Blair and myself, I desire to submit the following

minority report, ask that it be read by the Clerk and move that it be substituted for the majority report.

The report was read by the Clerk.

On the question,

Will the House agree to substitute the minority report for the majority report?

The years and nays were required by Messrs. TURNER and WOODSIDE and were as follows:

YEAS—31.

Boose,	Kline,	Royer,	Watkins,
Eckels,	Kroll,	Schrock,	Weidemann,
Fiss,	Longaker,	Serrill,	Wilson,
Habbyshaw,	Matthews, J. F.,	Snyder,	Winner,
Hall,	McKinney,	Stewart,	Wood,
Huntley,	Muir,	Stockham,	Woodside,
Imbrie,	Peale,	Turner,	Yeakel,
Kane,	Perry,	VanAllsburg,	

NAYS—113.

Achterman,	Eipern,	Lovett,	Rush,
Allen,	Falkenstein,	Matthews, H. T.	Sarraf,
Arnold,	Finnerty,	McCullough,	Scanlon,
Aukerman,	Flannery,	McDermott,	Schor,
Baine,	Flinchbaugh,	McFall,	Schropc,
Baker,	Ganser,	McGee,	Shaw,
Balthaser,	Gerard,	McShane,	Shea,
Bierly,	Haberlen,	Melchiorre,	Shepard,
Blank,	Hagerty,	Mellott,	Shoemaker,
Bois,	Hamilton, F. P.,	Moomaw,	Simon,
Boltz,	Harkins,	Mooney,	Skale,
Bradley	Harmuth,	Moran,	Smith, James A.,
Brancato,	Hering,	Moul,	Spengler,
Broad,	Hess,	Nagel,	Tronzo,
Caesar,	Hindman,	O'Brien,	Vallbus,
Caputo,	Hirsch,	O'Connor,	VanSickle,
Chervenak,	Holland,	O'Keefe,	Vogt,
Cohen, H. B.,	Holmes,	Ominsky,	Walsh,
Cohen, R. E.,	Hontz,	O'Neill,	Weiss, D. H.,
Coleman,	Horting,	Ostroff,	Weiss, S. A.,
Coolahan,	Jirolanio,	Patterson, J. W.	Welliver,
Corrigan,	Keenan,	Piole,	Welsh,
Costanzo,	Kelso,	Powers,	Westrick,
DeNote,	Kilroy,	Preston,	Whalen,
Dickinson,	Levy,	Readinger,	Whitenight,
Donohoe,	Lewis,	Reese,	Wright,
Dougherty,	Long,	Robinson,	Yourishin,
Downey,	Lopresti,	Ruffennach,	Furman,
Dubbs,			

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House adopt the majority report?

It was adopted.

The SPEAKER. The Chair wishes to announce that the majority and minority reports will be printed in the appendix to the Legislative Journal.

Mr. HERBERT B. COHEN. Mr. Speaker, I wish to inform the House that the testimony, together with certain statements admitted into the record, including exhibits that are not departmental records, will be filed with the Chief Clerk of the House of Representatives to be under his control and supervision.

STATEMENT BY MR. JOHN A. SMITH

Mr. JOHN A. SMITH asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, I would like to read to the members of the House a communication from Hiram to Oswald, as follows:

Dear Oswald:

I had a little experience the other Sunday that I think I ought to tell you about. You see it was the Sunday after election and I had been stayin up late listenin to the radio a lot, even as late as half past ten sometimes before the election and then, after the election, I went to bed early but couldn't sleep none because of worrying about the country goin to the dogs. You see I have been listenin to the Republicans for six years moanin about the country goin to the dogs under Roosevelt that I got the habit now of doin the same thing just because I can't have my way about everything.

Well I got to worryin about how my great grandchildren was going to have to pay for the way the voters of Pennsylvania got mad at George Earle and elected Republicans again after all the warnin the Democrats give them so when I went to Church this first Sunday after election I needed sleep somethin powerful. Well sometimes I doze off a little when the preacher goes a little too long but this time I didn't wait for the preacher to get started. As soon as he got the openin prayer off his mind and got down to singing the first hymn I started to snooze and don't even mind hearin the text of the sermon.

Well this preacher of our goes something like our old leghorn rooster when he crows. When he gets to the end he gets pretty loud and high pitched. So when he got close to his wind up he yells out as loud as he could something like this: "The dog has returned to his vomit and the hog to wallowing in the mire." Well this woke me up and I yells out kinda loud "Now aint that the truth." You see I thought I was listenin to Joe Guffey makin another radio speech and since I was layin awake nights worryin about the country goin to the dogs I had the thing on my unconscious mind or whatever them institute speakers used to tell the school directors convention. Well the missus give me a punch in the side and the people all started to stare at me and laugh and the preacher got mad because he just got up to his clincher when I upset the applecart because he was preachin about the Armstice day and the way Europe has gone haywire again.

Now Oswald to get down to brass tacks, this aint right. Here us Democrats put up with you Republicans for forty years and was just gettin things in our hands nice after making all your mistakes good, including Pinchot, when we have to step right out in the cold again. We was plannin on makin the Governor the heir to the throne with Dave Lawrence as chief fan waver and Dick Beamish as chief soothsayer when you got to spreadin a lot of dirt around that Charlie Margiotti hatched up and now the voters has turned us out in the cold. Of course we know Charlie was like that because we got him to ride the old manure spreader back in our campaign again Schnader and we might have knowed he would have did the same thing to us if we didn't give his dear friend from Pittsburgh all the gravel business he wanted. My warnin to you is to be careful how far you go with Charlie this time because he sure likes that old manure spreader.

Well, Oswald, before election I didn't talk to nobody about how they was going to vote because I kept hearin on the radio that we was going to carry the state by sweepin majorities. Dave Lawrence and Joe Guffey kept tellin Farley out loud so every body could hear it that we was goin to carry the state by 250,000 majority so that I didn't think I would need to get out an work for the party, so I husk corn in the day time and listened to the radio in the evening till election day and then got myself all upset about it. Of course, I don't know if it would have did much good to have talked to these stubborn farmers up here because it seems now since I have been talkin

about it that they had their mind made up pretty soon and the longer the thing went the madder they got and here is some of the things they got made about.

In the first place they got mad about Mr. Goodrich tellin us we had to get all the relief money together in one place so that one man would have to tell us how to spend it. We have had some pretty punk poor directors in our county in my time but every time any of them didn't do what we wanted them to do we elected Democrats to take their places at the next election. Now we never had no poor directors in our county that was as reckless at spendin our money as this fellow we had at Harrisburg with the funny name after we got rid of that Johnston. That fellow just though that he had to get rid of the money real quick so that he could get the Governor to call the Democrats together to raise some more dough. We seen some pretty rotten cases in the relief business when Eric Biddle and Johnson and the other fellow was the dictator. Now this fellow Howe is doin a fairly good job cuttin down on some of these fellows but I can see how he has a heck of a job on his hands with all the investigators he has to make out of a bunch of College Girls that never has had a scrub brush in their hands. What do they know about relief or poverty? There aint nothin lost us more votes than takin people off relief that them fellows put on and then cuttin down the checks because we was runnin out of money on account of them spendin too much when it was first give to them to spend. Poor directors aint as smart as these fellows but our farmers know they have more common sense and will take better care of our money than these college graduates without no experience. That mistake lost us votes two ways. We lost the farmers that got mad and we lost the reliefers that had their checks cut as the money was playin out. In many cases the Republican committeewoman followed the relief investigator around telling the reliefer what the Republicans was goin to do for them.

Now another thing that made the farmers mad was that with a grand jury trying to do something and a committee trying to do something that no one could be found guilty. People want to find someone guilty, they have it in their blood to catch crooks. They read the funny papers and see how the detectives find crooks and if they didn't find no crooks and put them to jail they would stop readin the funny paper. Them fellows just have to find some crooks to put in jail if they want to keep on drawin pictures. Well, our fellows couldn't find any crooks and the people got mad about it. They thought that out of all the people employed at Harrisburg they ought to be able to find one or two. Why they knowed that there was enough Republican hold overs down there to get a whole jail full of them because Margiotti had found them way back in 1934 and then never done anything about it when he got to be the chief lawyer of the State. If that committee could have got three or four crooks in the government the farmers would have been satisfied because they never was satisfied about the way these fellows hung on under the Democrats anyway and the Republicans would have been satisfied for them to go to jail because they was mad about them bein a bunch of suckers and hold on to their jobs. Nobody thought George Earle was a crook but they couldn't see how he could get all them thousands of employees together in four years without gettin some theives in the outfit and the public wanted to see somebody go to jail and they didn't care who it was.

Now another thing that made farmers mad was the way the Democrats put stuff in the farm papers to tell the farmer how prosperous they was.

The farmers might have listened to a story of how the price of 39 cents for wheat under Hoover was much worse than 60 cents under Roosevelt and that the price would be riding on the bottom again if the Government wouldn't be buyin millions of bushels for foreign countries right now to peg the price at 60 cents. This would have been a good time to sock the Supreme Court for the decision on the processing tax on flour, and wheat surplus control. I think I could have got some of my neighbors satisfied with things if I would have thought we was goin to lose If I would have peddled my tax receipts around for the last four years and showed that my farm tax was $15.00 lower than they was four years ago. If these fellows got to lookin up their old tax receipts they would have voted different.

Of course, we had a lot of WPA sagin us. One of the best Republican friends I have was with us four years ago and helped us a lot. He got me to go along and see Warren Van Dyke to get a road fixed past his farm and we told Warren that the Governor should not have to some to fish in the Big Spring over such a rough road and that it ought to be fixed. Well, Warren give it to the WPA to fix and the job held on too long to suit this farmer. He got mad at all this delay and at last some of the WPA fellows got to settin on his fence and broke it down and that settled him. This year he got right out and fought us the same as helped us four years ago.

Well now Oswald, you fellows have a heck of an order on your hands. You have got to give these reliefers more relief; you have got to put the poor directors back in office and you have got to keep these Republican relief investigators on the job. You have got to find these crooks the farmers want in jail and you will have to fire the suckers that managed to stay on under Democrats and keep your Republicans from gettin mad that got fired. You will have to get more money for the farmers milk and you will have to prove that you can raise the price of wheat and not raise the tax on farms. You will have to get $30 more money for the WPA and you will have to keep them from breaking farmers fences down—and then, the biggest order you will have to fill will be the appointment of 14 highway superintendents for each county and thirty caretakers for the highways of each township and, at the same time, give back to Cappy Thomson all the highways of the state for the Road Supervisors and equipment salesmen and then. when you have all this done, you will have to see to it that it don't cost nobody nothin.

Hopefully yours,

Hiram

Mr. SPEAKER. I would like to ask for a leave of absence for two years for my good friend Oswald.

RECESS

The SPEAKER. If there are no objections the Chair will now declare a recess for ten minutes. The Chair hears none and declares a recess for ten minutes.

AFTER RECESS

The time of recess having expired the House was called to order.

The SPEAKER, (Roy E. Furman), in the Chair.

Mr. JIROLANIO. Mr. Speaker, I move that this House do now adjourn until Wednesday, November 30th at 2:00 p. m.

On the question,

Will the House agree to the motion?

Mr. TUMELTY. Mr. Speaker, I ask for a roll call.

The SPEAKER. Is the request seconded?

The Chair hears no seconds.

On the question recurring.

Will the House agree to the motion?

The SPEAKER declared the ayes appear to have it.

Whereupon, a division was called for.

Mr. FALKENSTEIN. Mr. Speaker, I ask for a roll call.

Mr. TUMELTY. Mr. Speaker, I second the request for a roll call.

The SPEAKER. Two members having asked for a roll call, the roll will be called.

Mr. JIROLANIO. Mr. Speaker, I now ask for a vote on the motion as to whether a roll call shall be had.

The SPEAKER. The gentleman's motion is out of order. There is nothing in order but the calling of the roll.

QUESTION OF INFORMATION

Mr. O'KEEFE. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman will state his question of information.

Mr. O'KEEFE. Mr. Speaker, I would like to know whether the Speaker announced the result of the division.

The SPEAKER. The result was not announced. The request for a roll call was made before announcement of the result of the division was made.

POINT OF ORDER

Mr. WOODSIDE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Dauphin will state his point of order.

Mr. WOODSIDE. Mr. Speaker, this House passed a resolution to adjourn sine die at 10:00 p. m. this legislative day. The House has no official information concerning any action taken by the Senate on that resolution. The hour of 10:00 o'clock having arrived, I call for the order of the day and ask that the Chair rule that the House do now adjourn sine die.

The SPEAKER. The point of order of the gentleman from Dauphin is not well taken. There is nothing before the House but the calling of the roll.

In regard to the resolution which this House adopted, it was a concurrent resolution and it is not binding on either house until adopted by both houses. The Chair has been informed that the Senate has already adjourned and did not concur in the resolution.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. FALKENSTEIN and Mr. TUMELTY and were as follows:

YEAS—72.

Achterman,	Costanzo,	Jirolanio,	Piole,
Allen,	DeNote,	Kilroy,	Powers,
Arnold,	Dickinson,	Levy,	Sarraf,
Aukerman,	Downey,	Lopresti,	Scanlon,
Baker,	Dubbs,	Matthews, H. T.	Schor,
Balthaser,	Elpern,	McCullough,	Shoemaker
Bierly,	Finnerty	McDermott,	Shugarts,
Blank,	Flinchbaugh,	McShane,	Simon,
Boies,	Hagerty,	Mellott,	Smith, James A.,
Boltz,	Hamilton, F. P.,	Moomaw,	Smith, John A.,
Bradley,	Harkins,	Moul,	Spengler,
Brancato,	Hays,	Nagel,	Tronzo,
Broad,	Hering,	O'Brien,	Van Sickle,
Brown,	Hess,	O'Connor,	Vogt,
Caputo,	Hindman,	O'Keefe,	Weiss, S. A.,
Chervenak,	Hirsch,	Ominsky,	Welliver,
Cohen, H. B.,	Holland,	Ostroff,	Westrick,
Cohen, R. E.,	Horting,	Patterson, J. W	Furman,

NAYS—30.

Boose,	Huntley,	Peale,	Tumelty,
Eckels,	Imbrie,	Royer,	Weidemann,
Falkenstein,	Kane	Rush,	Wilson,
Fiss,	Kline,	Schrock,	Winner
Habbyshaw,	Longaker,	Snyder,	Wood,
Hall,	Marino,	Stewart,	Woodside,
Holmes,	McKinney,	Stockham,	Yeakel,
Hontz,	Muir,		

ADJOURNMENT

So the question was determined in the affirmative, the motion was agreed to, and (at 2:00 a. m.) the House adjourned until Wednesday, November 30, 1938, at 2:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Extraordinary Session of 1938

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SENATE

WEDNESDAY, NOVEMBER 30, 1938.

The Senate met at 2:00 o'clock P. M.

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, LL.D., offered the following prayer:

Our Father, we thank Thee for the greeting light of day; the onward path, its guiding star.

With a duet of falling gavels, our session takes its place in history. Its glory is Thine—its mistakes are ours. In Thy wisdom, Thou wilt overrule our faults to the common weal.

So near to time and scene of its transactions, we cannot rightly adjudge its achievements, yet it is our hope that when the sun has driven away the mists, the forgotten shall find themselves remembered; the underprivileged may thank God and take heart; the aged, as the evening shadows fall, may find the waiting-room more comfortable, while they await their home-bound train.

We thank Thee for this Senate, for the amplitude of intelligence and courage—their devotion to the tasks in hand, for these Senators on the right or on the left before us as we stand with bowed and uncovered heads before Thee. Truly, they have maintained the high traditions of this body.

Initiative and advance, on the one hand, fair criticism and warning caution on the other, so worthily exemplified here, are the warp and woof of legislation. They form the fabric of true enactment and are the safeguard of our free institutions.

Officials have been efficient and courteous, custodians have been attentive, pages have been alert, representatives of the press have been faithful and fair. In the words of a prophet of old, "So we built the wall . . . . for the people had a mind to work." May Thy blessing ever attend them.

Wouldst Thou journey with u as we go our several ways, bearing in our hearts sweet memories of friendships which will abide and cheer when lesser things have been forgotten.

And now may Thy grace, mercy and peace rest upon our beloved Commonwealth and abide in our hearts forever. Amen.

JOURNAL APPROVED

The PRESIDENT—A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. RICE, the further reading was dispensed with, and the Journal was approved.

ANNOUNCEMENT

The PRESIDENT. The Chair regrets to advise the Senate of the untimely death of our distinguished President Pro Tempore of the Senate, the Honorable Harvey Huffman, some time this morning. The Chair understands it to be the wish of the family that the Senate as a body act as honorary pall-bearers at the funeral next Sunday.

RESOLUTION

PRAISING PUBLIC RECORD OF THE LATE SENATOR HARVEY HUFFMAN AND EXTENDING SYMPATHY TO HIS FAMILY

Mr. LANIUS offered the following resolution which was twice read, considered, and agreed to:

In the Senate November 30, 1938.

Whereas, the Divine Providence has seen fit to remove from this House the eminent and distinguished President Pro Tempore, Hon. Harvey Huffman of Monroe County, and

Whereas, Senator Huffman was completing his 16th year of service to the Commonwealth in this House when he was called to lay down life's burden, and

Whereas, his distinguished service to the public welfare and to the principles he espoused won for him the enduring esteem of all with whom he was associated in public life, and

Whereas, his wisdom, gentleness and faithful stewardship were an inspiration to those who served with him, and

Whereas, his sudden removal from our midst is an occasion of deep sorrow for all who knew him and labored with him now therefore be it

Resolved, that the Senate of Pennsylvania expresses at this time its appreciation of the magnificent public service which has been rendered through the years by its President Pro Tempore, Hon. Harvey Huffman, and that it further expresses its heartfelt sympathy as well as the deep sense of personal loss which every member keenly feels and be it further

Resolved, that a copy of this resolution duly signed by the officers of the Senate be transmitted to the family of the late Harvey Huffman.

RESOLUTION

RECOMMENDING THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. RUTH offered the following resolution which was twice read, and laid on the table.

In the Senate, November 30, 1938.

Whereas, Our sense of shock and sorrow at the sudden death of our beloved President Pro Tempore, Honorable Harvey Huffman, is intensified by the realization that

we must immediately make provision for the carrying on of those official duties which he so earnestly and creditably fulfilled, and

Whereas, In order that the work of the Senate may be continued, documents signed and other business transacted, it is unfortunately necessary that haste which otherwise would be unseemly be made in naming a successor to Honorable Harvey Huffman, Therefore be it

Resolved, that the Senate immediately proceed with the election of a President Pro Tempore, for the reasons hereinbefore set forth.

HOUSE MESSAGES

HOUSE INSISTS ON ITS AMENDMENTS TO SENATE BILL NO. 67

The Clerk of the House of Representatives being introduced informed the Senate that the House insists on its amendments non-concurred in by the Senate to Senate Bill No. 67, entitled:

An Act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling; making it unlawful for any public utility to furnish private wires except by written contract; conferring and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for or intended to be used for the transmission of information or advices in furtherance of gambling; making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Public Utility Commission; making illegal the use of certain wires for purposes other than those specified in the written contract therefor; imposing penalties; making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling; prescribing the burden of proof in proceedings hereunder; and providing for appeal.

RESOLUTION RECALLING FROM SENATE, SENATE BILL NUMBER 67.

He also presented an extract from the Journal of the House, which was twice read, considered and agreed to, as follows:

In the House of Representatives, November 30, 1938.

Resolved, (if the Senate concur), That Senate Bill No. 67, Printer's No. 74, entitled:

An Act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling; making it unlawful for any public utility to furnish private wires except by written contract; conferring and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for or intended to be used for the transmission of information or advices in furtherance of gambling; making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Public Utility Commission; making illegal the use of certain wires for purposes other than those specified in the written contract therefor; imposing penalties; making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling; prescribing the burden of proof in proceedings hereunder; and providing for appeal.

be recalled from the Senate for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

RESOLUTION

RELATIVE TO THE PRINTING OF THE JOURNALS

He also informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, November 29, 1938.

Resolved (if the House of Representatives concur), That the Chief Clerks of the Senate and House of Representatives be directed to have the copy of the Journals of the two Houses of this session prepared and placed in the hands of the Director of the Bureau of Publications within thirty days after the close of the session, and the Director of the Bureau of Publications is hereby directed to have said Journals printed, bound and delivered to the Chief Clerks of the Senate and House of Representatives within ninety days after the receipt of the copy therefor.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

CONSIDERATION OF RESOLUTION RECOMMENDING THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. LAW. Mr. President, I move that the Senate do now proceed to the consideration of the resolution offered by the Senator from Berks, Mr. Ruth, earlier at today's session, which was laid on the table.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

The resolution was read as follows:

In the Senate, November 30, 1938.

Whereas, Our sense of shock and sorrow at the sudden death of our beloved President Pro Tempore, Honorable Harvey Huffman, is intensified by the realization that we must immediately make provision for the carrying on of those official duties which he so earnestly and creditably fulfilled, and

Whereas, In order that the work of the Senate may be continued, documents signed and other business transacted, it is unfortunately necessary that haste which otherwise would be unseemly be made in naming a successor to Honorable Harvey Huffman, Therefore be it

Resolved, That the Senate immediately proceed with the election of the President Pro Tempore, for the reasons hereinbefore set forth.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

ELECTION OF PRESIDENT PRO TEMPORE

Mr. THOMPSON. Mr. President, it is a very painful duty to place in nomination the name of a gentleman as successor to the Honorable Harvey Huffman. We realize that etiquette would ordinarily call upon us to defer this selection until a later date, but we appreciate the necessity of having a President Pro Tempore of this Senate during the interim between now and the regular session in January. I think everyone appreciates the vast amount of business that is done by the President Pro Tempore's office, the number of people whose payroll vouchers must be signed by the President Pro Tempore so that they receive their compensation regularly, and a lot of duties that ordinarily people do not realize.

While it is with this extreme regret that we must nominate a successor to the late Honorable Harvey Huffman, it gives me pleasure at this time to place in nomination for that office a gentleman well qualified by personality, experience and in the conduct of affairs in this Senate, to succeed the Honorable Harvey Huffman. I place in nomination for the office of President Pro Tempore of this Senate the name of the Honorable John S. Rice of Adams County.

The PRESIDENT. The name of the Honorable John S. Rice of Adams County has been presented to the Senate for the Office of President Pro Tempore during the interim.

Mr. GELDER. Mr. President, the minority of this body have heard with a great deal of regret of the death of our esteemed President Pro Tempore. We have on many occasions received very courteous treatment from Senator Huffman and held him in the highest respect. We realize with the members of the majority that the work of the Commonwealth must go on, and that a President Pro Tempore must be elected at this time for the balance of the term for which he was elected.

We therefore join with our Democratic colleagues, and for the minority members of this body, I second the nomination of Senator Rice for the position of President Pro Tempore.

Mr. McGINNIS. Mr. President, I move that the nominations for the office of President Pro Tempore be closed.

Mr. McCREESH. Mr. President, I second the motion.

The PRESIDENT. It has been moved and seconded that the nominations for President Pro Tempore of the Senate for the interim be closed.

On the question,

Will the Senate agree to the motion?

It was agreed to.

The PRESIDENT. On the election of the President Pro Tempore the Chief Clerk will call the roll.

The roll was called and was as follows:

For Mr. RICE—27.

Barthold,	Haluska,	Law,	Ruth,
Cavalcante,	Homsher,	McCreesh,	Shapiro,
Dando,	Howell,	McGinnis,	Sipe,
Dent,	Jacobs,	Mundy,	Stiefel,
DiSilvestro,	Kilgallen,	Pytko,	Thompson,
Frey,	Kunkel,	Reed,	Woodward,
Gelder,	Lanius,	Rice,	

NAYS—0

The PRESIDENT. The Honorable John S. Rice having received twenty-seven votes, I declare that he has been duly elected President Pro Tempore of the Senate for the interim.

The oath of office was accordingly administered by the PRESIDENT (Lieutenant Governor Thomas Kennedy).

QUESTION OF PERSONAL PRIVILEGE

Mr. WOODWARD. Mr. President, I would like to rise to a question of personal privilege for about three minutes.

The PRESIDENT. The Senator from Philadelphia, Mr. Woodward, will state his question of personal privilege.

Mr. WOODWARD. Mr. President, I apologize for intruding in personal affairs in a meeting like this and I will be very brief. The late President Pro Tempore Mr. Huffman honored me with an appointment to the commission to investigate gambling information in the State and I served on that commission and I then signed the report. When I signed the report I felt myself obligated to vote for the bill that was recommended in the report. That has come down now to one bill, namely Senate Bill No. 67. Incidentally these bills were passed in the Senate with only one dissenting vote. Last evening when I came into the Senate late I was occupied with writing resolutions of regret for Senator Buckman's leaving the Senate, and I was not aware of the nature of the amendments to Senate Bill No. 67 which came over from the House, and as I have done under similar circumstances, I decided that I would vote against any amendments since I was not pledged in any way to support any amendments. But I rise now for fear that the commission which I served may think I was guilty of double crossing them in voting against these amendments, and I want to make my record clear in that respect. If I had known what the amendments were I would have voted for the amendments last night as I have always been ready to vote for the bill.

I would like to say also that I understand that in the House the reading clerk reads the amendments from the desk. I understand that we may have a rule or may not have a rule to that effect but I want to emphasize the unfortunate fact that last night the amendments from the House were not read by the clerk and I was not conversant with their nature and I think if there is no rule I shall certainly introduce a rule at the next session that all amendments coming from the House shall be read by the clerk.

The PRESIDENT. May the Chair point out that the policy of the Senate is to not read the amendments.

Mr. WOODWARD. Mr. President, well I think it is bad.

The PRESIDENT. It is supposed to be on the desks of the Senators. I suppose that those who made up the rules assumed that all of the Senators could read.

QUESTION OF PERSONAL PRIVILEGE

Mr. HALUSKA. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Cambria, Mr. Haluska, will state his question of personal privilege.

Mr. HALUSKA. Mr. President, as Chairman of the Bituminous Coal Study Commission set up by virtue of legislation passed in the 1937 session I have taken upon myself the duties of going further into the matter of the advisability of the State Highway Department purchasing bituminous and anthracite coal ash for highway purposes, and also of the advisability of purchasing coal, bituminous and anthracite, rather than buying stone and sand for highway purposes. And I am about to introduce a resolution asking the highway department to make inexpensive experimental tests and to present their findings to the next Assembly as to the advisability of using coal and ash for the highway program, fit to use throughout the winter months of our season.

REQUESTING DEPARTMENT OF HIGHWAYS TO MAKE SURVEY RELATIVE TO MATERIALS USED ON ROADS DURING WINTER MONTHS AND MAKING REPORT TO NEXT GENERAL ASSEMBLY

Mr. HALUSKA. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HALUSKA, offered the following resolution which was twice read, as follows:

In the Senate, November 30, 1938.

Whereas, it is known that the Commonwealth of Pennsylvania for the past several years advocated a Safety Highway Program and it is generally known that the Highway Department of this Commonwealth has expended huge sums of money to make our Highways safe for driving twelve months in a year and it is further generally known the Highway Department finds it difficult to obtain sufficient materials to be scattered over the highways throughout the winter months and it is said the highway department is now purchasing cinders, sand and stone to be used for this purpose, Therefore, Be It

Resolved, (If the House of Representatives concur), That the highway department be requested to make an inexpensive investigation and gather what data be necessary and present same to the next regular session of the General Assembly, as to the advisability of purchasing all Bituminous and Anthracite coal ash and the advisability of using Bituminous and Anthracite slack coal to be used for highway purposes in time of sleet and snow.

Mr. HALUSKA: Mr. President, I ask unanimous consent that rule 39, which requires resolutions be referred to an appropriate Committee, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

Ordered, that the Clerk present the same to the House of Representatives for concurrence.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. HALUSKA. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Cambria, Mr. Haluska, will state his question of parliamentary inquiry.

Mr. HALUSKA. Mr. President, that resolution is a joint resolution. Is it possible that the resolution might pass at this session?

The PRESIDENT. Well, we have passed it now and the House can probably pass it before they adjourn.

Mr. HALUSKA. Mr. President, will it take three legislative days?

The PRESIDENT. No.

MEMBERSHIP OF SENATE TO ACT AS HONORARY PALL-BEARERS

Mr. RICE. Mr. President, I move that the entire membership of the Senate be appointed as a Committee to act as honorary pall-bearers at the funeral of the late Honorable Harvey Huffman.

Mr. FREY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

It was agreed to.

The PRESIDENT. The Chair would suggest that the Officers of the Senate be authorized to complete the necessary arrangements to carry out the purpose of the motion. If there is no objection it will be so entered on the records.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. LAW. Mr. President, I move that the Senate do now proceed to the consideration of Nominations for Notaries Public, sent to the Senate, November 30, 1938, by His Excellency, the Governor of the Commonwealth.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

The Nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, November 30, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

LANCASTER COUNTY

Miss B. E. McKinney, Lancaster, 303 Fulton Bank Bldg.

PHILADELPHIA COUNTY

Edward Braxton, Philadelphia, 1859 North 11th Street.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, November 30, 1938.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for appointment as a Notary Public, for a term of four years to compute from the date of confirmation:

CENTRE COUNTY

Mrs. Josephine R. Freeman, Philipsburg, Schoonover Bldg., Front Street.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent, a motion was made by Mr. LAW and Mr. McCREESH That Rule 38. which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. LAW and Mr. McCREESH That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—34

Barthold,	Haluska,	Law,	Rupp,
Cavalcante,	Heyburn,	Mallery,	Ruth,
Dando,	Homsher,	McCreesh,	Shapiro,
Deitrick,	Howell,	McGinnis,	Sipe,
Dent,	Jacobs,	Mundy,	Stiefel,
DiSilvestro,	Jaspan,	Fytko,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder,	Lanius,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. LAW. Mr. President, I move that the Executive Session do now rise.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

ANNOUNCEMENT

The PRESIDENT. With respect to arrangements for attending the funeral of the late Harvey Huffman, the Senators are advised to get in touch with the office of the Secretary so that proper arrangements can be made to meet the needs of every Senator who attends.

HOUSE MESSAGE

HOUSE RECEDES FROM ITS AMENDMENTS NON-CONCURRED IN BY THE SENATE TO SENATE BILL NO. 67.

The Clerk of the House of Representatives being introduced, informed that the House recedes from its amendments non-concurred in by the Senate to Senate Bill No. 67 entitled.

An Act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling; making it unlawful for any public utility to furnish private wires except by written contract; conferring and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for or intended to be used for the transmission of information or advices in furtherance of gambling; making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Public Utility Commission; making illegal the use of certain wires for purposes other than those specified in the written contract therefor; imposing penalties; making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling; prescribing the burden of proof in proceedings hereunder; and providing for appeal.

BILL SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bill had passed both Houses of the General Assembly and the same being correct, the title was publicly read as follows:

Senate Bill No. 67 entitled:

An Act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling; making it unlawful for any public utility to furnish private wires except by written contract; conferring and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for or intended to be used for the transmission of information or advices in furtherance of gambling; making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Public Utility Commission; making illegal the use of certain wires for purposes other than those specified in the written contract therefor; imposing penalties; making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling; prescribing the burden of proof in proceedings hereunder; and providing for appeal.

Whereupon, The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

HOUSE MESSAGE

REQUESTING DEPARTMENT OF HIGHWAYS TO MAKE SURVEY RELATIVE TO MATERIALS USED ON ROADS DURING WINTER MONTHS AND MAKING REPORT TO NEXT GENERAL ASSEMBLY

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, November 30, 1938.

Whereas, it is known that the Commonwealth of Pennsylvania for the past several years advocated a Safety Highway Program and it is generally known that the Highway Department of this Commonwealth has expended huge sums of money to make our Highways safe for driving twelve months in a year and it is further generally known the Highway Department finds it difficult to obtain sufficient materials to be scattered over the highways throughout the winter months and it is said that the highway department is now purchasing cinders, sand and stone to be used for this purpose, Therefore, Be It

Resolved, (If the House of Representatives concur), That the highway department be requested to make an inexpensive investigation and gather what data be necessary and present same to the next regular session of the General Assembly, as to the advisability of purchasing all Bituminous and Anthracite coal ash and the advisability of using Bituminous and Anthracite slack coal to be used for highway purposes in time of sleet and snow.

REPORT FROM COMMITTEE

Mr. LAW. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

RESOLUTION RELATIVE TO TRANSFER OF LEGISLATION REFERENCE BUREAU OFFICES TO CAPITOL BUILDING

Mr. LAW from the Committee on Rules to which was referred on September 20, 1938 the following resolution from the House of Representatives reported the same without amendment as follows, viz:

In the House of Representatives, August 16,1938.

Whereas, The space in the Capitol building at present occupied by the legislative branch of government is less than was originally allocated to that branch when the Capitol was first occupied thirty-four years ago and

Whereas. The volume of bills introduced and the variety of subjects requiring consideration by the General Assembly have multiplied many times during the last thirty-four years and

Whereas, The functions under the supervision of the Secretary of the Senate the Chief Clerk of the Senate and the Chief Clerk of the House are located on various floors of the Capitol not contiguous to the executive responsible for their administration thus making it impossible for the efficient and economical discharge of the duties of these officials and

Whereas, The rooms at present available for the use of the Senate and House committees are inadequate both in number and equipment making it necessary to assign several committees to each room restricting the time each committee may occupy the room and thereby preventing orderly and adequate consideration of bills which have been referred to the committee resulting in the reporting out of bills in such form that amendments on the floor are necessary to a far greater degree than would have been had proper facilities been available to the various committees and

Whereas, The Legislative Reference Bureau created to serve the Members of the Senate and House to aid in drafting legislation and the preparation of amendments

to bills introduced to serve department heads in connection with legislation affecting their respective departments etc. is located outside the Capitol building thus substantially reducing its ability to perform its present functions and making it quite impossible for it to discharge the added responsibility of assuring the accuracy of legislative bills, Therefore, Be It

Resolved (if the Senate concur) That so much of the space in the basement of the Capitol building now occupied by the Treasury Department on the first floor, now occupied by the Treasury Department, the Department of the Auditor General and the Pennsylvania Motor Police; on the entrosole, now occupied by the Bureau of Standards and other agencies of the Department of Internal Affairs on the third floor now occupied by the Department of Revenue as is indicated on the accompanying schedule be set aside for the use of the legislative branch of our government and its related agencies as soon as the Finance Building is available for occupancy by the departments which are to be housed therein and be it further

Resolved, That the Department of Property and Supplies be authorized to have removed the vault now in Room 140 to have made such minor alterations as are essential to the purposes for which this room will be used to properly equip upon requisition from the proper officers this and other rooms for the purposes for which they are to be used and be it further

Resolved, That the Legislative Reference Bureau be moved to and established in the Capitol building in quarters adequate to the performance of its present and added responsibilities

Schedule of Rooms to be Set Aside for Use of Legislative Branch of Government

Room No.	Present Occupant
Basement	
6	State Treasury
8	State Treasury
9	State Treasury
9-X	State Treasury
First Floor	
110	State Treasury
113	State Treasury
115	State Treasury
129	Auditor General
140	State Treasury
149	Pennsylvania Motor Police
150	Pennsylvania Motor Police
151	Pennsylvania Motor Police
152	Pennsylvania Motor Police
153	Pennsylvania Motor Police
Entrosole	
544	Bureau of Standards
545	Internal Affairs
547	Internal Affairs
Third Floor	
337	Revenue
337-A	Revenue

A motion was made by Mr. LAW and Mr. McCREESH That Rule 39, which requires resolutions reported from committee to lie over for one day be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

Which was agreed to.

On the question,

Will the Senate concur in the same?

It was concurred in.

Ordered, That the Clerk return said resolution to the House of Representatives with information that the Senate has passed the same without amendment.

CONSIDERATION OF RESOLUTION TO ADJOURN SINE DIE

Mr. RICE. Mr. President, I move that the Senate do now proceed to the consideration of House concurrent resolution to adjourn sine die, which was laid on the table November 29, 1938.

The motion was agreed to.

Mr. LAW. Mr. President, I second the motion.

The resolution was read as follows

In the House of Representatives, November 29, 1938.

Resolved (if the Senate concur), That this Special Session of the General Assembly adjourn sine die, Tuesday, November 29, 1938, at 10 P. M.

On the question,

Will the Senate agree to the resolution?

Mr. RICE. Mr. President, I move that the resolution be amended to read as follows:

In the House of Representatives, November 29, 1938.

Resolved (if the Senate concur), That this Special Session of the General Assembly adjourn sine die, Wednesday, November 30, 1938, at 5 P. M.

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question

Will the Senate agree to the resolution as amended?

It was agreed to.

Ordered, that said resolution be returned to the House of Representatives with the information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

COMMITTEE TO NOTIFY GOVERNOR THAT THE SENATE IS READY TO ADJOURN SINE DIE

Mr. DENT offered the following resolution which was twice read, considered, and agreed to:

In the Senate, November 30, 1938.

Resolved, That a committee of three members of the Senate be appointed to wait upon His Excellency, the Governor, and inform him that the Senate is now ready to adjourn sine die and inquire if he has any further communications to make.

The PRESIDENT. The Chair appoints the Senator from Berks, Mr. RUTH, the Senator from Lackawanna, Mr. HOWELL, and the Senator from Dauphin, Mr. KUNKEL, as a committee to notify the Governor that the Senate is ready to adjourn.

COMMITTEE TO NOTIFY HOUSE THAT THE SENATE IS READY TO ADJOURN SINE DIE

Mr. CAVALCANTE offered the following resolution which was twice read, considered, and agreed to:

In the Senate, November 30, 1938

Resolved, That a committee of two Senators be appointed to notify the House of Representatives that the Senate is ready to adjourn sine die.

The PRESIDENT. The Chair appoints the Senator from Allegheny, Mr. McGINNIS and the Senator from Indiana, Mr. WOLFENDEN as a committee to notify the House that the Senate is ready to adjourn.

HOUSE MESSAGE

HOUSE CONCURS IN AMENDMENTS TO RESOLUTION TO ADJOURN SINE DIE

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred

in the amendments made by the Senate to House Concurrent Resolution as follows:

In the House of Representatives, November 29, 1938.

Resolved, (if the Senate concur), that this Special Session of the General Assembly adjourn sine die, Wednesday, November 30, 1938, at 5 P. M.

REPORT OF COMMITTEE APPOINTED TO NOTIFY HOUSE THAT SENATE IS READY TO ADJOURN SINE DIE

Mr. McGINNIS. Mr. President, the Committee appointed to notify the House of Representatives that the Senate is ready to adjourn sine die desire to report to the Senate that they have fulfilled the duties of their appointment.

The PRESIDENT. The Committee is discharged with the thanks of the Senate.

REPORT OF COMMITTEE TO WAIT UPON THE GOVERNOR

Mr. RUTH. Mr. President, the Committee appointed to wait upon his Excellency the Governor and inform him that the Senate is ready to adjourn sine die and to ask if he has any further communications, has performed its duty.

The PRESIDENT. The Committee is discharged with the thanks of the Senate.

NOTIFICATION THAT HOUSE IS READY TO ADJOURN SINE DIE

Messrs. GERARD HOLSTROM and LONGAKER Committee from the House of Representatives being introduced informed the Senate that the House is ready to adjourn sine die at 5:00 o'clock P. M. this day.

The PRESIDENT. The Chair thanks the Committee on the part of the Senate.

REPORT OF CHIEF CLERK ON COMPARING BILLS

Mr. LAW. Mr. President, on behalf of the Chief Clerk, I desire to report having compared and found correct bills numbered and entitled as follows, as having passed both branches of the Legislature and signed by the presiding officers thereof:

Senate Bill No. 1, entitled:

A Supplement to the act approved the eighteenth day of March one thousand eight hundred and seventy-five (P. L. 30) entitled "An act to authorize changes of venue in criminal cases" forbidding changes of venue in criminal prosecutions by any court on application of the Commonwealth or prosecutor.

Senate Bill No. 5, entitled:

An Act to amend section two, of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven, (Pamphlet Laws two thousand fifty-one) entitled: "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated, and defined as dependent children, aged persons, blind persons, and other persons requiring relief providing for the administration of this act by the Department of Public Assistance, and county boards of assistance, hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mother's Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mother's assistance pensions for the blind old age assistance and the State Emergency Relief board" by redefining "assistance" so as to provide for medical care in place of services.

Senate Bill No. 7, entitled:

An Act to further amend section four of and to add section 9.2 to the act approved the twenty-eighth day of June, one thousand nine hundred and thirty five, (P. L. 452), entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act," by providing for additional projects the acquisition of property from school districts and the leasing of projects by the Authority to school districts imposing duties upon the Department of Property and Supplies the Department of Labor and Industry and all departments having an interest in certain projects and authorizing the Department of Public Instruction and school districts to contract with and lease from the Authority.

Senate Bill No. 8, entitled:

An Act to amend article six of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine), entitled: "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general, special or local or any parts thereof that are or may be inconsistent therewith" by authorizing school districts singly or jointly with other districts to convey or lease property to the General State Authority to acquire additional property for such purposes to contract with and lease property from said Authority authorizing the Commonwealth to join with school districts in such contracts and leases and in such cases defining the assistance to be rendered by the Commonwealth, and authorizing the withholding of State appropriations in certain cases.

Senate Bill No. 9, entitled:

An Act making an appropriation to the Department of Public Instruction to pay rentals and expenses in connection with public school buildings constructed or improved by the General State Authority.

Senate Bill No. 10, entitled:

A Supplement to the act approved the sixteenth day of June one thousand nine hundred and thirty-six (P. L. 16), entitled "An act making an appropriation to the Department of Health to defray the cost of pumping the water from slate quarries and anthracite and bituminous coal mines which have been flooded directly or indirectly by the high waters during March one thousand nine hundred thirty-six" by making a further appropriation to supply the deficiency incurred and needed under the provisions of said act

Senate Bill No. 14, entitled:

An Act providing for the adjournment and readjournment of county treasurers' sales of seated and unseated lands that were to have been held in the years one thou-

sand nine hundred thirty-seven or one thousand nine hundred thirty-eight for non-payment of taxes in counties except those of the first and second class and preserving the lien of all taxes on such lands.

Senate Bill No. 15, entitled:

An Act abating certain tax penalties, interest and costs on county, city (except city of the first class), borough, town, township, school district (except school district of the first class), and poor district taxes; prohibiting the sale of real property for the non-payment of any such taxes for a certain period; and preserving certain tax liens, and providing for the extension thereof.

Senate Bill No. 16, entitled:

An Act authorizing the Commonwealth or any of its agencies, or instrumentalities of Government including the General State Authority, to contract with, and to lease or acquire from any housing authority, any area acquired or about to be acquired by such housing authority for slum clearance purposes.

Senate Bill No. 17, entitled:

An Act authorizing housing authorities to contract with, and to lease or convey to the Commonwealth or any of its agencies, or instrumentalities of Government including the General State Authority, any area acquired or about to be acquired for slum clearance purposes.

Senate Bill No. 20, entitled:

An Act abating certain tax penalties interest and costs on city and school taxes in cities of the first class and school districts of the first class.

Senate Bill No. 25, entitled:

An Act relating to and removing the remaining additional persons now serving as Pennsylvania members of the Delaware River Joint Commission by virtue of appointment by the General Assembly under the act approved June twelfth one thousand nine hundred and thirty-one (P. L. 575) entitled "An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River and the improvement of the facilities for transportation across the river; authorizing the Governor for these purposes to enter into an agreement with New Jersey creating The Delaware River Joint Commission and specifying the powers and duties thereof including the power to finance projects by the issuance of revenue bonds transferring to the new commission all the powers of the Delaware River Bridge Joint Commission and making an appropriation" and providing for the appointment of their successors.

Senate Bill No. 27, entitled:

An Act to amend Section two of the act approved the eleventh day of April, one thousand nine hundred twenty-nine (P. L. 487), entitled "An act authorizing the Department of Welfare to determine the legal residence of indigent, insane, feeble-minded and epileptic persons, returned to this Commonwealth by the authorities of another state, or transferred from one poor district to another by the department and requiring the proper district to pay the costs of the care and treatment of such persons in accordance with the laws relating to indigent insane persons" by relieving poor districts of certain costs and placing such costs on the Commonwealth.

Senate Bill No. 28, entitled:

An Act relating to institutions of counties cities and institution districts for the care maintenance and treatment of mental patients providing for the transfer of such institutions to the Commonwealth providing for the management and operation or closing and abandonment thereof and the maintenance of mental patients therein providing for the retransfer of certain property to institution districts under certain circumstances conferring and imposing upon the Governor the Department of Welfare the courts of common pleas and counties cities and institution districts certain powers and duties prohibiting cities counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients and repealing inconsistent laws.

Senate Bill No. 29, entitled:

An Act to amend the act approved the eleventh day of July one thousand nine hundred twenty-three (Pamphlet Laws nine hundred ninety-eight) entitled "An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties" as amended by further defining and limiting the institutions in which persons mentally ill may receive care and treatment relieving counties and poor districts of the payment of the cost of the admission care and discharge of mental patients with certain exceptions imposing such costs on the Commonwealth and repealing inconsistent laws.

Senate Bill No. 30, entitled:

An Act authorizing the compromise of delinquent taxes on real property and the penalties interest and costs due thereon before a tax sale of such real property and providing the procedure in such case.

Senate Bill No. 39, entitled:

An Act to amend and re-enact Section five hundred and twenty-four of an act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws, three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof; that are or may be inconsistent therewith," as amended by limiting and prescribing the method of fixing the levy of school taxes in school districts of the first class.

Senate Bill No. 43, entitled:

An Act making a deficiency appropriation to the Lieutenant Governor.

Senate Bill No. 50, entitle:

An Act making a deficiency appropriation for the expenses of the Joint Legislative Commission Investigating certain courts of this Commonwealth, and created by Joint Resolution No. 11, approved the ninth day of March, one thousand nine hundred and thirty-seven (P. L. 35).

Senate Bill No. 50, entitled:

An Act to amend section two of the act approved the twelfth day of August one thousand nine hundred and thirty-eight (Act number five) entitled "An act authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued requiring the commission to make a report of its findings and recommendations to the General Assembly or to the Governor and authorizing the commission to employ counsel and employes and making an appropriation" by changing the manner of appointment of the members of said commission.

Senate Bill No. 61, entitled:

An Act to ratify confirm and make valid the joint legislative committee created by Senate Concurrent Resolution Serial Number 106 approved March sixteenth one thousand nine hundred and thirty-seven and authorized thereby to make an investigation of the tax burdens placed upon industries in Pennsylvania and other industrial and mining states together with its actions proceedings expenses and expenditures and the appropriation made to said committee and making a further appropriation.

Senate Bill No. 67, entitled:

An Act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling; making it unlawful for any public utility to furnish private wires except by written contract; conferring and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for or intended to be used for the transmission of information or advices in furtherance of gambling; making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Public Utility Commission; making illegal the use of certain wires for purposes other than those specified in the written contract therefor; imposing penalties; making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling; prescribing the burden of proof in proceedings hereunder; and providing for appeal.

Senate Bill No. 69, entitled:

An Act validating certain proceedings and elections of counties, cities, boroughs, townships, school districts and other incorporated districts or municipalities, had and held pursuant to the provisions of an act approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four, entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," and the amendments and supplements thereof; and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections.

House Bill No. 1, entitled:

An Act relating to the investigation of charges of, or involving, misdemeanor in office made against certain civil officers subject to impeachment; providing that the jurisdiction of the House of Representatives to make such investigations shall have precedence over the jurisdiction of grand juries; and limiting the circumstances under which courts of quarter sessions may authorize grand juries to make such investigations.

House Bill No. 2, entitled:

An Act defining the procedure for, and regulating, the investigation by the House of Representatives and its committees of charges of, or involving, misdemeanor in office on the part of civil officers liable to impeachment; authorizing the presentation of evidence by the Attorney General, district attorneys, other counsel, and the officers investigated; providing for the summoning of witnesses and for the punishment of persons refusing to appear, produce evidence, or testify; and authorizing the employment and compensation of counsel and other assistants.

House Bill No. 3, entitled:

An Act defining the relative powers of the Attorney General and of district attorneys in proceedings in the criminal courts; authorizing the judges thereof to appoint, subject to appeal to the Supreme Court, special prosecutors in certain cases, and providing for their compensation by the county.

House Bill No. 5, entitled:

An Act suspending, retroactively as well as prospectively, any other pending investigation, legislative, executive or judicial, of charges of, or involving, misdemeanor in office on the part of civil officers liable to impeachment, which the House of Representatives undertakes to investigate, and providing under what circumstances the suspended investigation may be resumed.

House Bill No. 8, entitled:

An Act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals and other charges that may become due on leases and other contracts executed by such department with the General State Authority for the use and occupancy by the Commonwealth of various projects, structures, buildings, and facilities of the Authority or for the services rendered by the Authority or its projects.

House Bill No. 10, entitled:

An Act authorizing the Secretary of Highways to change the width, grades and lines of Vine Street in Philadelphia, from the Delaware River Bridge approach to Parkway; the expense thereof and damages occasioned thereby to be paid by the Commonwealth. Authorizing the City of Philadelphia, persons, associations and corporations to enter into agreements with the Commonwealth to bear a portion of such expenses and damages and making an appropriation.

House Bill No. 11, entitled:

A Supplement to the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (Appropriation Acts, page forty-five), entitled "An act making an appropriation to the Department of Public Assistance, for the purpose of carrying out the Public Assistance Law for the two years beginning June first, one thousand nine hundred thirty-seven, and for the payment of assistance and expenses accrued or incurred prior to. and remaining unpaid on, May thirty-first, one thousand nine hundred thirty-seven."

House Bill No. 15, entitled:

An Act authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate, efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth; conferring upon the commission full power to issue subpoenas, and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued; requiring the commission to make a report of its findings and recommendations to the General Assembly or to the Governor; and authorizing the commission to employ counsel and employees and making an appropriation.

House Bill No. 17, entitled:

An Act to amend article two of the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled "Workmen's Compensation Act of 1915" as amended, by adding a new section two hundred and one and one-tenth thereto; imposing the presumption of negligence upon employers; providing for admission of certain evidence and providing for double damage under certain circumstances.

House Bill No. 22, entitled:

An Act to confirm and validate past tax levies or assessments made by school districts of the first class and liens filed thereon.

House Bill No. 23, entitled:

An Act to amend paragraphs (d) and (e) of Section 202, paragraph (a) of Section 409, Section 412, paragraph (a)

of Section 601, Sections 702, 704, 808, 1201 and 1311 of the Public Utility Law (Act of May 28, 1937, P. L. 1053), entitled "Public Utility Law," by further defining and limiting exemptions, the transfer and acquisition of property, the crossing of facilities, the issuance of securities, relations between affiliated interests, the imposition of costs of administering the act, and otherwise clarifying and supplementing the provisions of the said sections of the act.

House Bill No. 38, entitled:

An Act making an appropriation for the expenses of the special committee appointed by the Speaker of the House of Representatives on the second day of August, one thousand nine hundred thirty-eight, pursuant to a resolution adopted by the House of Representatives on the thirtieth day of July, one thousand nine hundred thirty-eight, by authority of the act, approved the thirtieth day of July, one thousand nine hundred thirty-eight, (Act No. two), entitled "An act defining the procedure for, and regulating, the investigation by the House of Representatives, and its committees, of charges of, or involving, misdemeanor in office on the part of civil officers liable to impeachment; authorizing the Speaker of the House to appoint a special committee for any such investigation; authorizing the presentation of evidence by the Attorney General and other counsel, and the officers investigated; providing for the summoning of witnesses and for the punishment of persons refusing to appear, produce evidence, or testify, and authorizing the employment and compensation of counsel and other assistants."

House Bill No. 40, entitled:

An Act to ratify, confirm and make valid the actions, proceedings, expenses and expenditures of the commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth, appointed pursuant to the joint resolution, approved the twenty-ninth day of April, one thousand nine hundred and thirty-seven, (P. L. 540), entitled "A joint resolution authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate, efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth; conferring upon the commission full power to issue subpoenas; requiring the commission to make a report of its findings to the Governor, together with its recommendations as to such regulatory legislation as may be needful to correct any abuses and evils connected with such industry which are prejudicial to the interests of the citizens of this Commonwealth; authorizing the commission to employ counsel and employes; and making an appropriation," and its amendments.

House Bill No. 47, entitled:

An Act making a deficiency appropriation to the Anthracite Coal Industry Commission, created by the act, approved the eighth day of February, one thousand nine hundred and thirty-seven (P. L. 21), entitled "An act creating the Anthracite Coal Industry Commission, defining its powers and duties; and making an appropriation."

House Bill No. 50, entitled:

An Act making an appropriation to the Department of Property and Supplies, for preliminary expenses in proposed acquisitions of real property from housing authorities.

House Bill No. 57, entitled:

An Act to provide for the expenses of the extraordinary session of the Legislature, assembled July twenty-fifth, Anno Domini one thousand nine hundred thirty-eight, in pursuance of the proclamation of the Governor of the Commonwealth, dated July twenty-second, Anno Domini one thousand nine hundred thirty-eight, and the supplements thereto.

House Bill No. 58, entitled:

An Act to ratify, confirm and make valid the commission to make certain studies in respect to bituminous mines, appointed pursuant to the joint resolution, approved the fifth day of June, one thousand nine hundred and thirty-seven (P. L. 1689), entitled "A joint resolution creating a commission to make certain studies in respect to bituminous mines; defining its powers and duties; and making an appropriation," together with its actions, proceedings, expenses and expenditures.

House Bill No. 59, entitled:

An Act to ratify, confirm and make valid the commission to make a careful, thorough and impartial investigation of the general practice and procedure in the courts of quarter sessions of the peace, oyer and terminer and general jail delivery in the various counties of the Commonwealth and the Municipal court in the City and County of Philadelphia, appointed pursuant to the joint resolution, approved the ninth day of March, one thousand nine hundred and thirty-seven (P. L. 35), entitled "A joint resolution authorizing the appointment of a commission to make a fair and impartial investigation of the general practice and procedure in the courts of oyer and terminer, general jail delivery and quarter sessions of the peace, in the various counties of the Commonwealth, and the Municipal Court in the City and County of Philadelphia, with special reference to the prosecution, trial and disposition of all criminal cases and the probation and parole of persons guilty of crime; conferring upon the commission full power to issue subpoenas; requiring the commission, if possible, to make a report of its findings to the present session of the General Assembly, together with its recommendations as to such legislation as may be necessary or desirable, otherwise, to make such report and recommendations to the Governor; authorizing the commission to employ counsel and employes; and making an appropriation,' and its amendments, together with its actions, proceedings, expenses, and expenditures.

House Bill No. 62, entitled:

An Act to ratify, confirm and make valid the joint legislative committee to investigate governmental costs of Philadelphia, Concurrent Resolution No. 2, approved the thirteenth day of January, one thousand nine hundred and thirty-seven, (P. L. 2869), which committee was provided with an appropriation under Appropriation Act No. 9-A, entitled "An act making an appropriation for the expenses of the joint legislative commission created by Senate Concurrent Resolution Serial Number 102, approved January thirteenth one thousand nine hundred thirty-seven," together with its actions, proceedings, expenses and expenditures.

House Bill No. 63, entitled:

An Act to further amend section four of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 465), entitled "Fire safety building regulation law" by changing the number of ways of egress required in the case of certain buildings.

House Bill No. 65, entitled:

An Act creating a joint legislative commission to study and report on use of devices and methods of transmission of information for advices in furtherance of gambling and making an appropriation.

House Bill No. 66, entitled:

A Supplement to the act, approved the second day of July one thousand nine hundred thirty-seven (Appropriation Acts, page seventy-four), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven; and for the payment of

bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven" providing for deficiencies in certain appropriations to the Department of Justice for the fiscal biennium ending May thirty-first, one thousand nine hundred thirty-nine.

House Bill No. 72, entitled:

A Supplement to the act, approved the second day of July, one thousand nine hundred thirty-seven (Appropriation Acts, page seventy-four), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven," making a deficiency appropriation to the Department of Property and Supplies for the payment of certain expenses, for the fiscal biennium ending May thirty-first, one thousand nine hundred thirty-nine.

House Bill No. 82, entitled:

An Act to amend sections two hundred two, four hundred one and two thousand three hundred eighteen of the act, approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177), entitled "Administrative Code of 1929," as amended; by creating as departmental administrative boards in the Department of Welfare, and conferring powers and duties upon, boards of trustees for the respective institutions acquired by the Commonwealth from counties, cities and institution districts, for use as State mental hospitals.

House Bill No. 93, entitled:

An Act making an appropriation for the expenses of the special committee appointed by the Speaker of the House of Representatives, pursuant to House Resolution No. 24, adopted by the House of Representatives on the eighteenth day of October, one thousand nine hundred thirty-eight (Act No. 2) entitled "An act defining the procedure for and regulating the investigation by the House of Representatives and its committees of charges of, or involving misdemeanor, in office on the part of civil officers liable to impeachment; authorizing the Speaker of the House to appoint a special committee for any such investigation; authorizing the presentation of evidence by the Attorney General and other counsel and the officers investigated; providing for the summoning of witnesses and for the punishment of persons refusing to testify; and authorizing the employment and compensation of counsel and other assistants."

ADJOURNMENT SINE DIE

The PRESIDENT. This being the hour fixed by concurrent resolution for the final adjournment, and the hour of 5:00 o'clock, P. M. having arrived, I hereby declare the Extraordinary Session of 1938 of the Senate of Pennsylvania adjourned sine die.

HOUSE OF REPRESENTATIVES

WEDNESDAY, NOVEMBER 30, 1938.

The House met at 2:00 p. m.

The SPEAKER, (Roy E. Furman), in the Chair.

PRAYER

The Chaplain, Rev. EPHRAIM Z. GALLAHER, offered the following prayer:

Our Heavenly Father, we invoke Thy blessing upon us today. On this closing day of the Extraordinary Session we call Thy special attention to the arduous labor of the Press workers. They, who have given their best to serve fairly and justly, deserve not only our commendation but Thy blessing also. More and more do we realize that the pen is not only mightier than the sword but it is an instrument which will continue to bless mankind and promote human happiness when the sword is discarded as a relic of destruction. Therefore we offer a word of praise unto those who have thus labored in this session.

In His name we ask it. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. ROTHENBERGER, the further reading was dispensed with and the Journal approved.

ANNOUNCEMENT OF DEATH OF HONORABLE HARVEY HUFFMAN

The SPEAKER. The Chair announces with profound sorrow the death this morning of the President Pro Tempore of the Senate, Senator Harvey Huffman, of Monroe County.

RESOLUTION

RECALLING SENATE BILL No. 67

Mr. HERBERT B. COHEN offered a resolution which was read by the Clerk as follows:

In the House of Representatives, November 30, 1938.

Resolved, (if the Senate concur). That Senate Bill No. 67, Printer's No. 74, entitled "An act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling; making it unlawful for any public utility to furnish private wires except by written contract; conferring and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for or intended to be used for the transmission of information or advices in furtherance of gambling; making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Public Utility Commission; making illegal the use of certain wires for purposes other than those specified in the written contract therefor; imposing penalties; making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling; prescribing the burden of proof in proceedings hereunder; and providing for appeal," be recalled from the Senate for further consideration.

On the question,

Will the House adopt the resolution?

The yeas and nays were required by Messrs. TUMELTY, OMINSKY and ACHTERMAN.

Messrs. WOODSIDE, HABBYSHAW and SCHROCK asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—110

Achterman,	Donohoe,	McElroy,	Shaw,
Alexander,	Dougherty,	McFall,	Shea,
Allen,	Downey,	McGee,	Shepard,
Arnold,	Dubbs,	McShane,	Shoemaker,
Aukerman,	Dyson,	Melchiorre,	Shugarts
Baker,	Falkenstein,	Mellott,	Simon,
Balthaser,	Finnerty,	Moomaw,	Skale,

Bierly,	Flannery,	Mooney,	Smith, James A.,
Blank,	Flinchbaugh,	Moran,	Spengler,
Boles,	Gerard,	Nagel,	Stank,
Boltz,	Hagerty,	O'Brien,	Thompson,
Bradley,	Hamilton, F. P.,	O'Keefe,	Tronzo,
Brancato,	Hays,	Ominsky,	Tumelty,
Brigerman,	Hering,	Ostroff,	Valibus,
Broad,	Hindman,	Patterson, C. S.,	Van Sickle,
Burrows,	Hirsch,	Patterson, J. W.,	Vogt,
Caesar,	Holland,	Pearson,	Walsh,
Caputo,	Holmes,	Piole,	Weiss, D. H.,
Chervenak,	Hontz,	Powers,	Weiss, S. A.,
Cohen, H. B.,	Horting,	Preston,	Welliver,
Cohen, R. E.,	Keenan,	Readinger,	Welsh,
Coleman,	Kelso,	Reese,	Westrick,
Coolahan,	Levy,	Rothenberger,	Whalen,
Corrigan,	Lewis,	Rush,	Whitenight,
Costanzo,	Long,	Sarraf,	Wright,
Decker,	Lopresti,	Scanlon,	Yourishin,
DeNote,	Matthews, H. T.,	Schor,	Furman,
Dickinson,	McCullough.		

NAYS—36

Boose,	Hess,	Mallen,	Sloan,
Boyer,	Huntley,	Marino,	Sproul,
Brown,	Imbrie,	Muir,	Stewart,
Elpern,	Jirolanio,	Murrin,	Watkins,
Fiss,	Kline,	O'Connor,	Weidemann,
Gillette,	Kroll,	Peale,	Wilson,
Habbyshaw,	Longaker,	Royer,	Winner,
Hall,	Lovett	Schrock,	Wood,
Harkins,	Lyons,	Serrill,	Woodside,
			Yeakel,

So the question was determined in the affirmative and the resolution was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTION

SYMPATHY EXTENDED

Mr. ACHTERMAN offered a resolution which was twice read considered and unanimously adopted by a rising vote as follows:

In the House of Representatives, November 30, 1938.

It is the course of destiny that men highest in the councils of a Commonwealth may remain but a brief space of time, and then depart, leaving a void in a service theretofore well performed, and a dull and heavy pain in the hearts of his associates.

And so it has seemed fit to the Almighty to take, from the service of this Commonwealth, and from his countless friends and associates, the President Pro Tempore of the Senate of Pennsylvania, the Honorable Harvey Huffman, who died during last night at his Monroe County home, after an illness extending over a period of several months.

Resolved, therefore, by the House of Representatives of Pennsylvania, that its members do now pause in their deliberations of the final business of this extraordinary session, to give mute tribute and veneration in memory of a great man who has gone beyond, and to give recognition to his outstanding character and ability, both in public and private life, and to commend him to the unknown eternity as truly deserving the rewards of a long and useful life well spent.

Resolved, further, That a committee of seven Members of this House, to be appointed by the Speaker, be designated to represent the House of Representatives at the funeral of the Honorable Harvey Huffman.

Resolved, also, That a copy of these resolutions, properly certified, be transmitted to the members of the family of the deceased.

STATEMENT BY MR. HERBERT B. COHEN

Mr. HERBERT B. COHEN asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, I cannot allow this occasion to pass without extending to the Democratic members of the House in particular the sincere appreciation of myself, and as well, I am sure, of the great masses of the people of the Commonwealth of Pennsylvania for their efforts in the past and previous legislative sessions. We came here in December of 1936 freshly elected, adhering to a platform of liberalization in government, a platform of great humanitarian aspects and a platform which the people of the Commonwealth of Pennsylvania asked us as democrats to enact into law. How well we have so done is amply indicated by the legislation of the past two years. I feel sure that an unbiased, unemotional analysis of our accomplishments will leave a lasting memento to the efforts of the Democratic Party, efforts to which each and every member of the House contributed his share. I feel that we, upon the eve of our departure, can look upon our accomplishments with a great deal of satisfaction. In the four years of this Administration, we have enacted into law each and every single promise that we made to the electors of this great Commonwealth, on two particular occasions. In four years we have advanced the concept of "Am I my brother's keeper" to the extent that it had never been advanced by any of the previous legislatures. While we pass out to assume a new role, as the minority, I say to the majority who will be back next session, that we, who will return, will still continue to subscribe to those ideals. Our minority will not be an obstructionist minority, our minority will be conducted with the one sole idea, the best for the Commonwealth of Pennsylvania, the best for the greatest number in the Commonwealth of Pennsylvania. The problems that will be cast upon the majority at the next session are not insurmountable, difficult as they might be. To the solution of those problems, we in the minority will extend our sincere efforts as representatives of the people, to the end that the people of the Commonwealth and the people of the nation might find the Commonwealth of Pennsylvania a better place in which to live.

To all the members of this House, I extend my sincere thanks and appreciation, as well as the sincere thanks and appreciation of the Administration, that, for four years, has led this Commonwealth in its legislative activities.

I also wish to thank the Speaker of this House, who has dominated the affairs and business proceedings of this House in a manner which is a fitting example to those Speakers who are to come in the future, and, I am sure, adheres to the high ideals which have characterized the men who have sat on the Speaker's rostrum.

I also wish to interject a personal note, because with the adjournment of this session passes from these legislative halls my own colleague and personal friend, Jacob M. Flinchbaugh, who, with the exception of one session, has conscientiously served the constituents in the Third Legislative District of York County, and he has, by his consistent adherence to good legislation, served the people of the Commonwealth of Pennsylvania, but, as they say, "Time marches on." We will be back, as I have indicated before, subscribing as we have in the past, to the highest ideals of government.

Thank you.

The SPEAKER. The remarks of the gentleman will be spread on the Legislative Journal.

The Chair personally wishes to thank the majority floor leader for the very complimentary remarks concerning the Speaker.

STATEMENT BY MR. FLINCHBAUGH

Mr. FLINCHBAUGH asked and obtained unanimous consent to address the House.

Mr. Speaker, ladies and gentlemen of the House, from today on, I am taking an enforced leave of absence for at least two years. In my situation I share the grief of a great many others. As my friend and colleague, the worthy floor leader. Herbert Cohen stated, I am the oldest Democrat in the House of Representatives in point of service. I came here in 1923, and I think, besides myself, there is only one other member of the present House of Representatives who was a representative in that body in 1923. When I was first elected to the Legislature, Democrats occupied a small group to my left and strung out along the rear back seats. I think I served in one session of the Legislature when there were only fourteen Democrats present. I served under a number of Speakers, all of distinguished ability, all of great ability and fairness, but time takes its toll, the grim reaper comes along and calls us, one by one. The Speakers under whom I have served, C. Jay Goodnough, Mr. Talbot and Mr. Sarig, have passed to the great beyond.

I hope the members of this General Assembly live long to enjoy the privilege of sitting in this House enacting legislation for the benefit of the Commonwealth of Pennsylvania. For myself, I have no regrets. I feel that I have done the best that I could for my constituents and for the Commonwealth of Pennsylvania at large, especially do I feel a great deal of personal satisfaction in the acomplishments of the General Assembly of 1937. There were at least a dozen measures of great importance enacted during that session, each one of which would be sufficient glory for any Administration. Take for instance, the school legislation. I do not think that any session of the General Assembly has done so much for the cause of education as the session of 1937. Take the legislation that we passed for the benefit of the investors of this Commonwealth and for those who were compelled to go to the pawnbroker's and the small loan companies in time of distress. We have done a great service for that class of people. We have taken care of the underdog.

I feel that this Administration will go down in history as one of the greatest administrations in the whole history of the Commonwealth of Pennsylvania, as we go forward and look backward with a calm and clear judgment of the enactment of this legislation.

The several departments of the Commonwealth of Pennsylvania have functioned very satisfactorily. I have been here during a great many administrations and I can truthfully say that the several departments under the Executive Branch of the Commonwealth of Pennsylvania, have functioned as well or better than under any previous administration.

In my swan song I want to say to the members of the General Asembly, I wish you godspeed and a Merry Christmas and a long and happy life.

To our Speaker, I want to extend the best wishes of myself for the courteous manner in which he has proceeded in the deliberations of this body and for his great efficiency.

I thank you.

The SPEAKER. The remarks of the gentleman from York will be spread on the Legislative Journal.

The Chair personally wishes to thank the gentleman from York for his kind remarks.

STATEMENT BY MR. SHUGARTS

Mr. SHUGARTS asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, in singing my swan song I am not in the same position as some of the other members of the House, because, with me it was the same as it was with Calvin Coolidge, "I did not choose to run."

I am leaving the House with a great deal of regret, not because I am not to be a member of the House, but the regret that I will not see many of the faces that I am used to seeing, and I say honestly and sincerely that the friendships I have made in this House, both in the minority and majority memberships, will live long.

I wish you all the best that life can hold for you, and while Mr. Flinchbaugh was speaking, I believe I received the answer as to what happened at the last election. He said many of them were attempting to go forward and look backward. If you just think for a minute you cannot look backward and go forward because you are bound to stub your toe on something.

Thank you.

The SPEAKER. The remarks of the gentleman will be spread on the Legislative Journal.

SENATE MESSAGES

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, November 30, 1938.

Resolved, (if the Senate concur), that Senate Bill No. 67, Printer's No. 74, entitled:

An Act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling making it unlawful for any public utility to furnish private wires except by written contract conferring and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for or intended to be used for the transmisison of information or advices in furtherance of gambling making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Public Utility Commission making illegal the use of certain wires for purposes other than those specified in the written contract therefor imposing penalties making the dissemination of information to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling prescribing the burden of proof in proceedings hereunder and providing for appeal

be recalled from the Senate for further consideration.

SENATE BILL No. 67 RETURNED

The Clerk of the Senate being introduced returned Senate Bill No. 67, for further consideration pursuant to House resolution passed by the House and concurred in by the Senate Nov. 30, 1938.

SENATE BILL No. 67

An Act making illegal the furnishing of certain telephone and telegraph wires and services by certain public

utilities for use in the dissemination of information in furtherance of gambling making it unlawful for any public utility to furnish private wires except by written contract conferring and imposing upon the Pennsylvania Publi Utility Commission the power and duty to disapprove all contracts for private wires used for or intended to be used for the transmission of information or advices in furtherance of gambling making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therfor by the Pennsylvania Public Utility Commission making illegal the use of certain wires for purposes other than those specified in the written contract therefor imposing penalties making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling prescribing the burden of proof in proceedings hereunder and providing for appeal

RECONSIDERATION OF VOTE

Mr. HARKINS. Mr. Speaker, I move that the House reconsider the vote by which it refused to recede from its amendments non-concurred in by the Senate to Senate Bill No. 67, Printer's No. 74.

Mr. LONG. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Allegheny vote?

Mr. HARKINS. Mr. Speaker, I voted in the negative.

The SPEAKER. How did the gentleman from Philadelphia vote.

Mr. LONG. Mr. Speaker, I voted in the negative.

On the question,

Will the House agree to the motion?

PARLIAMENTARY INQUIRIES

Mr. HERBERT B. COHEN. Mr. Speaker, I rise to parliamentary inquiries.

The SPEAKER. The gentleman will state his parliamentary inquiries.

Mr. HERBERT B. COHEN. Mr. Speaker, does the vote on this motion carry with it a recession from the amendments inserted by the House and non-concurred in by the Senate?

The SPEAKER. It does not.

Mr. HERBERT B. COHEN. Mr. Speaker, does the question require a constitutional majority?

The SPEAKER. It does not. This is only reconsideration of a vote and a majority vote determines the question.

Mr. HERBERT B. COHEN. Mr. Speaker, do I further understand that in order to finally recede from the amendments inserted by the House and non-concurred in by the Senate, that it will be necessary to take another vote which will require a constitutional majority?

The SPEAKER. That is correct; there will be a roll call vote.

PARLIAMENTARY INQUIRY

Mr. WOODSIDE. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. WOODSIDE. Mr. Speaker, if this motion is passed, what is the status of the bill?

The SPEAKER. In answer to the parliamentary inquiry of the gentleman from Dauphin, if this motion is carried, the bill will then be before the House for consideration and the question will recur on the motion as to whether the House will recede from its amendments to the Senate Bill.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Will the House recede from its amendments nonconcurred in by the Senate?

PARLIAMENTARY INQUIRIES

Mr. WOODSIDE. Mr. Speaker, I rise to parliamentary inquiries.

The SPEAKER. The gentleman will state his parliamentary inquiries.

Mr. WOODSIDE. Mr. Speaker, as I understand it, this vote requires a constitutional majority in order to agree to the motion.

The SPEAKER. That is correct.

Mr. WOODSIDE. Mr. Speaker, if the motion prevails with 105 votes, the bill is passed finally and goes to the Governor for signature?

The SPEAKER. No, it will go to the Senate for signature through the regular procedure.

Mr. WOODSIDE. Mr. Speaker, the Senate will not take any further action on this bill?

The SPEAKER. No further action except the presiding officer of the Senate will be required to sign the bill.

Mr. WOODSIDE. Mr. Speaker, if the motion is defeated, the bill will be defeated and will no longer be before the House?

The SPEAKER. If the motion is defeated, the bill will go back to the Senate and there is possibility of further action which might require a conference committee of both Houses.

PARLIAMENTARY INQUIRIES

Mr. JIROLANIO. Mr. Speaker, I rise to parliamentary inquiries.

The SPEAKER. The gentleman will state his parliamentary inquiries.

Mr. JIROLANIO. Mr. Speaker, following out the question asked by the gentleman from Dauphin, Mr. Woodside, wherein he stated, if this motion to recede should pass with a constitutional majority, as I understood it the Chair stated that the bill then would pass without the amendments, is that correct?

The SPEAKER. That is correct.

Mr. JIROLANIO. Mr. Speaker, isn't it a fact that the House then would never have had before it a printed bill without the amendments in it?

The SPEAKER. The House has in its file, Senate Bill No. 67, Printer's No. 71.

Mr. JIROLANIO. Mr. Speaker, yes, but without any strike outs in it at all.

The SPEAKER. That is the complete text of the bill.

Mr. JIROLANIO. Mr. Speaker, it is, but as I understand the Constitution, the House cannot vote on a bill unless it has before it the full text of the bill that we desire to vote upon.

The SPEAKER. The House does have before it the complete text of the bill and all amendments; the amendments inserted by the Senate, and the amendments inserted by the House committee.

Mr. JIROLANIO. Mr. Speaker, if the House should vote to recede by a Constitutional majority, then the bill would not be before the House in its proper form, as far as the printing is concerned?

The SPEAKER. The interpretation of the Constitution permits the passage of bills finally with strike outs, and we do have the complete text of the bill before the House.

Mr. JIROLANIO. May I ask the Speaker what provision of the Constitution provides that strike outs can be acted upon by the House without being printed.

The SPEAKER. In reply to the gentleman from Northampton, the Constitution, Article 3, Section 4 provides that "all amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill." The effect is, if this motion prevails, the bill will be passed without amendments, and we then are considering Senate Bill No. 67, Printer's No. 71, which is on file and which does not include the amendments made by the House.

Mr. JIROLANIO. Mr. Speaker, isn't it a fact that Senate Bill No. 67, Printer's No. 71 is not on the calendar and that we have never voted on it on third reading?

The SPEAKER. There is no calendar today. The communication from the Senate places the bill before the House for concurrence.

Mr. JIROLANIO. Mr. Speaker, did this House ever pass Senate Bill No. 67, Printer's No. 71 on third reading?

The SPEAKER. The bill before the House is Senate Bill No. 67, Printer's No. 74 for consideration. If the House recedes from the amendments, then the same bill with another Printer's No. will be found in the Senate file.

Mr. JIROLANIO. Mr. Speaker, Senate Bill No. 67, Printer's No. 71, did it ever pass third reading by this House?

The SPEAKER. The full text of Senate Bill No. 67, Printer's No. 71, with the amendments inserted by the House Committee, has already passed the House. Therefore, if the House recedes from House Committee amendments, we still have the full text of Printer's No. 71.

Mr. JIROLANIO. Mr. Speaker, I want to know if I am correct in my assumption that a bill up for final passage is necessary to be on the desks of the members and on the calendar before it can be acted upon, with proper Printer's No. as required by the Constitution.

The SPEAKER. The answer is, no.

On the question recurring,

Will the House recede from its amendments nonconcurred in by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—114

Achterman,	Donohoe,	Lopresti,	Schor,
Alexander,	Dougherty,	McCullough,	Schrope,
Allen,	Downey,	McDermott,	Shaw,
Arnold,	Dubbs,	McElroy,	Shea,
Aukerman,	Dyson,	McFall,	Shepard,
Baine,	Elpern,	McGee,	Shoemaker,
Baker,	Falkenstein,	McShane,	Shugarts,
Balthaser,	Finnerty,	Melchiorre,	Simon,
Bierly,	Flanagan,	Mellott,	Skale,
Blank,	Flannery,	Moomaw,	Smith, James A.,
Boies,	Flinchbaugh,	Mooney,	Smith, John A.,
Bradley,	Gerard,	Moran,	Spengler,
Brancato,	Hagerty,	Nagel,	Stank,
Brigerman,	Hamilton, F. P.,	O'Brien,	Tronzo,
Broad,	Harkins,	O'Keefe,	Tumelty,
Burrows,	Hays,	Ominsky,	Valibus,
Caesar,	Hering,	Ostroff,	Vogt,
Caputo,	Hindman,	Patterson, J. W.,	Walsh,
Cherrenak,	Hirsch,	Pearson,	Weiss, D. H.,
Coakley,	Holland,	Piole,	Weiss, S. A.,
Cohen, H. B.,	Holmes,	Powers,	Welliver,
Cohen, R. E.,	Holstrom,	Preston,	Welsh,
Coleman,	Hontz,	Readinger,	Westrick,
Coolahan,	Horting,	Reese,	Whalen,
Corrigan,	Keenan,	Rothenberger,	Whitenight,
Costanzo,	Kelso,	Rush,	Wright,
Decker,	Levy,	Sarraf,	Yourishin,
DeNote,	Lewis,	Scanlon,	Furman,
Dickinson,	Long,		

NAYS 39

Boyer,	Kane,	Muir,	Thompson,
Brown,	Kilroy,	O'Connor,	Van Sickle,
Fiss,	Kline,	Peale,	Watkins,
Gillette,	Kroll,	Perry,	Weidemann,
Habbyshaw,	Longaker,	Royer,	Wilson,
Haberlen,	Lovett,	Schrock,	Winner,
Hall,	Lyons,	Serrill,	Wood,
Hess,	Mallen,	Sloan,	Woodside,
Imbrie,	Marino,	Sproul,	Yeakel,
Jirolanio,	Matthews, H. T.,	Stewart,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk inform the Senate accordingly.

REASONS FOR VOTE

Mr. ELPERN filed the following reasons for his vote:

I desire to be recorded as voting "aye" on Senate Bill 67 due to the fact that the gambling fraternity and the press claim to have purchased or influenced the House members to vote against this bill and in my entire term in this House I have never been influenced on any bill and I always have had the reputation of my family at stake and would not want to place a blot against their name in the closing hour of the session.

The Clerk of the Senate being introduced, presented the following extract from the Journal of the Senate, which was read as follows, viz:

In the Senate, November 30, 1938.

Whereas, It is known that the Commonwealth of Pennsylvania for the past several years advocated a Safety Highway Program and it is generally known that the Highway Department of this Commonwealth has expended huge sums of money to make our Highways safe for driving twelve months in a year and it is further generally known the Highway Department finds it difficult to obtain sufficient materials to be scattered over the highway throughout the winter months and it is said that the Highway Department is now purchasing cinders, sand and stone to be used for this purpose, therefore be it

Resolved, If the Senate and the House concur, the Highway Department be requested to make an inexpensive investigation and gather what data be necessary and present same to the next regular session of the General Assembly, as to the advisibility of purchasing all Bituminous and Anthracite coal ash and the advisibility of using Bituminous and Anthracite slack coal to be used for highway purposes in time of sleet and snow.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly?

STATEMENT BY MR MOOMAW

Mr. MOOMAW asked and obtained unanimous consent to address the House.

Mr. Speaker and members of the House, I hesitate con-

siderably to take up the time of the membership here in the closing hours, and it is only because we are awaiting communications from the Senate that I ask the indulgence of the membership.

I want to say that in the passage of the piece of legislation, Senate Bill No. 67, which this House has just passed, the Legislature of Pennsylvania is placing upon the books the first step toward the elimination of the greatest gambling evil ever to come within the boundaries of this great Commonwealth. I was a member of the commission which conducted those hearings, and I was also very much interested, not only in the passage of Senate Bill No. 67, but also in the passage of Senate Bill No. 68, and I trust that the next General Assembly will take further steps in tightening the lines regarding illegal gambling wire service, which is fostering and promoting this gambling evil in Pennsylvania.

I want to say also, that never before in my life have I seen such brazen action by so-called lobbyists upon the floor of this House, and upon the floor of the Senate, as has taken place during the past week in an effort to defeat this anti-gambling legislation. I saw and you people have seen men who have heretofore posed as newspaper reporters, acting in the capacity of lobbyists of the most brazen character, both in the House and in the Senate. These men happen to be upon the payroll of the man who would be the chief beneficiary by the failure of this legislation. I refer to Moe Annenberg, the publisher of the Philadelphia Inquirer, who used all legal means to avoid appearing before this commission. The evidence of the Gambling Commission brought out that Mr. Moe Annenberg, the same gentleman who avoided these subpoenaes, while in Florida posed as a Democrat and backed an individual for Governor to the tune of $15,000 in cash and support of his Miami Tribune Newspaper. This man in Florida, running for Governor, had to promise Annenberg that he would put through legislation legalizing casinos and bookie gambling dives. I think it is up to the present minority membership of this House, who will be the majority in the next session to prove to the people of Pennsylvania that the gift of Moe Annenberg of $25,000, towards Governor James' primary campaign, plus what we will later learn he contributed in the general election campaign, plus the support of the Philadelphia Inquirer, a much larger newspaper than the Florida paper, that Judge James and the Republican party have made no promises to further the gambling interests or not take steps to stop it in Pennsylvania. They can do that best probably by passing legislation which would have for its purpose what was contained in Senate Bill No. 68. I repeat in closing, it is on the shoulders of the Republican majority of the next Legislature and Governor James to show the people of Pennsylvania, by sponsoring and passing that legislation, that they are not submitting to the will of the leader of the greatest gambling racket in America.

The SPEAKER. The remarks of the gentleman will be spread in full in the Legislative Journal.

NOTIFICATION THAT SENATE IS READY TO ADJOURN SINE DIE

The Committee on the part of the Senate being introduced, informed the House that the Senate is ready to adjourn sine die at 5:00 p. m. this day.

The SPEAKER. The Chair thanks the Committee on the part of the Senate.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, August, 1938.

Whereas, The space in the Capitol building at present occupied by the legislative branch of government is less than was originally allocated to that branch when the Capitol was first occupied thirty-four years ago and

Whereas, The volume of bills introduced and the variety of subjects requiring consideration by the General Assembly have multiplied many times during the last thirty-four years and

Whereas, The functions under the supervision of the Secretary of the Senate the Chief Clerk of the Senate and the Chief Clerk of the House are located on various floors of the Capitol not contiguous to the executive responsible for their administration thus making it impossible for the efficient and economical discharge of the duties of these officials and

Whereas, The rooms at present available for the use of the Senate and House committees are inadequate both in number and equipment making it necessary to assign several committees to each room restricting the time each committee may occupy the room and thereby preventing orderly and adequate consideration of bills which have been referred to the committee resulting in the reporting out of bills in such form that amendments on the floor are necessary to a far greater degree than would have been had proper facilities been available to the various committees and

Whereas, The Legislative Reference Bureau created to serve the Members of the Senate and House to aid in drafting legislation and the preparation of amendments to bills introduced to serve department heads in connection with legislation affecting their respective departments etc. is located outside the Capitol building thus substantially reducing its ability to perform its present functions and making it quite impossible for it to discharge the added responsibility of assuring the accuracy of legislative bills therefore be it

Resolved (if the Senate concur), That so much of the space of the Capitol building now occupied by the Treasury Department on the first floor and in the basement now occupied by the Treasury Department the Department of the Auditor General and the Pennsylvania Motor Police on the entrosole now occupied by the Bureau of Standards and other agencies of the Department of Internal Affairs on the third floor now occupied by the Department of Revenue as is indicated on the accompanying schedule be set aside for the use of the legislative branch of our government and its related agencies as soon as the Finance Building is available for occupancy by the departments which are to be housed therein and be it further

Resolved, That the Department of Property and Supplies be authorized to have removed the vault now in Room 140 to have made such minor alterations as are essential to the purposes for which this room will be used to properly equip upon requisition from the proper officers this and other rooms for the purposes for which they are to be used and be it further

Resolved, That the Legislative Reference Bureau be moved to and established in the Capitol building in quarters adequate to the performance of its present and added responsibilities

Schedule of Rooms to be Set Aside for use of Legislative Branch of Government

Room No.	Present Occupant
Basement	
6	State Treasury
8	State Treasury
9	State Treasury

9-X	State Treasury
First Floor	
110	State Treasury
113	State Treasury
115	State Treasury
129	Auditor General
140	State Treasury
149	Pennsylvania Motor Police
150	Pennsylvania Motor Police
151	Pennsylvania Motor Police
152	Pennsylvania Motor Police
153	Pennsylvania Motor Police
Entrosole	
544	Bureau of Standards
545	Internal Affairs
547	Internal Affairs
Third Floor	
337	Revenue
337-A	Revenue

BILL SIGNED

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SENATE BILL No. 67.

An Act making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling making it unlawful for any public utility to furnish private wires except by written contract conferring and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for or intended to be used for the transmission of information or advices in furtherance of gambling making illegal the furnishing of certain wires by certain public utilties after the disapproval of the contract therefor by the Pennsylvania Public Utility Commission making illegal the use of certain wires for purposes other than those specified in the written contract therefor imposing penalties making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling prescribing the burden of proof in proceedings hereunder and providing for appeal

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

AMENDED RESOLUTION RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced returned resolution from the House of Representatives as follows:

In the House of Representatives, November 29, 1938.

Resolved, (if the Senate concur) That this Special Session of the General Assembly adjourns sine die Tuesday, November 29, 1938, at 10:00 p. m.

Signed by the Committee on Rules:

1. ROY E. FURMAN
2. LEO A. ACHTERMAN
3. JOSEPH A. SIMON
4. JOHN J. O'KEEFE
5. HERBERT B. COHEN
6. JOSEPH OMINSKY

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The amendments were read by the Clerk as follows:

Amend by striking out "Tuesday, November 29, 1938, at 10:00 p. m." and inserting in lieu thereof "Wednesday, November 30, 1938, at 5:00 p. m.

On the question,

Will the House concur in the amendments made by the Senate?

They were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

RESOLUTION

COMMITTEE TO WAIT UPON SENATE

Mr. GERARD offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, November 30, 1938.

Resolved, That a committe of three Members of the House be appointed to wait upon the Senate, and inform that body that the House is ready to adjourn sine die, this day, November 30th, 1938, at Five o'clock P. M.

APPOINTMENT OF COMMITTEE TO WAIT UPON SENATE

The SPEAKER. The Chair appoints as a Committee to wait upon the Senate and inform that body that the House is ready to adjourn sine die, Messrs. GERARD, HOLSTROM and LONGAKER.

RESOLUTION

COMMITTEE TO WAIT UPON GOVERNOR

Mr. SIMON offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, November 30, 1938.

Resolved, That a committee of three Members of the House be appointed to wait upon His Excellency, the Governor, to inform him that the House of Representatives has completed the business of the Special Session and is now ready to adjourn sine die and to inquire whether he has any further communications to make.

APPOINTMENT OF COMMITTEE TO WAIT UPON GOVERNOR

The SPEAKER. The Chair appoints as a committee to wait upon the Governor and inform him that the General Assembly is ready to adjourn sine die this day, Messrs. SIMON, COOLAHAN and SPROUL.

COMMITTEE TO ATTEND FUNERAL OF HONORABLE HARVEY HUFFMAN

The SPEAKER. The Clerk will read the names of the Committee appointed to attend the funeral of the late President Pro Tempore of the Senate, Senator Harvey Huffman of Monroe County.

The Committee appointed by the Speaker was: Messrs. Furman, Herbert B. Cohen, Achterman, O'Neill, Yourishin, Vogt, Hontz, Wall, Holstrom, and Van Sickle.

The Speaker: If other members wish to attend this funeral, will you kindly communicate with the Chief Clerk of the House notifying him of your intention.

REPORT OF COMMITTEE TO WAIT UPON SENATE

Mr. GERARD. Mr. Speaker, your committee appointed to inform the Senate that the House is ready to adjourn sine die, has performed that duty.

The SPEAKER. The Committee is discharged with the thanks of the House.

REPORT OF COMMITTEE TO WAIT UPON GOVERNOR

Mr. SIMON. Mr. Speaker, your Committee, appointed to notify the Governor that the General Assembly is ready to adjourn sine die at 5:00 p. m. this day has performed that duty, and has been advised that the Governor has nothing further to communicate.

The SPEAKER. The Committee is discharged with the thanks of the House.

ANNOUNCEMENTS

Checks for members will be distributed in the Chief Clerk's office immediately after adjournment.

Members are requested to leave their keys in the office of the Chief Clerk.

ADJOURNMENT SINE DIE

The SPEAKER. This being the day and the hour fixed by concurrent resolution of the Senate and the House of Representatives as the time when the General Assembly shall adjourn sine die, I now declare this Special Session of the House of Representatives adjourned.

APPENDIX

TO THE

LEGISLATIVE JOURNAL

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LEGISLATIVE JOURNAL
EXTRAORDINARY SESSION OF 1938

REASONS FOR PARDONS GRANTED BY THE GOVERNOR FROM JANUARY 5, 1937 TO JULY 25, 1938.

Commonwealth of Pennsylvania,
Governor's Office, Harrisurg, July 25, 1938.

To the Honorable, The House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to present herewith the reasons for pardons granted by me from January 5, 1937 to date.

GEORGE H. EARLE.

BOARD OF PARDONS

In re application of John A. Grant, No. 51A, January Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment on Bills No. 168 and No. 169 of John A. Grant, convicted of conspiracy and extortion (2) and unlawfully carrying firearms, Bills 167, 168, 169, in the Court of Oyer and Terminer and Quarter Sessions of Dauphin County on March 24, 1933, be commuted from (1) Bill No. 168, a maximum of 3 years to 2 years, expiring March 24, 1937 and (2) Bill No. 169, a minimum of 1½ years to 1 day, expiring March 25, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Elvin Preston, B-1908, No. 52A, January Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment on Bills No. 65 and No. 66, of Elvin Preston, convicted of felonious assault and battery (2), Bills No. 65, and No. 66, in the Court of Quarter Sessions of Allegheny County on March 14, 1930, be commuted from (1) Bill No. 65, a maximum of 7 years to a maximum of 6 years 10 months and 29 days, and (2) Bill No. 66, a minimum of 3 years to 1 day, expiring February 14, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the

officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of John Golumbus, B-2501, No. 53A, January Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment on Bills No. 67, No. 68, and No. 71 of John Golumbus, convicted of breaking and entering with intent to commit a felony, larceny (4), Bills 67, 68, 71, 65, in the Court of Quarter Sessions of Butler County on February 28, 1931, be commuted from (1) Bill No. 67, a maximum of 6 years to 3 years; (2) Bill No. 68, a maximum of 2 years to 1 year maximum; (3) Bill No. 71, 2 year maximum to 1 year maximum, expiring February 28, 1936, and on (4) Bill No. 65, 1-2 years, the minimum expiring on February 28, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Paul Peter Chobot, C-9382, No. 54A, January Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons, recommend that the sentence of imprisonment in Bill 625, of Paul Peter Chobot convicted of robbery, armed with an offensive weapon and larceny from person, Bills No. 356 and No. 625, in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County, on December 15, 1933, be commuted from Bill No. 625, a minimum of 1 year to 1 day, expiring on March 15, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words. a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible

for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Walter Sutton, C-9324, alias Walter Lee, No. 55A, January Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons, recommend that the sentence of imprisonment on Bill No. 147, of Walter Sutton, convicted of aggravated assault and battery (2), Bills No. 146 and No. 147, in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County, on December 7, 1933, be commuted from Bill No. 147, a minimum of one and one-half years to 1 day, expiring on March 7, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Joseph McGill, C-5512, No. 514, January Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the minimum —life sentence of Joseph McGill, convicted of murder of the first degree in the Court of Oyer and Terminer of Allegheny County on March 5, 1913 be commuted from life to 23 years 11 months expiring on February 13, 19[illegible], and a maximum of life imprisonment.

Our reasons for making this recommendation are as follows:

The applicant was convicted of murder of the first degree in 1913, and was sentenced to be hanged. This sentence was commuted to life imprisonment on October 14, 1913.

The Board of Trustees of the Eastern State Penitentiary states: "His (the applicant's) physical and mental condition shows no evidence of deterioration. Since he has made a definite effort to change his attitude and in light of the long time served, we recommend a favorable consideration of his case."

The trial judge tells us: ". . . The information given in letters accompanying his application for commutation, and other facts told me at that time, led me to believe that a fully developed defense along the line of his drinking and its effect upon him, with testimony as to good reputation, would very likely have resulted in a second degree verdict . . ."

The District Attorney's representative who appeared before us at the open session stated that he was not opposed to the granting of clemency.

The applicant was never involved in any other serious trouble. He has been incarcerated for over 24 years.

We believe he has been sufficiently punished and are satisfied he is not an habitual criminal.

The applicant will be on parole for the remainder of his life. Employment has been provided for him upon his release.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of William Kinnes, No. 962, January Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that William Kinnes, convicted of assault and battery in the Court of Quarter Sessions of Philadelphia County, on June 4, 1931 be pardoned.

Our reasons for making this recommendation are as follows:

In 1931, the applicant was convicted of assault and battery. A new trial was granted. He was again convicted and was sentenced to serve a term of 1 year in the Philadelphia County Prison. The assault was committed while the applicant was a police officer.

After having served a little over one-half of his sentence he was released on parole. He was never involved in any other trouble and the crime for which he was convicted was committed while under the influence of intoxicating liquor.

The applicant has conducted himself in an exemplary manner since his release and at the present time is enlisted in the United States Army and is stationed at Panama. He served in the United States Army during the World War and was cited for bravery after having been wounded twice in action.

If pardoned he intends to marry and will return to Philadelphia to make his home. Under the circumstances we feel that the applicant is entitled to have his record cleared.

A pardon will in part remove the stigma of the crime and will improve his chances of securing employment.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Harry H. Hoffman, No. 1706, January Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Harry H. Hoffman, convicted of murder of the second degree in the Court of Oyer and Terminer and Quarter Sessions of Luzerne County, on November 3, 1928 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant was convicted of murder of the second degree in 1928. He was sentence to serve a term of from 10 to 20 years in the Eastern State Penitentiary.

In 1935, the minimum sentence was commuted, on our recommendation, to 6 years and 7 months, and the applicant was released on parole. Since then he has conducted himself in an exemplary manner.

Because of the conviction the applicant is unable to follow his profession as a physician. Seventeen members of the medical society, of which the applicant was a member, recommend a pardon in order that the applicant could be reinstated.

The District Attorney's representative who appeared before us at the open session was not opposed to the granting of the pardon. The Board of Trustees of the Penitentiary in which the applicant was incarcerated states: ". . . If this man is permitted again to practice medicine there is no question that it would be a great aid to his readjustment.

We are in sympathy with this case but feel that the recommendation for further clemency should be made by the Supervisor of Paroles."

The Supervisor of Paroles recommends a pardon.

A pardon will enable the applicant to apply for reinstatement as a doctor and will be of material assistance in his rehabilitation.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of James M. McDonald, B-3308, No. 2543, January Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the minimum sentence of James M. McDonald, convicted of breaking and entering and larceny in the Court of Quarter Sessions of Crawford County on August 1, 1932 be commuted from 5 years to 4 years 7 months expiring on March 1, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to several charges of breaking and entering and larceny in 1932. He was sentenced to serve a term of from 5 to 10 years in the Western State Penitentiary. He was never involved in any other trouble.

The Board of Trustees of the Western State Penitentiary states: "If this inmate were eligible to apply for parole, we would probably recommend him for parole (1) first arrest (2) cooperative and dependable inmate (3) excellent employment record as clerk at Rockview (4) good economic history."

The District Attorney did not oppose the application.

The applicant has served over four-fifths of his minimum sentence. We believe he has been sufficiently punished and are satisfied he is not an habitual criminal.

The applicant will be on parole until 1942.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.

DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of John Powell, C-9308, No. 2721, January Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment on Bill No. 16, of John Powell, convicted of larceny (2), Bills No. 15 and No. 16, in the Court of Oyer and Terminer and Quarter Session of Philadelphia County, on December 5, 1933, be commuted from Bill No. 16, a minimum of 1½ years to 1 day, expiring December 6, 1936.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of William C. Roth, No. 2765, January Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that William C. Roth, convicted of unlawful possession of intoxicating liquor in the Court of Quarter Sessions of Philadelphia County, on October 2, 1928 be pardoned.

Our reasons for making this recommendation are as follows:

In 1926 and 1928, the applicant plead guilty to charges of unlawful possession of intoxicating liquor. In 1932 he was guilty of setting up and maintaining an illegal lottery.

The District Attorney's office conducted an investigation of these cases and found that on the charges of unlawful possession of intoxicating liquor, the applicant assumed the responsibility for his father who was in very poor health and who had several heart attacks. The applicant took the blame and suffered the punishment.

On the charge of maintaining an illegal lottery the applicant was advised by counsel, since disbarred, to plead guilty although he always maintained his innocence. He was placed on probation on this charge for two years.

We feel that the applicant has been the victim of circumstances. The District Attorney said that a pardon may be well granted for these offenses.

For the past four years the applicant has conducted himself in an exemplary manner. He has taken civil service examinations in the city of Philadelphia for a position as a patrolman or fireman. Unless a pardon is granted he cannot be appointed. We feel that the applicant should have his record cleared to further his chances for employment.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Dominic Serubo, C-9917, No. 2903, January Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Dominic Serubo, convicted of sodomy in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on August 29, 1934 be commuted from 5 years to 2 years 6 months expiring on February 28, 1937.

Our reasons for making this recommendation are as follows:

The applicant was sentenced to serve a term of from

five to ten years in the Eastern State Penitentiary in 1934 for sodomy.

The District Attorney's office of Philadelphia County conducted an investigation of this case and the District Attorney's representative who appeared before us at the open session stated that the facts warranted leaving the case in the hands of the Board without any recommendation. It appears to us that the applicant was the victim of perjured testimony but on the advice of counsel, pleaded nolo contendere.

The parole agent who investigated the case stated that the applicant's wife admitted that the testimony against the applicant was perjured.

The applicant had a very good reputation. We believe he has been sufficiently punished and are saitsfied that he is not an habitual criminal.

The applicant will be on parole until 1944. An excellent home has been provided him and employment has been assured.

Respectfully submitted,

THOMAS KENNEDY.
Lieutenant Governor.
DAVID L. LAWRENCE.
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE.
Governor.

BOARD OF PARDONS

In re application of Connell Golden, B-3111, No. 3000, January Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment on Bills No. 78 and No. 79 of Connell Golden, convicted of assault and battery with intent to commit rape (2) Bills No. 78 and No. 79, in the Court of Quarter Sessions of Cambria County on February 15, 1932, be commuted from (1) Bill No. 78, a maximum of 5 years to 2½ years, expiring August 15, 1934 and on (2) Bill No. 79, 2½-5 years, the minimum expiring February 15, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Richard Modesta, No. 3084, January Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Richard Modesta, convicted of robbery in the Court of Quarter Sessions of Philadelphia County, on June 4, 1936 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant was convicted of robbery in 1936. He was sentenced to serve a term of from two to four years in the Eastern State Penitentiary.

The prosecutor in the case stated at the applicant's trial that he could not identify the applicant. The prosecutor was arrested for perjury but was acquitted. The court commended the prosecutor on his refusal to identify the applicant when he was not certain about the identification. Upon the prosecutor's acquittal the applicant's attorney attempted to file an appeal with the Superior Court. However, the time for appeal having passed the court could not consider the appeal.

The District Attorney's representative appeared before us at open session and stated that a pardon should be granted to the applicant because of the uncertainty of his guilt.

The applicant had never been convicted of any other crime.

After a careful examination of all the facts of the case we feel a pardon should be granted because of the serious doubt about the applicant's guilt.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of John Imiola, B-5042, D-1112, No. 3156, January Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of John Imiola, convicted of robbery in the Court of Quarter Sessions of Philadelphia County on January 30, 1936 be commuted from 2½ years to 1 year 1 month expiring on February 28, 1937.

Our reasons for making this recommendation are as follows:

The applicant was convicted of robbery in 1936. He was sentenced to serve a term of from two and one-half to five years in the Eastern State Penitentiary.

The District Attorney's representative appeared before us stated that there was sufficient doubt about the applicant's guilt, that he should be given the benefit of the doubt.

The Board of Trustees of the penitentiary states that there appears to be some merit in the applicant's contention of innocence and if substantiated he should be granted clemency.

After a careful examination of all the facts in the case we are in accord with the District Attorney's views. The applicant was never involved in any other trouble before. We are confident he is not an habitual criminal.

The applicant will be on parole until 1941.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Walter C. Zuest, No. 3182, January Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Walter C. Zuest, convicted of operating automobile while under the influence of liquor and operating a motor vehicle without consent of the owner, in the Court of Quarter Sessions of Philadelphia County, on December 3, 1928 be pardoned.

Our reasons for making this recommendation are as follows:

In 1928, the applicant was found guilty of operating a motor vehicle while under the influence of intoxicating liquor and operating a motor vehicle without the consent of the owner. However, the prosecutor admitted that the applicant had permission to drive the car. The applicant was sentenced to serve a term of 30 days in the Philadelphia County Prison, but this sentence was reconsidered and made 18 days from the time of commitment in the Philadelphia County Prison.

The District Attorney's representative appeared before us at the open session of the Board stated that he was not opposed to the granting of a pardon.

Applicant was never convicted of any other crime. He has a wife and four children who are dependent upon him for support.

A pardon will in part remove the stigma of the crime, and will be of material assistance to his advancement.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of William S. Grier, C-9590, No. 3192, January Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment on Bills No. 331 and No. 332 of William S. Grier, convicted of fraudulently making a written instrument (2) on March 15, 1934 on Bills No. 331 and No. 332 in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County, be commuted from (1) Bill No. 331, a maximum of 5 years to 3 years, expiring March 15, 1937; and (2) No. 332, a minimum of 1½ years to 1 day, expiring March 16, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by

the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Charles Zalutsky, C-9599, No. 3196, January Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Charles Zalutsky, convicted of robbery in the Court of Oyer and Terminer and Quarter Sessions of Schuylkill County on March 7, 1934 be commuted from 8 years to 3 years expiring on March 7, 1937.

Our reasons for making this recommendation are as follows:

The applicant pleaded guilty to robbery in 1934. He was sentenced to serve a term of from eight to sixteen years in the Eastern State Penitentiary. At the time of the conviction of the crime he was only sixteen years of age.

The Board of Trustees of the penitentiary stated: ". . . Since his (the applicant's) incarceration he has made a very earnest effort to improve himself by attending school. He has taken work from Pennsylvania State College in poultry raising and is now studying that subject in regular school.

"His institutional record is excellent and he spends his free time in cell study. . . ." The Board of Trustees have no objection to commutation in this case.

The applicant will be on parole until 1950. Employment has been assured and a satisfactory home has been provided. Mrs. Hattie Cressman of Allentown, Pennsylvania, has agreed to act as sponsor.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Marion Edwin Mulhollen, B-4605, No. 3198, January Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Marion Edwin Mulhollen, convicted of felonious breaking and entry of mine and stealing copper wire in the Court of Quarter Sessions of Clearfield County on July 22, 1935 be commuted from 2 years to 1 year 7 months expiring on February 22, 1937.

Our reasons for making this recommendation are as follows:

In 1935, the applicant plead guilty to felonious breaking and entering and larceny. He was sentenced to serve a term of from two to four years in the Western State Penitentiary. He has served over one and one-half years of his minimum sentence.

The Board of Trustees of the Western State Penitentiary states: "If this inmate were eligible to apply for parole, we would probably recommend him for parole (1) first imprisonment (2) excellent institutional record."

The Trial Judge told us that he had no objections to the granting of clemency.

The applicant has a wife and three children who are in urgent need of his support. Employment has been assured him if he is released.

The sentence of an accomplice was commuted on our recommendation in December 1936.

We feel the applicant has been sufficiently punished and are satisfied he is not an habitual criminal.

The applicant will be on parole until 1939.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Howard Farare, C-5287, B-4772, No. 3200, January Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Howard Farare, convicted of murder of the second degree in the Court of Oyer and Terminer of Delaware County on March 26, 1929, computed from December 22, 1928 be commuted from 10 years to 8 years 2 months expiring on February 22, 1937.

Our reasons for making this recommendation are as follows:

The applicant was convicted of murder of the second degree in 1928. He was sentenced to serve a term of from ten to twenty years in the Eastern State Penitentiary.

The District Attorney's representative appeared before us stated that he was not opposed to the granting of clemency. The applicant was never involved in any other trouble. The Board of Trustees of the Eastern State Penitentiary states that the applicant has a satisfactory record and that he sends his money home.

The applicant has served over four-fifths of his minimum sentence. We believe he has been sufficiently punished and are satisfied he is not an habitual criminal.

The applicant will be on parole until 1949. Employment has been assured and arrangements have been made for a satisfactory home.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Morris Gordon, No. 3201, January Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Morris Gordon, convicted of negligence in performing duties as an election officer in the Court of Quarter Sessions of Allegheny County, on May 7, 1928 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead nolo contendere to a charge of negligence in performing duties as an election officer. He was sentenced to pay a fine of fifty dollars and was placed on probation for one year. The mistakes made by the election board of which the applicant was judge were not serious and were the result of carelessness and inexperience.

The applicant had never been actively engaged in politics and had no experience as an election officer. The applicant is a member of a number of civic organizations in Pittsburgh and enjoys an excellent reputation in the community in which he resides. He is a member of the firm of B. Gordon Company for the past fifteen years.

The trial judge states, "I have examined this petition and it sets forth in substance the charge against him. This was one of a batch of cases we had at the time where a number of election boards were indicted, and on investigation we were of the opinion in this case it was not a wilful violation of the law but more one of ignorance or negligence.

As stated in the application, he was paroled for a year and to pay a fine of $50.00. He has complied with the conditions of his parole and was discharged on May 21, 1929. We offer no objection to favorable consideration."

The District Attorney's representative appeared before us in open session stated that he was not opposed to the granting of the pardon.

The pardon will in part remove the stigma of the offense and will enable the applicant to participate more freely in civic affairs.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Milton Cooperman, No. 3206, January Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Milton Cooperman, convicted of forcible entry and larceny in the Court of Quarter Sessions of Allegheny County, on November 25, 1931 be pardoned.

Our reasons for making this recommendation are as follows:

In 1931, the applicant was convicted of forcible entry and larceny. He was sentenced to pay a fine of two hundred and fifty dollars and placed on probation for two years. The crime consisted of the applicant's attempt to secure his property which had been levied upon on a landlord's warrant.

The applicant had never been in any other trouble and has an excellent reputation. For the past fifteen years he has been employed by the Cooperman Furniture Company, Pittsburgh. A pardon will in part remove the stigma of the crime from the applicant and his family.

The District Attorney's representative appeared before us at the open session stated that he was not opposed to the granting of a pardon and the trial judge told us, "he (the applicant) has complied with the conditions of parole and we have no objection to favorable consideration.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Franklin Labold, D-666, No. 3207, January Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Franklin Labold, convicted of burglary in the Court of Quarter Sessions of Northampton County on June 10, 1935 to begin May 11, 1935 be commuted from 4 years to 1 year 10 months expiring March 11, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to burglary in 1935. He was sentenced to serve from four to eight years in the Eastern State Penitentiary.

The officials of the penitentiary have told us the applicant is suffering with chronic encephalitis and that there are no prospects of recovery. This disease renders the applicant unsuitable for ordinary prison care.

Arrangements have been made with the Federal authorities at Bath, New York, for the applicant's hospitalization.

We recommend the commutation of sentence solely because of this man's mental and physical condition and for his permanent institutionalization in a place suitable for his condition.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Charles Thomas Ransom, D-670, No. 3213, January Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum and minimum sentence of Charles Thomas Ransom, convicted of aggravated assault and battery in the Court of Quarter Sessions of Philadelphia County on June 13, 1935

be commuted from (1) minimum of 2 years, (2) maximum of 4 years to (1) 1 year 8 months, (2) 3 years expiring on (1) February 13, 1937, (2) June 13, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead nolo contendere to a charge of aggravated assault and battery in June, 1935. He was sentenced to serve a term of from two to four years in the Eastern State Penitentiary. The sentencing judge erred in the sentence as the maximum sentence for aggravated assault and battery is three years and the applicant should have been eligible for release on parole at the expiration of one and one-half years. Accordingly, we recommend a commutation from a minimum term of two years to a minimum term of one and one-half years and from a maximum term of four years to a term of three years.

The District Attorney's representative who appeared before us at the open session agreed that this was the proper sentence.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE.
Governor.

BOARD OF PARDONS

In re application of Joe Cavka, No. 3221, January Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Joe Cavka, convicted of unlawful possession of intoxicating liquor in the Court of Quarter Sessions of Beaver County, on August 12, 1933 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the unlawful possession of intoxicating liquor in 1933. The liquor which he had in his home was for his own consumption. He was sentenced to pay a fine of fifty dollars and placed on probation for three years. He was never involved in any other trouble.

The applicant has been employed for the past nine years by the Pittsburgh Crucible Steel Company. He has an excellent reputation in the community in which he resides.

The District Attorney stated that we would be justified in honoring the application.

It is the applicant's desire to become a citizen and a pardon will permit him to take out his papers. The pardon also will in part remove the stigma of the crime and will be of material assistance to his advancement.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Charles R. Betchtle, No. 3224, January Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Charles R. Bechtle, convicted of fraudulent conversion and larceny by servant in the Court of Oyer and Terminer of Montgomery County, on January 10, 1930 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant was convicted of fraudulent conversion and larceny by servant in 1929. He was sentenced to serve a term of from 2 to 5 years in the Montgomery County Prison.

The applicant was never involved in any other trouble and since his release has conducted himself in an exemplary manner. He enjoys an excellent reputation.

At the present time he holds a position as Sergeant in charge of the guards at the Philco Plant in Philadelphia.

The trial judge states: ". . . Let me say that Mr. Bechtle has kept in touch with me, at intervals, ever since his parole, and has given every indication of being truly penitent and anxious to make good.

"From my knowledge of the case, and of Mr. Bechtle's conduct since his release from prison, I gladly recommend that a pardon be granted."

The District Attorney tells us: ". . . This office would not stand in the way of the application for a pardon of this defendant in your Board feels that under the circumstances such action is proper. It is probably the only way that the applicant can completely rehabilitate himself."

The applicant has a wife and three children. A pardon will in part remove the stigma of the crime from the applicant and his family and will be of material assistance to his advancement.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Clarence Williams, B-4453, No. 4004, January Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment on Bills No. 137, of Clarence Williams, convicted of felonious assault and battery and larceny Bills No. 137 and No. 167, in the Court of Quarter Sessions of Washington County on February 13, 1935, be commuted from Bill 137, a maximum of 3 years to 1½ years, expiring August 13, 1936, and on Bill 167, 6 months to 2 years, the minimum expiring on February 13, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences im-

posed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE.
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of J. Orville Barnes, No. 219, February Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that J. Orville Barnes, convicted of setting up and establishing gambling devices, in the Court of Quarter Sessions of Franklin County, on January 16, 1937 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to felonious entry and larceny in 1929. He was sentenced to serve a term of from 4 to 8 years in the Eastern State Penitentiary. He was released on parole in 1933 and since then has been operating a gasoline station near Greencastle. The Supervisor of Paroles reports that he has complied in every respect with the rules of parole and has been working steadily.

On January 13 of this year he was arrested by a State Policeman for setting up and establishing gambling devices. These gambling devices consisted of four punch boards, prizes on which were candy and cigarettes. He plead guilty to the charge and was fined $50.00 and costs. Because of his conviction it will be necessary to return him to the penitentiary unless a pardon is granted. We believe it would be most unjust to return a parolee who has conducted himself in an exemplary manner for three and one-half years because he had a few punch boards in his place of business.

The District Attorney has no objections to a pardon and the trial judge says: "It seems to me that where the crime he committed was of such a minor nature that the court who heard it did not think a jail sentence was a proper thing, it would be working a great hardship and a great wrong if he had to be returned to the penitentiary to serve four years because of this one false step. For these reasons I am writing this to say to the Board of Pardons that I would join in asking them to commute this man's sentence so that he did not need to be returned to the penitentiary because of what has happened here in connection with this charge of gambling."

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE.
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Robert Samuel Hallman, C-2416, No. 252, February Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum and minimum sentences of Robert Samuel Hallman, convicted of entering to commit a felony, carrying concealed deadly weapons and robbery, Bills No. 1024, 1022, 1020, in the Court of Quarter Sessions of Philadelphia County on April 11, 1924 be commuted from (1) maximum of 20 years, (2) maximum of 20 years, (3) minimum of 5 years to 1 day, (1) maximum 12 years 11 months, (2) maximum of 1 day (3) minimum of 1 day, expiring on (1) March 11, 1937, (2) March 12, 1937, (3) March 13, 1937.

Our reasons for making this recommendation are as follows:

The applicant was convicted of a number of charges of entering to commit a felony, carrying concealed deadly weapons and robbery in 1924. He was sentenced to serve a term of from twenty-five to sixty years in the Eastern State Penitentiary.

The District Attorney's representative who appeared before us stated that the applicant has served as long or longer than anyone else on similar charges and if his record in the institution is good he should be given consideration.

The Board of Trustees of the Eastern State Penitentiary states: "He has a good conduct record and an exceptional employment record. He knew little about weaving when he entered the institution. During his incarceration he has learned all branches of the textile trade. He has been employed in the weave shop for approximately 10 years and at the present time is head clerk. He goes out of his way to do a thorough job, and is one of the hardest working men in the shop. The only record of infraction of rules were of minor nature which occurred four years ago and they are not to be considered at this time. Because of the length of time served and his unusual effort toward self-improvement commutation is recommended in this case."

An excellent sponsor has been provided for the appli-

cant and employment has been assured him upon his release. The applicant will be on parole until 1957.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Saverio Flori, No. 667, February Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Saverio Flori, convicted of pandering, receiving earnings of one engaged in prostitution, and transportation for purposes of prostitution in 1926 in the Court of Oyer and Terminer of Schuylkill County, on June 24, 1926 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant was convicted of pandering, receiving earnings of one engaged in prostitution, and transportation for purposes of prostitution in 1926. He was sentenced to serve a term of from 8 to 10 years in the Eastern State Penitentiary. This sentence was commuted by Governor Pinchot on the recommendation of the then Board of Pardons in 1932 to a minimum term of 5 years and 8 months, and the applicant was released on parole. Since that time he has conducted himself in an exemplary manner.

He was never involved in any other trouble, and has established himself in business in New York City. Unless a pardon is granted the applicant will be deported. He has an honorable discharge from the United States Army and all his relatives and friends live in this country.

A pardon will permit him to remain in this country and will clear the way to his becoming a citizen.

Dr. Bowman, Restoration Director at the Eastern State Penitentiary, strongly urged the granting of a pardon.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Pete Hinton, B-813, No. 1277, February Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Pete Hinton, convicted of breaking and escaping penitentiary, in the Court of Quarter Sessions of Centre County, on May 28, 1928, be commuted from 4 years to 2 months expiring on March 3, 1937.

Our reasons for making this recommendation are as follows:

The applicant was convicted of voluntary manslaughter in 1927. He was sentenced to serve a term of from 4 to 9 years in the Western State Penitentiary. He was transferred to the Rockview Farm Prison and escaped in 1928. He was captured shortly thereafter and was returned to the penitentiary. On the escape charge he received an additional term of from 4 to 9 years.

The applicant was never involved in any other trouble. He has served over nine years in the penitentiary.

The trial judge has no objections to the granting of clemency if the officials of the institution approve. The Board of Trustees of the penitentiary states: "If this inmate were eligible to apply for parole, we would probably recommend him for parole; maximum of original sentence expired January 3, 1937."

The applicant intends to go to Youngstown, Ohio. Our recommendation is contingent upon his removal to that State and his remaining out of this State.

The applicant will be on parole until 1945.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Irwin Barber, C-1367, No. 1920, February Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Irwin Barber, convicted of larceny, in the Court of Oyer and Terminer and Quarter Sessions of Luzerne County, on February 18, 1922, be commuted from 10 years to a maximum of 5 years, 2 months, expiring on March 23, 1937; and the minimum sentence of Irwin Barber, convicted of escape, in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on July 10, 1933, be commuted from 5 years to 1 day, expiring on March 24, 1937.

Our reasons for making this recommendation are as follows:

With the exception of the last two and one-half years the applicant has spent the last twenty-four years of his life in jail. The sentences were for thefts of automobiles and escapes from prison.

The Board of Trustees of the penitentiary states: ". . . Since his return, his institutional record has been excellent. He is employed in the woodworking division and has saved approximately $420. During the disturbances in 1933 he did everything in his power to co-operate with the authorities. The details of his escape from the Eastern Penitentiary lead us to believe that this man was a tool in the hands of desperate criminals. Because of the unusual circumstances in this case, we suggest that serious consideration be given his plea."

The District Attorney's representative who appeared before us at the open session stated that he did not oppose the application.

The applicant will be on parole for over ten years and we feel that if he make good at any time that now is the time to give him a chance.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Adam Regimon, B-3099, No. 1403, February Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons, recommend that the sentences of Adam Regimon, convicted of breaking and entering and larceny, Bills No. 206, No. 205, No. 223 to run consecutively and Bills No. 203, 212, 213, 221, 222, 225, 226, 227, 229, 230, 231, 232, 233 to run concurrent with the above consecutive sentences, in the Court of Oyer and Terminer of Westmoreland County on February 6, 1932 be commuted from (1) Bill No. 206, a maximum of 6 years to 5 years, 1 month, expiring on March 6, 1937; (2) Bill No. 205, a maximum of 6 years to maximum of 1 day, expiring on March 7, 1937; (3) Bill No. 223, from a minimum of 3 years to 1 day, expiring March 8, 1937, and on (4) Bill No. 208, (Bills No. 203, 212, 213, 221, 222, 225, 226, 227, 229, 230, 231, 232, and 233 concurrent) a maximum of 2 years to maximum of 1 day, expiring March 9, 1937.

Our reasons for making this recommendation are as follows:

The appicant plead guilty to a number of charges of breaking and entering and larceny in 1932. He was sentenced to serve a term of from 10 to 20 years in the Western State Penitentiary. He has served over five years of his minimum sentence. A deportation warrant is on file at the penitentiary and he will be deported immediately upon his release.

The District Attorney has no objections to the granting of clemency if he is deported.

The applicant has a wife and three children living in Czechoslovakia.

Our recommendation is for the purposes of and contingent upon his deportation to and remaining in Czechoslovakia.

Respectfully submitted.

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Joseph Rominski, D-1006, No. 3186, February Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the minimum sentence of Joseph Rominski, convicted of robbery in the Court of Oyer and Terminer and Quarter Sessions of Luzerne County on September 6, 1935 be commuted from 8 years to 1 year 6 months expiring on March 26, 1937.

Our reasons for making this recommendation are as follows:

The applicant was convicted of robbery in 1935. He was sentenced to serve a term of from 8 to 20 years in the Eastern State Penitentiary.

The assistant District Attorney, Honorable J. Harold Flannery, who tried the case, now a member of Congress, appeared before us and stated that there was more than a reasonable doubt about the applicant's guilt. He told us that after the conviction he discussed the matter with the attorneys who represened the applicant and suggested that they ask for a new trial. However, shortly thereafter his services as assistant District Attorney were discontinued and he did not follow the case. He learned later that a motion for a new trial was not made and the applicant received the aforementioned sentence. When Mr. Flannery learned this he urged a member of the bar of Luzerne County to present an application to us.

The District Attorney of Luzerne County, after being informed of Mr. Flannery's statements, stated he was not opposed to the granting of the application.

The applicant has a criminal record and we would not recommend clemency except for the grave doubt about his guilt.

The applicant will be on parole until 1955.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Rudolph C. Bender, No. 3240, February Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Rudolph C. Bender, convicted of conspiracy to cheat and defraud in the Court of Quarter Sessions of Philadelphia County, on November 6, 1925, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead nolo contendere to a number of bills charging him with conspiracy to cheat and defraud. He was sentenced to serve a term of one year in the Philadelphia County Prison. After serving ten months he was released on parole. Since then he has conducted himself in an exemplary manner and has a good reputation.

He was never involved in any other trouble. He is now employed on a WPA project in Delaware County.

A pardon is necessary in order that he may secure bonds for better positions.

The trial judge states: ". . . I feel that Bender paid his debt to society by serving his year in jail and I have no objection to your granting him a pardon if you see fit."

The District Attorney's representative who appeared before us at the open session stated that he was not opposed to the granting of a pardon.

A pardon will in part remove the stigma of the crime attached to the applicant and his family and will be of material assistance to his advancement.

Respectfully submitted.

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Walter Szymansky, C-8549, No. 3241, February Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Walter Szymansky, convicted of robbery and carrying concealed deadly weapons in the Court of Oyer and Terminer and Quarter Sessions of Delaware County

on January 5, 1933 be commuted from ten years to 4 years 2 months expiring on March 5, 1937.

Our reasons for making this recommendation are as follows:

The applicant was convicted of robbery and carrying concealed deadly weapons in 1933. He was sentenced to serve a term of from ten to twenty years in the Eastern State Penitentiary. An accomplice who received the same sentence had his minimum sentence commuted on our recommendation in November, 1936.

The applicant was never involved in any other trouble.

The District Attorney's representative who appeared before us at the open session stated that he was not opposed to the granting of clemency.

Reverend Kenney, one of the spiritual advisors at Graterford, stated that the applicant and his accomplice were the two most trusted inmates in the penitentiary.

The Board of Trustees of the penitentiary tells us that the applicant's institutional record is unusual, that his conduct is above reproach and that he associates with only the best type of men.

We believe the applicant has been sufficiently punished and are satisfied he is not an habitual criminal.

The applicant will be on parole until 1953. Employment has been assured and a home has been provided for him upon his release.

Respectfully submitted.

THOMAS KENNEDY.
Lieutenant Governor.
DAVID L. LAWRENCE.
Secretary of the Commonwealth.
THOMAS A. LOGUE.
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of John Donaghy, C-7118, No. 3254, February Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of John Donaghy, convicted of robbery in the Court of Oyer and Terminer of Philadelphia County on May 29, 1931 be commuted from a maximum of 6 years to a minimum of 3 years 6 months on March 23, 1937, and maximum of 6 years, expiring September 23, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead nolo contendere to robbery in 1931. He was sentenced to serve a term of from three to six years in the Eastern State Penitentiary. He was released on parole in 1934. In July, 1936, he was sentenced to serve a term of three months in the Philadelphia County Prison for assault and battery. After serving the three months in the prison he was transferred to the Eastern State Penitentiary because of the parole violation.

The District Attorney's representative who appeared before us at the open session stated that he had no objections to the granting of clemency in this case because the parole violation consisted only of a fight.

The Board of Trustees of the Eastern State Penitentiary states: "He is attempting to improve himself by taking International Correspondence School course in Stationery Engineering through the institutional school. His conduct on the block is above reproach and he has never had any misconducts while in the institution.

This man was released on parole on May 29, 1934. He served 2 years 3 months and 24 days while on parole. According to his statement he was frequently persecuted by an individual who took delight in informing people that he was an ex-convict. He was finally provoked into a fight for which he was sentenced to 3 months in the county jail. Upon his release he was returned to the institution as a parole violator.

It is our feeling that this man has been sufficiently punished for the crime that he committed and we recommend favorable consideration of his plea."

Father Farley, chaplain, and Mr. Tucker, senior parole officer of the Eastern State Penitentiary, have agreed to look after the applicant's interests if he is released.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Charles F. Zoll, No. 3256, February Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Charles F. Zoll, convicted of (1) larceny (2) robbery in the Court of (1) Oyer and Terminer (2) Oyer and Terminer of (1) Philadelphia (2) Delaware County, on (1) August 18, 1921 (2) March 22, 1929 be pardoned.

Our reasons for making this recommendation are as follows:

In August, 1921, the applicant was convicted of larceny. He was sentenced to serve a term of nine months in the Philadelphia County Prison. In 1929 he was sentenced to Delaware County to serve a term of from five to fifteen years in the Eastern State Penitentiary for robbery. The minimum sentence was commuted in 1931 to a term of 1 year and 9 months. He was released on parole February 21, 1931. He has been on parole for six years. The Supervisor of Paroles tells us that he has complied faithfully in every respect with the rules of parole. He has an excellent home and is employed as a surveyor on a WPA project.

The District Attorneys of Philadelphia County and Delaware County told us through their representatives that they were in favor of granting a pardon. The trial judge of the case in Delaware County said that it was his opinion that a pardon would be in order at this time.

A pardon will in part remove the stigma of the crime attached to the applicant and his family and will be of material assistance to his advancement.

Respectfully submitted,

THOMAS KENNEDY.
Lieutenant Governor.
DAVID L. LAWRENCE.
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re appication of Gertrude Galletti, C-5161, No. 3262, February Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the minimum sentence of Gertrude Galletti, convicted of murder, second degree in the Court of Oyer and Terminer of Luzerne

County on February 1, 1929 be commuted from 10 years to 8 years 5 months expiring on March 9, 1937.

Our reasons for making this recommendation are as follows:

The applicant was convicted of murder of the second degree in 1928. She was sentenced to serve a term of from ten to twenty years in the Eastern State Penitentiary. She was confined in the Philadelphia County Prison for over three years and since then has incarcerated at the State Industrial Home for Women at Muncy.

The Board of Trustees of the Eastern State Penitentiary reporting on this case after having consulted the authorities of the Industrial Home State: "She has served eight years. This was her first offense and was caused by her victim entering her home and forcing his attentions upon her. Her husband has remained loyal to her and is willing to give her a home and live with her. She has been very good to his daughter and has taken her small prison wages to buy clothing for this child. I believe she is sincere in her desire to live a good life."

In addition to this they tell us that the applicant is a paralytic but that this condition does not interfere with her daily routine, that she is a steady worker and very cooperative.

The District Attorney's representative who appeared before us at the open session stated that his office was not opposed to the application.

The applicant will return to her husband who is regularly employed.

The applicant has served over four-fifths of her minimum sentence. We believe that she has been sufficiently punished and are satisfied that she is not an habitual criminal.

The applicant will be on parole unutil 1948.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of James Francis Gray, D-108, No. 3267, February Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members bersof the Board of Pardons recommend that James Francis Gray, convicted of robbery in the Court of Oyer and Terminer and Quarter Sessions of Dauphin County, on October 29, 1934 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to robbery in 1934. He was sentenced to serve a term of from two and one-half to ten years in the Eastern State Penitentiary.

The officials of that institution tell us that he is seriously ill with tuberculosis and has only a short time to live.

We recommend a pardon in this case only to save the applicant and his family from the ignomy of having him die in the penitentiary.

The trial judge and the District Attorney have no objections to the granting of clemency. The Board of Trustees of the Eastern State Penitentiary recommends clemency.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Robert Clark, B-3199, No. 56A, March Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment on Bills No. 38, No. 39, No. 40 of Robert Clark, convicted of breaking and entering and larceny (5) and larceny, Bills 32, 36, 38, 39, 40, 42, in the Court of Quarter Sessions of Huntingdon County on April 18, 1932, be commuted on Bill 38 from a maximum of 2 years to a maximum of 11 months and 28 days, expiring April 16, 1937; (2) Bill No. 39, a maximum of 2 years to a maximum of 1 day, expiring April 17, 1937, and (3) Bill 40, a minimum of 1 year to 1 day, expiring April 18, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence..

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.

THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of John Chesney, B-3243, No. 57A, March Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment on Bills 37, 38, 39 of John Chesney, convicted of breaking and entering and larceny (8), in the Court of Quarter Sessions, of Huntingdon County on April 18, 1932, be commuted on Bill 37, from a maximum of 2 years to a maximum of 11 months 28 days, expiring April 16, 1937; (2) Bill 38, a maximum of 2 years to a maximum of 1 day, expiring April 17, 1937; and on (3) Bill 39, a minimum of 1 year to a minimum of 1 day, expiring on April 18, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.

DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Edward Haines, C-8071, No. 58A, March Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment on Bill No. 85 of Edward Haines, convicted of larceny and receiving stolen goods, Bills No. 84 and No. 85, in the Court of Oyer and Terminer and Quarter Sessions of Lehigh County on June 14, 1932, to begin May 11, 1932, be commuted from Bill No. 85, a minimum of 1 year to 1 day, expiring May 11, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.

DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of John Carmello, C-4920, No. 1074, March Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment on Bill No. 115 of John Carmello, convicted of aggravated assault and battery with intent to kill, bringing stolen goods into State, and attempted burglary, Bills No. 114, No. 113, No. 115, in the Court of Oyer and Terminer and Quarter Sessions of Berks County on November 3, 1928, be commuted from Bill No. 115, a minimum of 3½ years to 1 day, expiring on May 4, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.

DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Mark Lester, B-727, No. 1307, March Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment on Bills No. 3 and No. 4 of Mark Lester, convicted of robbery, Bills No. 3 and No. 4, in the Court of Oyer and Terminer of Allegheny County on April 12, 1928, be commuted on Bill No. 3 from a maximum of 10 years to a maximum of 8 years, 11 months and 29 days, expiring on April 11, 1937; and on Bill No. 4, from a minimum of 5 years to 1 day, expiring on April 12, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.

DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of John Kelley, C-7019, No. 1771, March Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of John Kelley, convicted of murder of the second degree in the Court of Quarter Sessions of Cumberland County on April 18, 1931 be commuted from seven years to six years, expiring on April 18, 1937.

Our reasons for making this recommendation are as follows:

In 1931, the applicant plead guilty to murder of the second degree. He was sentenced to serve a term of from seven to fourteen years in the Eastern State Penitentiary.

The trial judge tells us that he has no objections to the granting of clemency if we feel, under the circumstances, the applicant is ready for rehabilitation.

The applicant has been confined in the Cumberland County Jail since 1932. Ex-Sheriff Bender, who was in charge of that jail from 1932 to 1934, states: ". . . In my opinion Kelley is sorry for any part he had in this crime. If released, I believe that he will conduct himself as a law abiding citizen."

Sheriff Lindsey, under whose charge the applicant has been since 1934, states: ". . . He has been himself if he is released.

I am glad to be able to recommend to the Board that he be granted a pardon."

The parole agent who investigated the case states that the applicant enjoyed a good reputation.

By the time the applicant can be released he will have served six years of his minimum sentence.

We believe he has been sufficiently punished and are satisfied he is not an habitual criminal.

The applicant will be on parole until 1945. An excellent home has been provided for him and employment has been assured him upon his release.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Edward R. Hansen, B-3024, No. 2065, March Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment on Bills No. 6, 7, 8, 9, and 10 of Edward R. Hansen, convicted of breaking and entering and larceny in the Court of Oyer and Terminer of Somerset County on December 28, 1931 be commuted from Bill No. 6, a maximum of 4 years to a maximum of 1 year 4 months, expiring on April 28, 1937; Bill No. 7, a maximum of 4 years to a maximum of 1 day, expiring on April 29, 1937; Bill No. 8, a maximum of 4 years to a maximum of 1 day, expiring on April 30, 1937; Bill No. 9, a maximum of 4 years to a maximum of 1 day, expiring on May 1, 1937; and on Bill No. 10 from a minimum of 2 years to a minimum of 1 day, expiring on May 2, 1937.

Our reasons for making this recommendation are as follows:

In 1931, the applicant plead guilty to a number of charges of breaking and entering and larceny. He was sentenced to serve six consecutive terms of imprisonment of from two to four years in the Western State Penitentiary.

The Board of Trustees of the Western State Penitentiary states: "If this inmate were eligible to apply for parole, we would probably conditionally recommend him for parole subject to deportation to Denmark (1) good institutional record (2) deportation warrant has been issued by U. S. Department of Labor directing the applicant's return to his native land."

The trial judge and District Attorney have no objections to a commutation of sentence for deportation.

An accomplice was released on parole after a commutation of sentences in 1936.

Our recommendation is contingent upon the applicant's deportation to Denmark.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Lee Evans, B-1999, No. 2294, March Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment of Lee Evans, convicted of larceny of automobile (2), entering building (2), in the Court of Quarter Sessions of Allegheny County on April 22, 1930, be commuted from (1) Bill No. 24, a maximum of 4 years to a maximum of 2 years, expiring on April 22, 1936; (2) Bill No. 21, a maximum of 4 years to maximum of 11 months 29 days, expiring April 21, 1937; (3) Bill No. 17, a minimum of 1 year to a minimum of 1 day, expiring April 22, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible

for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of John Cooper, A-13255 alias Frank Mitchell, No. 3226, March Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment of John Cooper, convicted of voluntary manslaughter and robbery in the Court of Oyer and Terminer of Washington County on February 20, 1924, be commuted on (1) Bill No. 4 from a minimum of 5 years to a minimum of 1 year 2 months, expiring on April 20, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Mary Kovack, No. 3264, March Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentences of imprisonment on Bills 69 and 70 of Mary Kovack, convicted of robbery in the Court of Oyer and Terminer of Philadelphia County on April 8, 1931, be commuted from Bill No. 69, a maximum of 20 years to a maximum of 6 years, expiring April 8, 1937; and Bill No. 70, from maximum of 20 years to a maximum of 1 day, expiring April 9, 1937; and that the minimum sentence of imprisonment of Mary Kovack, convicted of escape in the Court of Quarter Sessions of Lycoming County on April 18, 1932, be commuted from 20 years to 1 day, expiring on April 10, 1937.

Our reasons for making this recommendation are as follows:

The applicant, when only seventeen years of age was implicated in several robberies with a number of older men. She plead guilty and was sentenced to serve a term of from twenty to forty years in the State Industrial Home for Women. About a year later she escaped. On the escape charge she was sentenced to serve an additional term of from twenty to forty years.

Miss Franklin R. Wilson, Superintendent of the Industrial Home, states: ". . . Mary has served nearly six years. She had difficulty adjusting during the first couple of years but she settled down and has shown marked improvement since then. She has tried to improve herself intellectually and has learned to control her emotional

temperament. We consider her a mature, dependable girl now, and if she is granted a commutation, I believe she can be trusted to become a good citizen."

Dr. Jackson, Superintendent of the Danville State Hospital, made an examination of the applicant in 1936. After the examination he reported to Miss Wilson: "The general make up of this girl indicates that she had not been an organizer or a leader of the group but rather a temporary tool in the hands of the others. She was an adolescent girl who in a moment of despair became the victim of circumstances. She is fundamentally a moral person temporarily strayed from the social and moral code. There is no evidence of a psychosis at this time . . . The Medical Staff of this hospital are unanimous in the opinion that this girl is a normal girl mentally, that she possesses good ability to adjust to the demands of life under average conditions and further regard her as one worthy of consideration by the Board of Pardons."

The trial judge told us that he has no objections to the extending of clemency when the authorities at the Industrial Home feel that she has been sufficiently punished or corrected.

The District Attorney's representative who appeared before us at the open session concurred in the views of the trial judge.

The applicant will be on parole for a long period of time. A satisfactory home will be provided for her if she is released.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Domenico Peraro, No. 3270, March Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Domenico Peraro, convicted of false pretenses in the Court of Quarter Sessions of Philadelphia County, on February 4, 1936, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to false pretenses in 1936. He was sentenced to imprisonment for three years in the Philadelphia County Prison and at the same term of court this sentence was reduced to one year. He was released from the Philadelphia County Prison at the expiration of ten months because of his good behavior and was remanded to the custody of the immigration authorities. At present he is confined in the Camden County Jail awaiting deportation.

If a pardon is granted for this crime the applicant will not be deported.

The applicant has a a wife of Irish descent, who was born in Philadelphia in 1899, and a thirteen year old child who was also born in this country.

Birth certificates are on file for both the wife and child.

The applicant has neither friends nor relatives in Italy, the country to which he will be deported, as he was brought to this country when he was only ten years of age.

The applicant has been frequently involved in trouble but never in crimes of violence.

We believe that deportation would be a cruel and unnecessarily harsh punishment because it would either break up the family, leaving the wife and child without any support, or it would necessitate the deportation of the wife and child with the applicant to a foreign country, where none of them have either friends or relatives. This is our only reason for recommending a pardon.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Robert Hand, C-9745, No. 59A, April Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment on Bill No. 15 of Robert Hand, convicted of Bill No. 15, assault to commit sodomy; and Bill No. 15, larceny, in the Court of Oyer and Terminer and Quarter Sessions of Lackawana County on June 2, 1934, be commuted from Bill No. 15, a minimum of 1 year to 1 day, expiring on June 2, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and

that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Fred Lantz, C-8462, No. 60A, April Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons, recommend that the sentence of imprisonment on Bill No. 9 of Fred Lantz, convicted of Bill No. 14, breaking and entering; and Bill No. 9, receiving stolen goods, in the Court of Oyer and Terminer and Quarter Sessions of Carbon County on December 3, 1932, be commuted from Bill No. 9, a minimum of 1½ years to 1 day, expiring on June 4, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of William Shannon, B-3487, No. 61A, April Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment on Bills No. 67 (b) and No. 67 (c) of William Shannon, convicted of breaking, entering and larceny; felonious entry; larceny, in the Court of Quarter Sessions of Clearfield County at Clearfield on November 28, 1932, be commuted from (1) Bill No. 67(b), a maximum of 3 years to a maximum of 1 year 5 months and 29 days, expiring on May 27, 1937; and (2) Bill No. 67(c), a minimum of 1½ years to 1 day, expiring May 28, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and

that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Lawrence Gregoire, B-4075, No. 292, April Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of Lawrence Gregoire, convicted of entering a building and larceny, Bills No. 421 and No. 422, in the Court of Quarter Sessions of Allegheny County on December 20, 1929, be commuted from a maximum on Bill No. 422 of 4 years to 3 years, expiring on May 24, 1937, and convicted of entering a building in the Court of Quarter Sessions of Allegheny County on May 24, 1934, be commuted from 1½ years to one day, expiring on May 25, 1937.

Our reasons for making this recommendation are as follows:

In 1929, the applicant was convicted of entering a building and was sentenced to serve a term of from four to eight years in the Western State Penitentiary. He was released on parole in 1933 and in 1934 he was sentenced to serve a term of from 1½ to 3 years in the Western State Penitentiary for breaking and entering, to begin at expiration of unexpired portion of original sentence.

The applicant is a native of French Guinea. We recommend clemency in this case for the sole purpose of having the applicant deported to his native country.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of William Beard, C-3855, No. 838, April Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of William Beard, convicted of (1) robbery (2) escape in the Court of Quarter Sessions of Berks County on (1) February 26, 1927 (2) October 6, 1933 be commuted from (1) maximum of 15 years to 10 years expiring on May 31, 1937, and a maximum of 15 years.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to robbery in 1927. He was sentenced to serve a term of from seven and one-half to fifteen years in the Eastern State Penitentiary. He was transferred to the Berks County Prison in 1933 and escaped from the prison shortly thereafter. He was apprehended four months later and was sentenced to serve a term of 1 year for the breaking and escape charge, to run concurrently with the original sentence.

Judge Schaffer states: ". . . I had always thought that the sentence Beard received was unduly severe . . ."

The District Attorney's representative who appeared before us at the open session said there was a great miscarriage of justice and strongly recommended clemency.

The applicant will be on parole until 1942. Empoyment has been assured for him in Vermont and our recommendation is contingent upon his going to and remaining in that state.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Daniel Harvey Sykes, No. 1624, April Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Daniel Harvey Sykes, convicted of aggravated assault and battery in the Court of Quarter Sessions of Delaware County on October 5, 1915; convicted of extortion by taking illegal fees in the Court of Quarter Sessions of Delaware County on January 11, 1922, and convicted of conspiracy, extortion, bribery, illegal possession and manufacture of liquor and malfeasance in office in the Court of Quarter Sessions of Delaware County on January 16, 1931, be pardoned.

Our reasons for making this recommendation are as follows:

In 1915, the applicant was convicted of aggravated assault and battery and sentence was suspended. In 1922 he was convicted of extortion by taking illegal fees and was sentenced to pay a fine of $100. and costs. In 1931 he was convicted of conspiracy, extortion, bribery, illegal possession and manufacture of liquor and malfeasance in office, and was sentenced to serve a term of six years in the Delaware County Prison and pay a fine of $2100.00. After having served approximately three years in the prison he was released on parole.

Chet A. Keyes, Special Assistant to the Attorney General of the United States in 1931, when the Federal Government was prosecuting a number of prominent citizens of Delaware County for conspiracy to violate the National Prohibition Act, stated in a letter dated December 6, 1933, ". . . There can be no doubt but what a public service was rendered by this man in assisting the government to clean up a very bad situation in Delaware County . . ." In a letter dated April 9, 1937, Mr. Keyes told us that he was reliably informed that the applicant has conducted himself in a favorable and lawful manner since his parole, and that, in his opinion, the applicant was entitled to consideration.

A pardon will in part remove the stigma of the crime from the applicant and his family and will be of material assistance to his obtaining and keeping employment.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.

DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of William Cunningham, B-5949, No. 1736, April Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of William Cunningham, convicted of murder of the first degree in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on November 20, 1911 be commuted from life imprisonment to 25 years 6 months expiring on May 20, 1937.

Our reasons for making this recommendation are as follows:

In June, 1910, the applicant killed another colored man with a razor after a dispute over a dog. The applicant was convicted of murder of the first degree and was sentenced to be hanged. This sentence was later commuted to life imprisonment in the Eastern State Penitentiary.

The applicant has been continuously confined for almost twenty-seven years. Judge McDevitt said that he hopes that the action will be favorable.

The applicant's institutional record has been excellent. He has sent five hundred dollars to his relatives and has saved, in addition to this amount, three hundred and fifty dollars..

The Board of Trustees states: ". . . Due to this unusual institutional record and the length of time served we feel that this man deserves clemency."

The applicant was never involved in any other serious trouble. We believe he has been sufficiently punished and are satisfied he is not an habitual criminal.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Martin Dunlap, B-2043, No. 1861, April Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment on Bill No. 28 and Bill No. 21 of Martin Dunlap, convicted of robbery, Bills No. 28 and No. 29, and larceny. Bill No. 21, in the Court of Oyer and Terminer and Quarter Sessions of Allegheny County on May 16, 1930, be commuted from Bill No. 28, a maximum of 4 years to a maximum of 11 months and 29 days, expiring on May 15, 1937, and on Bill No. 21, from a minimum of 2 years to a minimum of 1 day, expiring on May 16, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of James Laxton, B-2440, No. 2030, April Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of James Laxton, convicted of attempted robbery in the Court of Oyer and Terminer of Allegheny County on January 23, 1931, be commuted from 10 years to 6 years 4 months expiring on May 23, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to attempted robbery in 1931. He was sentenced to serve a term of from ten to twenty years in the Western State Penitentiary.

The Board of Trustees of that institution states: "If this

inmate were eligible to apply for parole, we would probably recommend him for parole (1) first conviction (2) excellent institutional record (3) very cooperative inmate."

The trial judge said that he had no objections to the granting of clemency.

The applicant was never involved in any other trouble. We believe he has been sufficiently punished and are satisfied he is not an habitual criminal.

The applicant will be on parole until 1951. Empoyment has been assured. He has a wife and three chidren who are in urgent need of his support.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Bruce Byard Murphy, B-3741, No. 2978, April Session, 1937.

To His Excellency the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence on Bill No. 7 of Bruce Byard Murphy, convicted of robbery and receiving stolen goods, Bills No. 6 and No. 7, in the Court of Oyer and Terminer of Allegheny County on June 21, 1933, be commuted from two and one-half years to 1 day, expiring on May 21, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to robbery and receiving stolen goods in 1933. He was sentenced to serve two consecutive terms of imprisonment in the Western State Penitentiary of from two and one-half years to five years.

The Board of Trustees of the Western State Penitentiary states: "If this inmate were eligible to apply for parole, we would probably conditionaly recommend him for parole subject to proper sponsor and definite assurance of employment; excellent institutional record."

The trial judge said that he fells that the applicant has been sufficiently punished.

The sentence of an accomplice was commuted on our recommendation in March, 1936.

The applicant has an excellent home to which he can go and employment has been assured. He will be on parole until 1943.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Herbert T. Schultz, C-5978, No. 3243 April Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum and minimum sentences of Herbert T. Schultz, convicted of robbery, burglary, larceny, breaking and entering, and carrying concealed deadly weapons, in the Court of Oyer and Terminer and Quarter Sessions of Delaware County on February 21, 1930, be commuted from a maximum of 40 years to a maximum of 20 years and a minimum of 15 years to 7 years 3 months, expiring on May 21, 1937.

Our reasons for making this recommendation are as follows:

The applicant and an accomplice plead guilty to a number of charges of burglary and larceny in 1930. Both received sentences of from fifteen to forty years in the Eastern State Penitentiary.

The applicant was never involved in any other serious trouble. He has been incarcerated for over seven years.

The sentence of the accomplice was commuted, on our recommendation, in September, 1936, from a maximum of forty years to a maximum of twenty years and a minimum of fifteen years to six years eight months.

The Board of Trustees of the penitentiary states that there are no apparent differences in the crimes committed by th accomplice and the applicant.

The applicant has an excellent institutional record and has attempted to improve himself by learning theoretic electricity.

The District Attorney's representative who appeared before us at the open session stated that he was not opposed to the granting of clemency. The trial judge said that this case should be treated the same as the accomplice's.

We believe the applicant has been sufficiently punished and are satisfied he is not an habitual criminal.

The applicant will be on parole until 1950.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Nick Gjindjich, B-4789, No. 3279, April Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Nock Gjindjich, convicted of robbery in the Court of Oyer and Terminer of Allegheny Counuty on October 31, 1935 be commuted from 4 years to 1 year 7 months expiring on May 31, 1937.

Our reasons for making this recommendation are as follows:

The applicant was convicted of robbery in 1935. He was sentenced to serve a term of from four to eight years in the Western State Penitentiary.

The report of the penitentiary indicates that the applicant was convicted because of an unscrupulous drunken man. The report of our parole agent confirms this.

The District Attorney's representative who appeared before us at the open session recommended clemency because of the substantial doubt about the applicant's guilt.

The trial judge tells us: ". . . I believe the defendant will adjust himself under arrangements made for his employment and future good conduct."

The applicant will be on parole until 1943. Employment has been assured.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Stephen Wawrzyniak, C-8406, No. 3289, April Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the miniimum sentence of Stephen Wawrzyniak, convicted of robbery, armed, larceny and receiving stolen goods in the Court of Oyer and Terminer and Quarter Session of Bucks County on November 7, 1932 be commuted from 8 years to 4 year 6 months expiring on May 7, 1937.

Our reasons for making this recommendation are as follows:

In 1932, the applicant plead guilty to robbery, larceny and receiving stolen goods. He was sentenced to serve a term of from eight to sixteen years in the Eastern State Penitentiary.

The Board of Trustees states that he has no previous criminal record and has attempted to improve himself by attending school, and is considered a good parole risk.

Neither the trial judge nor District Attorney opposed the granting of clemency.

The applicant has served a little over one-half of his minimum sentence. We believe he has been sufficiently punished and are satisfied that he is not an habitual criminal.

The applicant has a wife and two children who are in urgent need of his support. An excellent home has been provided for him and employment has been assured.

The applicant will be on parole until 1950.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE.
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Russell Hitchner, No. 3296, April Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Russell Hitchner, convicted of operating an automobile while under the influence of intoxicating liquor in the Court of Quarter Sessions of Philadelphia County, on June 5, be pardoned.

Our reasons for making this recommendation are as follows:

In 1936, the applicant, a police officer in the city of Philadelphia, was convicted of operating an automobile while under the influence of intoxicating liquor. He was sentenced to serve a term of six months in the Philadelphia County Prison. Because of the conviction he was discharged from the police force and has been unable to obtain employment since his release from prison.

The trial judge stated: "....If this man seeks a pardon solely for the purpose of being an automobile driver again, I am opposed to it, for his previous driving record was exceedingly bad. If he wants a pardon for the sake of clearing his record, I have no objection to it." We are in accord with the judge's views and recommend the granting of a pardon only in order that the applicant may secure employment.

The applicant was never convicted of any other crime and since his release from the prison he has conducted himself in an exemplary manner.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE.
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE.
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Alexander Simonitus, C-9151, No. 3297, April Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentences on Bills No. 700 and No. 702 of Alexander Simonitus, convicted of burglary, breaking and larceny, in the Court of Quarter Sessions of Luzerne County on August 25, 1933, be commuted from Bill No. 700, a minimum of 5 years to 3 years 9 months, expiring on May 25, 1937; and on Bill No. 702, from a minimum of 5 years to 1 day, expiring on May 26, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to several charges of burglary and breaking and entering in 1933. He was sentenced to serve two consecutive terms of from five to ten years each in the Eastern State Penitentiary.

At the time of the commission of the crimes the applicant was only eighteen years of age.

The applicant has an excellent institutional record. We believe he has been sufficiently punished.

The District Attorney's representative who appeared before us at the open session recommended clemency.

The applicant will be on parole until 1953. An excellent home has been provided for him and employment has been assured if he is released.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE.
Governor.

BOARD OF PARDONS

In re application of James A. Hawley, D-1031, No. 3309, April Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of James A. Hawley, convicted of felonious entry, larceny and receiving stolen goods in the Court of Oyer and Terminer and Quarter Sessions of Bucks County on December 9, 1935 be commuted from 2 years to 1 year 5 months expiring on May 9, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead nolle contendre to felonious entry, larceny and receiving stolen goods in 1935. He was sentenced to serve a term of from two to ten years in the Eastern State Penitentiary

The Board of Trustees of the penitentiary states: ". . . . Applicant was one of the initial correctors in the agricultural work when the correspondence school was started. A good institutional record along with the fact that the petition states the convicting authorities would not object to clemency leads us to believe that this case merits favorable consideration.

Since this man had only one previous arrest and has a good employment record on the outside, we feel that his release would not jeopardize society."

The trial judge and the District Attorney have no objections to the granting of clemency.

The applicant has a wife and eight children who are in urgent need of his support. Employment has been assured.

The applicant will be on parole until 1945.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Isadore Levitt, No. 3310, April Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Isadore Levitt, convicted of larceny in the Court of Quarter Sessions of Allegheny County on September 11, 1916, and convicted of larceny and receiving stolen goods in the Court of Quarter Sessions of Philadelphia County on February 19, 1937, be pardoned.

Our reasons for making this recommendation are as follows:

In in 1916, the applicant was sentenced to serve a term of six months in the Allegheny County Jail for picking pockets. In 1917 he was sentenced to serve a term of from twelve months to twenty-one months in the Eastern State Penitentiary for larceny and receiving stolen goods.

For the past fifteen years the applicant has lived and conducted himself in an exemplary manner. He has made a very satisfactory adjustment and enjoys an excellent reputation in Lakewood, New Jersey, where he resides. He is a highly respected citizen in that community and is interested in many of the community projects

Judge McDevitt said: "....I am satisfied this man is trying to lead a decent, honest life."

We have a number of letters on file, testifying to the good character of the applicant.

We are satisfied that the applicant has reformed. A pardon will in part remove the stigma of the crime from the applicant and his family, and will be of material assistance to his advancement.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Emil Brandley, C-7166, No. 3315, April Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment on Bills No. 245 and 411 of Emil Brandley, convicted of robbery, armed with an offensive weapon, in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on August 20, 1930, be commuted from Bill No. 245 a maximum of 20 years to a maximum of 5 years and 11 months, expiring May 14, 1937, and on Bill No. 411, from a minimum of 10 years to a minimum of 1 day, expiring on May 15, 1937.

Our reasons for making this recommendation are as follows:

In 1931, the applicant plead guilty to one charge and was convicted of another charge of robbery. He was sentenced to serve two consecutive terms of imprisonment of from ten to twenty years in the Eastern State Penitentiary.

The applicant was the victim, in his youth, of an indifferent and cruel stepfather. He was sent to the Illinois State Reformatory on two occasions. He went to Philadelphia, and in 1922 was sentenced to the Eastern State Penitentiary for a term of from six to eight years for robbery. At the time of this conviction he had been steadily employed and was earning excellent wages. This conviction was an improper one and the applicant was bitter, having been successful after a very poor start in life. He was released on parole in 1928 and was returned to the penitentiary shortly thereafter, because of violation of parole. An investigation of that charge revealed an error of conviction and the applicant was again paroled in 1930. Disappointed and disgusted with life, he admittedly committed another crime to which he plead guilty, but he was also convicted on a second change of robbery.

The trial judge states: "I am satisfied that this man was framed on the second bill of indictment to which he pleaded not guilty....In spite of his previous record, I think that Brandley has been rehabilitated by his confinement in the penitentiary and that if he isn't fit to return to civilization at this time, he never will be.

"If his application appeals to you, I have no objection to a pardon, as I have watched this man carefully and his transformation is apparent to everybody."

Dr. Linn Bowman, Restoration Director of the Eastern State Penitentiary, stated that in his opinion the applicant is completely rehablitated. Dr. Goddard, one of the members of the Board of Trustees of the penitentiary also recommends clemency in this case.

One of us went to the penitentiary and talked to the applicant and was convinced of the applicant's desire to lead a decent and honest life.

No attorney was paid any fee to present this application, it being presented to the Board by the Senior Parole Officer of the penitentiary.

The Board of Trustees tells us that the applicant's attitude, conduct, associations and apparent determination to change his manner of living is worthy of some considera-

tion and that his apparent honest desire to change his life entitled him to an opportunity to prove his sincerity.

With the exception of a short period of time, the applicant has been almost continuously confined since 1922. We feel that if this applicant is ever to be given a chance, this is the time. He will be on parole until 1957. Employment and an excellent home will be provided for him if he is released.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE.
Governor.

BOARD OF PARDONS

In re application of Emmett Delaney, B-4705, No. 4037, April Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Emmett Delaney, convicted of arson, firing chattels to defraud insurer in the Court of Oyer and Terminer of Butler County on September 21, 1935, be commuted from 2 years to 1 year 8 months expiring on May 21, 1937.

Our reasons for making this recommendation are as follows:

The applicant was convicted of arson and firing chattels with intent to defraud, in 1935. He was sentenced to serve a term of from two to four years in the Western State Penitentiary.

The Board of Trustees of the Western State Penitentiary states: "If this inmate were eligible to apply for parole, we would probably recommend him for parole (1) first conviction (2) excellent institutional record (3) very reliable inmate (operates steam shovel in the mountain)."

Neither the trial judge nor the District Attorney have any objections to the granting of clemency.

The applicant was never involved in any other serious trouble. He has served over two-thirds of his minimum sentence. We believe the applicant has been sufficiently punished and are satisfied he is not an habitual criminal.

The applicant will be on parole until 1939.

Respectfully submitted.

THOMAS KENNEDY.
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Carolyn Hart, No. 4074, April Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Carolyn Hart, convicted of rioting and inciting to riot in the Court of Quarter Sessions of Allegheny County, on January 8, 1936, be pardoned.

Our reasons for making this recommendation are as follows:

In 1934, the applicant, a young girl only twenty-two years of age, and a number of other young people belonging to the Young Communist League of McKeesport, arranged to have a meeting in McKeesport at the corner of Fifth Avenue and Locust Street. A request for permission to have the meeting at this corner was refused by the city officials of McKeesport. Notwithstanding this, the meeting was announced by circulars and at 8 o'clock on the evening of September 1, the applicant and a young boy chained themselves to posts and began speaking. The police of McKeesport broke the chains holding the applicant to the post and arrested her, and a number of others. The applicant and two others were convicted of rioting and inciting to riot. The convictions were affirmed by the Superior Court. On January 8, 1936, the applicant was sentenced to serve an indeterminate term of imprisonment in the State Industrial Home for Women at Muncy, and has been incarcerated since October 5, 1936.

An application was filed with us for the October session of the Board and a lengthly hearing was held. Subsequent to the hearing an investigation was conducted by us and we have been holding this case under advisement.

The accomplice who was chained to one of the posts was sentenced to the Pennsylvania Training School at Morganza, and was released on parole on April 29, 1937.

The third person convicted of rioting and inciting to riot was sentenced to the Allegheny County Work House for a period of three months. He was released in December, 1936.

The applicant has been incarcerated almost seven months and is the only one of the original three persons sentenced to imprisonment who is still serving time.

We are satisfied that this young women has been sufficiently punished for the part she played in the happenings on the evening of September 1, 1934, at McKeesport. We believe that further imprisonment would serve no good purpose.

The applicant was never involved in any other trouble. Many responsible persons have written to us urging us to recommend a pardon.

We recommend a pardon rather than a commutation of sentence because the applicant is serving an indeterminate term, as the law prohibits the fixing or limiting the duration of sentences to the State Industrial Home for Women of women under twenty-five years of age.

Respectfully submitted.

THOMAS KENNEDY.
Lieutenant Governor.
DAVID L. LAWRENCE.
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI.
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE.
Governor.

BOARD OF PARDONS

In re application of Lewis Mersington, C-6326, No. 62A, May Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment on Bills No. 112 and No. 114 of Lewis Mersington, convicted of burglary, felonious entry and burglarly Bills No. 110, 112, and 114, in a Court of Oyer and Terminer and Quarter Sessions of York County on July 28, 1930, be commuted from Bill No. 112 a minimum of one year to one day and on Bill No. 114 from a minimum of one year to one day, expiring on July 30, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release

on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Frank Manandes, C-9217, No. 63A, May Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment on Bill No. 317 of Frank Manandes convicted of carrying concealed deadly weapons, aggravated assault and battery and escape from prison in the Court of Oyer and Terminer and Quarter Sessions of Delaware County on January 4, 1932, be commuted from Bill No. 317, a minimum of two years to a minimum of one day, expiring on July 5, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Charles Otten, C-6084, No. 64A, May Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment on Bill No. 860 of Charles Otten, convicted of robbery, Bills Nos. 859 and 860, in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on March 31, 1930, (as corrected by the Superior Court), be commuted from Bill No. 860 a minimum of two and one-half years, to a minimum of two years, expiring on March 31, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held

that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Steve Pushkar, B-2101, No. 65A, May Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment on Bills Nos. 25, 26 and 27 of Steve Pushkar, convicted of robbery, Bills Nos. 24, 25, 26, and 27, and Bill No. 43, concurrent with sentence on No. 24, in the Court of Oyer and Terminer of Allegheny County on June 17, 1930, be commuted from Bill No. 25, a maximum of four years to a maximum of two years 11 months and 28 days, expiring on June 15, 1937; Bill No. 26, from a maximum of 4 years to a maximum expiring June 16, 1937, and Bill No. 27, from a minimum of one year to a minimum of one day, expiring June 17, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Elmer Hays, B-4568, No. 66A, May Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment on Bill No. 17 and Bill No. 33 of Elmer Hays, convicted of burglary, Bills No. 17 and No. 33, in the Court of Oyer and Terminer of Allegheny County on June 12, 1935, be commuted from Bill No. 17, a maximum of two years to a maximum of one year, 11 months and 29 days, expiring on June 11, 1937, and on Bill No. 33, from a minimum of one year to a minimum of one day, expiring on June 12, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held

that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Albert Marshall, B-2462, No. 67A, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences on Bills Nos. 336, 337, 338 and 339 of Albert Marshall, convicted of larceny from the person and larceny, Bills Nos. 335, 336, 337, 338 and 339, in the Court of Quarter Sessions of Allegheny County on February 9, 1931, be commuted on Bill No. 336, from a maximum of three years to a maximum of of one year four months and 27 days, expiring July 6, 1937; on Bill No. 337, from a maximum of three years to a maximum of one day, expiring July 7, 1937; on Bill No. 338, from a maximum of three years to a maximum of one day, and on Bill No. 339, from a minimum of one year to a minimum of one day, expiring July 9, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Frank William Wall, C-6025, No. 68A, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence on Bill No. 355 of Frank William Wall, convicted of larceny of auto, Bills No. 178 and No. 355, in the Court of Oyer and Terminer and Quarter Sessions in the County of Philadelphia on March 10, 1930, be commuted on Bill No. 355 from a minimum of two years to a minimum of one day, expiring on September 11, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences im-

posed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Stephen Stansbury, C-6072, No. 69A, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence on Bill No. 116 of Stephen Stansbury, convicted of burglary, larceny and receiving stolen goods, in the Court of Oyer and Terminer and Quarter Sessions of Delaware County on March 21, 1930, be commuted on Bill No. 116 from a minimum of three and one-half years to a minimum of one day, expiring on September 22, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Harold Wesley, C-5678, No. 70A, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommends that the sentence on Bill No. 654 of Harold Wesley, convicted of breaking and larceny and larceny and receiving in the Court of Oyer and Terminer and Quarter Sessions of Luzerne County on October, 1, 1929, be commuted on Bill No. 654, from a minimum of four years to a minimum of one day, expiring on October 2, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subse-

quent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Louis Kimmel, C-9245, No. 71A, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence on Bill No. 28 of Louis Kimmel, convicted of sodomy, Bills Nos. 28A and 28B, in the Court of Oyer and Terminer and Quarter Sessions of Lancaster County on October 14, 1933, be commuted on Bill No. 28B, from a minimum of two years to a minimum of one day, expiring on October 15, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of John Stevens, No. 72A, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences on Bills Nos. 511 and 512 of John Stevens, convicted of larceny in the Court of Oyer and Terminer and Quarter Session of Philadelphia County on October 15, 1934, be commuted from (1) Bill No. 511 a minimum of one year to a minimum of one day, expiring October 16, 1937, and on (2) Bill No. 512 from a minimum of one year to a minimum of one day, expiring on October 17, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered

the Prison Board at any time thereafter, the prisoner required to serve the full sentence.

It was the custom for a long period of time for the ficials of both the Eastern and Western State Penitenaries to lump consecutive sentences and the Boards of ustees would only make recommendations for release on role at the expiration of the period of time equal to the tal of the minimum sentences.

Since the Supreme Court held this procedure improper, e applicant and others, whose cases were not considered r parole at the expiration of their minimum sentences, rough no fault of their own, will have to serve a much nger period of time than contemplated by the sentencing dge and the prison officials.

The failure of the Board of Trustees to make the necesry recommendations for parole at the expiration of the inimum sentences was an honest mistake, as most, if not l, sentencing judges shared the same view as the prison ficials in deeming it to be unnecessary to make recomendations for parole at the expiration of the minimum of ery consecutive sentence. Sentencing judges throughout e state have uniformly believed and taken into considerion in passing sentences the Prison Board practice that nsecutive sentences would be lumped making a total inimum and a total maximum.

We believe that a great injustice would be done and at it would be most unfair to keep the applicant incarrated for a longer period of time than recommended by e Board of Trustees of the institution in which the plicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Elvin Brumbaugh, B-2434, No. 1306, ne Session, 1937.

) His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due iblic notice, in open session, the undersigned members the Board of Pardons recommend that the sentences on lls Nos. 24 and 25 of Elvin Brumbaugh, convicted of entry d larceny, Bills Nos. 22, 24 and 25, in the Court of Quarr Sessions of Bedford County on January 19, 1931, be mmuted on Bill No. 24, from a maximum of four years a maximum of two years, five months and 29 days, exring on July 18, 1937; and on Bill No. 25, from a minium of two years to a minimum of one day, expiring on ly 19, 1937.

Our reasons for making this recommendation are as llows:

The applicant is one of many prisoners whose release parole has been affected by the opinion of the Supreme urt in the case of Commonwealth of Pennsylvania ex rel. omas Lynch v. Stanley P. Ashe, Warden of the Western ate Penitentiary, 320 Pa. 341. In this opinion it was held at unless a prisoner, who was serving sentences imsed to run consecutively, was recommended and approved for parole at the expiration of the first minimum ntence, he would be serving the maximum of that senice, and if no recommendation for parole was made at e expiration of the second and subsequent minimum sentences imposed to run consecutively, the prisoner uld be serving the maximum of the second and subseent sentences. In other words, a prisoner serving an determinate sentence is not automatically paroled at e expiration of the minimum term but is merely eligible r parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Andy Lesnok, B-3104, No. 1497, May Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences on Bills Nos. 203, 208, 204 and 226 of Andy Lesnok, convicted of breaking, entering and larceny in the Court of Quarter Sessions of Westmoreland County on February 6, 1932, be commuted on Bill No. 203 from a maximum of ten years to a maximum of five years, four months, expiring June 6, 1937; and on Bill No. 208, from a maximum of six years to a maximum of one day, expiring June 7, 1937; and on Bill No. 204 from a minimum of three years to a minimum of one day, expiring June 8, 1937; and on Bill No. 226, from a maximum of two years to a maximum of one day, expiring on June 9, 1937, and also Bills Nos. 202, 205, 206, 207, 210, 211, 213, 232, 348 concurrent.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to a number of charges of breaking and entering and larceny in 1932. He was sentenced to serve a term of from twelve to twenty-four years in the Western State Penitentiary. He has served over five years of his minimum sentence. A deportation warrant is on file at the penitentiary and he will be deported immediately upon his release.

The District Attorney has no objections to the granting of clemency if he is deported.

The applicant has a wife living in Czechoslovakia.

Our recommendation is for the purpose of and contingent upon his deportation to and remaining in Czechoslovakia.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Richard Joseph Hennessey, C-5106, No. 1862, May Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences on Bills Nos. 1686, 1688, 1689, 1690 of Richard Joseph Hennessey, convicted of robbery, being armed, assault and battery with intent to kill, assault with intent to kill in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on January 30, 1929, be commuted on Bill No. 1686, from a minimum of ten years to eight years five months, expiring on June 30, 1937; and on Bill No. 1688 from a maximum of seven years to a maximum of one day, expiring July 1, 1937; and on Bill No. 1689 from a maximum of seven years to a maximum of one day, expiring on July 2, 1937; and on Bill No. 1690 from a maximum of six years to a maximum of one day, expiring July 3, 1937.

Our reasons for making this recommendation are as follows:

In 1929, the applicant was convicted of four charges of robbery and assault and battery with intent to kill. He was sentenced to serve from twenty to forty years in the Eastern State Penitentiary.

Father Kenny, the Chaplain at the New Eastern State Penitentiary at Graterford, appeared before us and said that in his opinion this was a most meritorious case.

Mr. Albert A. McAvoy of Philadelphia, who has been interested in the Big Brother Movement, appeared in the applicant's behalf and said that he would personally supervise the applicant after his release.

The applicant has been incarcerated for eight years. He is employed as a clerk in the library of the penitentiary and associates with the better class of inmates.

We believe the applicant has been sufficiently punished. He will be on parole until 1948.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Walter Morgan Brillinger, C-3249, No. 1921, May Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Walter Morgan Brillinger, convicted of murder of the first degree in the Court of Oyer and Terminer and Quarter Sessions of York County on January 16, 1926, be commuted from life imprisonment to 11 years 5 months, expiring on June 16, 1937.

Our reasons for making this recommendation are as follows:

The applicant was convicted of murder of the first degree in 1926. He was sentenced to life imprisonment in the Eastern State Penitentiary. He was never involved in any other trouble and enjoyed an excellent reputation. His institutional record is excellent.

The trial judge states: "....I write to urge very sincerely the propriety of releasing the above named convict ....I feel quite sure that only good will come to the public as well as the defendant by such action."

The District Attorney stated that he had no objections to the application and the trial district attorney said: "Walter M. Brillinger's application for clemency deserves your favorabe consideration.

Before the crime Brillinger's record was good. My information is that his penitentiary behavior has been very good.

Brillinger killed his wife in a state of jealousy. Twenty-five years as a criminal lawyer has not changed my mind from the belief that long confinement is intended for those who are or reasonably appear to be a menace to society, and clemency is intended for those whose very conduct shows no inclination toward breaking the laws...."

Dr. Allan Meck appeared before us in the applicant's behalf and other responsible citizens wrote to us urging us to recommend clemency.

In view of these recommendations and because the applicant has been incarcerated for eleven and one-half years, and is fifty-three years of age, we believe he has been sufficiently punished and are satisfied he is not an habitual criminal.

The applicant will be on parole for life. Arrangements have been made for his employment.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of John C. Bucher, C-9036, No. 2043, May Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences on Bills No. 65 and No. 73 of John C. Bucher, convicted of forgery, uttering forged instrument in writing knowing it to be false, in the Court of Quarter Sessions of Lebanon County on June 19, 1933 be commuted on Bill No. 65 from a maximum of 6 years to a maximum of 4 years, expiring on June 19, 1937, and on Bill No. 73, from a minimum of 3 years to a minimum of 1 day, expiring June 20, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to a number of charges of forgery and uttering forged instruments in writing in 1933. He was sentenced to serve a term of from six to twelve years in the Eastern State Penitentiary. He was never involved in any other trouble and had an excellent reputation prior to the commission of the crime.

The trial District Attorney stated that the applicant has paid his debt to society. The present District Attorney stated that the application merits favorable consideration and the trial judge had no objections to the granting of clemency.

We have many character letters on file. The Board of Trustees states: "....He is employed as a clerk in the Storehouse and his work there has been of value. He has made every effort to profitably utilize his time. From

an institution standpoint, his application probably would be considered meritorious...."

The applicant has served over two-thirds of his minimum sentence. We believe he has been sufficiently punished and are satisfied he is not an habitual criminal. Employment has been assured and an excellent home has been provided for him upon his release.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Alexander D. Robinson, C-8959, No. 2167, May Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences on Bills 485, Counts 1, 2 and 3 of Alexander D. Robinson, convicted of making and concurring in making false entries in books of accounts of a Trust Company in the Court of Quarter Sessions of Philadelphia County on May 20, 1933, to begin February 28, 1933, be commuted on Bill No. 485, 1st count, from a maximum of 6 years to a maximum of 4 years, 3 months, 5 days, expiring June 3, 1937; on Bill No. 485, 2nd count, from a maximum of 6 years to a maximum of 1 day, expiring June 4, 1937; and on Bill No. 485, 3rd count, from a minimum of 3 years to a minimum of 1 day, expiring June 5, 1937.

Our reasons for making this recommendation are as follows:

The applicant was sentenced to serve a term of from nine to eighteen years in the Eastern State Penitentiary for making and concurring in making false entries in books of accounts of a Trust Company. He had never been involved in any other trouble and did not profit personally by his acts. He is sixty-three years of age and had an excellent reputation. He is employed in a position of trust at the penitentiary.

The applicant has served almost four and one-half years of his sentence. We believe he has been sufficiently punished and are satisfied he is not an habitual criminal.

The applicant will be on parole until 1951.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Frank Ernest Cobb, C-8797, No. 2345, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Frank Ernest Cobb, convicted of embezzlement, Bill No. 105-3, 3 counts, in the Court of Oyer and Terminer and Quarter Sessions in Montgomery County on March 24, 1933, be commuted on Bill 105-3, from a minimum of 2 years to a minimum of 1 day, and on Bill 105-3 from a minimum of 1 year to a minimum of 1 day, expiring on October 26, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Joseph Wehgartner, C-5120, No. 2347, May Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment on Bill 1564 of Joseph Wehgartner convicted of robbery and assault and battery with intent to kill, Bills 1562, 1563 and 1564, in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on February 4, 1929, be commuted from Bill No. 1564 a

minimum of three and one-half years to a minimum of one day, expiring on August 5, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time. and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Howard F. Grander, C-8798, No. 2389, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences on Bills No. 105-3 and 105-3 of Howard F. Grander, convicted of embezzlement in the Court of Oyer and Terminer and Quarter Sessions of Montgomery County on March 24, 1933, be commuted on Bill 105-3 from a minimum of 2 years to a minimum of 1 day, and on Bill 105-3, from a minimum of 1 year to a minimum of 1 day, expiring on October 26, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Leroy Lynch, C-8196, No. 2609, May Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment on Bill No. 208 of Leroy Lynch convicted of robbery, armed with an offensive weapon, Bills No. 205 and No. 208, in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on August 26, 1932, be commuted from Bill No. 208, a minimum of 3 years to 1 day, expiring on August 27, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release

on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Paul A. Muschick, B-3194, No. 2631, May Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Paul A. Muschick, convicted of murder of the second degree in the Court of Oyer and Terminer of Allegheny County on April 27, 1932 be commuted from 10 years to 5 years 2 months expiring on June 27, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to murder of the second degree in 1932. He was sentenced to serve a term of from ten to twenty years in the Western State Penitentiary.

The District Attorney's representative who appeared before us at the open session of the Board said that there was merit in the case and was not opposed to the granting of clemency, as the applicant had served over five years of his minimum sentence.

The trial judge does not oppose the granting of clemency.

The applicant was never involved in any other trouble and enjoyed an excellent reputation.

The Board of Trustees of the Western State Penitentiary states: "If this inmate were eligible to apply for parole, we would probably recommend him for parole (1) first conviction (2) very good institutional record."

We believe the applicant has been sufficiently punished and are satisfied he is not an habitual criminal.

The applicant will be on parole until 1952.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of George Wilcox, No. 2658, May Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that George Wilcox, convicted of embezzlement by officer of corporation in the Court of Oyer and Terminer of Delaware County, on February 3, 1933 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant was convicted of embezzlement by officer of a corporation in 1933. He was sentenced to serve a term of from three to six years in the Eastern State Penitentiary, fined $1,000, ordered to make restitution in the sum of $12,000.00 and pay the costs of prosecution.

In 1935, the applicant's minimum sentence was commuted on our recommendation from three years to 1 year and 4 months and he was released on parole.

The applicant was never involved in any other trouble and his conduct since he has been on parole has been exemplary. The Supervisor of Paroles recommends the granting of a pardon.

The District Attorney's representative who appeared before us at the open session of the Board said that he was not opposed to the granting of a pardon.

The applicant is fifty-four years of age and is married. He was a former manager of the settlement department of the Land Title and Trust Company and his life work has been handling real estate. Because of the conviction he is unable to secure a real estate brokers license. He is employed now in a real estate development business and if he is able to secure his license he will be promoted to the position of general superintendent.

A pardon will in part remove the stigma of the crime from the applicant and his family and will be of material assistance to his advancement and progress in the business world.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Charles Gorden, B-4569, No. 2976, May Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment on Bill No. 17 and Bill No. 33 of Charles Gorden, convicted of burglary, Bills No. 17 and 33, in the Court of Oyer and Terminer of Allegheny County on June 12, 1935, be commuted from Bill No. 17, a maximum of two years to a maximum of one year 11 months and 29 days, expiring on June 11, 1937, and on Bill No. 33 from a minimum of one year to a minimum of one day, expiring on June 12, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Lester E. Humphrey, C-9834, No. 3138, May Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment on Bill No. 1036 of Lester E. Humphrey, convicted of embezzlement by employee of corporation and embezzlement, Bills Nos. 1033, 1034, and 1036, in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on July 17, 1934, be commuted from Bill No. 1036 a minimum of one year to one day, expiring on July 18, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Adam Milo, C-5390, No. 3175, May Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences on Bills No. 7, 9 and 13 of Adam Milo, convicted of robbery in the Court of Oyer and Terminer and Quarter Sessions of Columbia County on May 20, 1929 be commuted on Bill No. 7 from a maximum of ten years to a maximum of eight years one month, expiring June 20, 1937; on Bill No. 9 from a maximum of ten years to a maximum of one day, expiring June 21, 1937; and on Bill No. 13 from a minimum of five years to a minimum of one day, expiring June 22, 1937.

Our reasons for making this recommendation are as follows:

The applicant, when only seventeen years of age, plead guilty to a number of charges of robbery. He was sentenced to serve a term of from 15 to 30 years in the Eastern State Penitentiary.

The Board of Trustees of the penitentiary reports that if the merits of his petition were to be decided upon institution performance alone, favorable consideration would be warranted, and that if definite employment and strict supervision are obtained, this man may be able to adjust himself and no doubt will be as good a risk now as at any other time.

Because of the youth of the applicant at the time of the conviction, the long period of incarceration and his especially good institutional record, we believe he has been sufficiently punished.

The trial judge stated that under the circumstances it would be charitable to grant clemency.

The applicant will be on parole until 1947. Father Skrosky of Berwick, Pennsylvania, stated that he would personally supervise and employ the applicant.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of John P. Moroney, No. 3311, May Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that John P. Moroney, convicted of voluntary manslaughter in the Court of Oyer and Terminer of Allegheny County, on October 2, 1913 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant was convicted of voluntary manslaughter in 1913. The commission of the crime arose out of a fight. He was sentenced to the Pennsylvania Industrial School, where he served two years and was released on parole. At the time of the commission of the crime he was only nineteen years of age.

For the past nineteen years the applicant has been employed as a fireman by the City of Pittsburgh. He enjoys an excellent reputation in the community in which he resides.

The District Attorney's representative who appeared before us at the open session did not oppose the granting of a pardon.

A pardon will in part remove the stigma of the crime from the applicant and his family and will be of material assistance to his advancement.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Louis Campanaro, D-1302, No. 3322, May Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Louis Campanaro, convicted of statutory rape and enticing a minor in the Court of Quarter Sessions of Philadelphia County on May 12, 1936 be commuted from three years to one year one month, expiring on June 12, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to statutory rape and enticing a minor in 1936. He was sentenced to serve a term of from three to ten years in the Eastern State Penitentiary.

The facts of the case are, briefly, as follows: The applicant a twenty year old boy living in New York, and a girl he had known for several months decided to get married by eloping to Elkton, Maryland. On arriving at Philadelphia, accompanied by another couple, their funds were depleted and they stopped at a hotel over night, wiring to New York for money. The applicant and the girl were arrested and the girl was returned to New York City. The applicant plead guilty to statutory rape, as the girl was only thirteen years of age.

The girl and her parents, and the parents of the applicant, appeared before us and urged us to recommend clemency in order that the applicant and the girl could get married. The girl, who is only fourteen years of age, appeared to be a much older person, as she was fully grown and developed.

The applicant, as a juvenile, was in considerable trouble. We feel, however, that this is not a true rape case and that the best interests of society will be served if the applicant is released and marries the girl.

The applicant's institutional record has been satisfactory. He will be on parole until 1946.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Edward C. Trinneer, No. 3323, May Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of Edward C. Trinneer, convicted of carrying a firearm with-

out a license in the Court of Quarter Sessions of Philadelphia County on October 25, 1935, be commuted from three years to two years.

Our reasons for making this recommendation are as follows:

In 1935, the applicant, when only sixteen years of age, plead guilty, with three others, to carrying a firearm without a license. Each was sentenced to serve a term of three years in the Philadelphia County Prison.

The District Attorney's representative who appeared before us at the open session said that the case deserves serious consideration, and did not oppose the granting of clemency.

The applicant was never convicted of any other crime and his institutional record is excellent. The Deputy Warden of the Philadelphia County Prison said: "I am sure that he (the applicant) will try to do right if given another chance and placed under the care of someone who will take enough interest in him to keep him out of trouble."

The Honorable Francis Fisher Kane recommended clemency.

Mr. A. Lincoln Goldbacher of Philadelphia who is interested in social work, appeared before us and urged the granting of clemency.

The applicant is one of eight children. The Police Department of the city of New York reports that the family enjoys an excellent reputation and are considered honest and hard-working people.

We believe the applicant has been sufficiently punished and are satisfied he is not an habitual criminal. We recommend a commutation of sentence to two years. The applicant will be allowed five months from this sentence for good behavior and can be released during the month of June.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Josephine Loring, C-5079, No. 3326, May Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Josephine Loring, convicted of murder of the second degree in the Court of Oyer and Terminer of Wayne County on January 16, 1929 be commuted from ten years to eight years five months, expiring on June 16, 1937.

Our reasons for making this recommendation are as follows:

The applicant was convicted of murder of the second degree in 1929. She was sentenced to serve a term of from ten to 20 years in the Eastern State Penitentiary. At present she is confined in the Wayne County Prison. She is sixty-seven years of age and was never involved in any other trouble.

The Sheriff of Wayne County states that in his opinion she has been sufficiently punished. The Board of Trustees states: "(1) If eligible for parole, this woman would probably receive favorable consideration, because she is a first offender. (2) According to the Warden of the Wayne County Prison, she is considered a model prisoner. She is employed in preparing vegetables and ironing. The decision in this case would probably be affected by the report of the applicant's institutional record and also the amount of time served. (3) Since this woman has no previous record and her behavior in the institution is exceptional, it is doubtful if her release would jeopardize society."

We believe the applicant has been sufficiently punished as she has served over four-fifths of her minimum sentence.

The applicant will be on parole until 1949. Arrangements have been made for a home and employment has been assured if she is released.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Joseph Sweet, Phila. Co. Prison, C-3529, No. 3332, May Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of Joseph Sweet, convicted of embezzlement, conspiracy and false pretenses in the Court of Quarter Sessions of Philadelphia County on June 14, 1935. be commuted from four years to two years seven months.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to embezzlement, conspiracy and false pretenses in 1935. He was sentenced to serve a term of four years in the Philadelphia County Prison.

The applicant was never involved in any other trouble and enjoyed an excellent reputation. Many responsible citizens have written to us urging us to recommend clemency.

The trial judge said that the applicant bore an excellent reputation up to the time of his arrest, and that he is satisfied with any action we take.

We believe the applicant has been sufficiently punished and are satisfied he is not an habitual criminal. We recommend a commutation of sentence from four years to two years and seven months as the applicant will be allowed seven months and ten days off of his sentence for good behavior, permitting him to be released in June.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Frank Brzezicki, 46017, No. 3344. May Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Frank Brzezicki, convicted of robbery and carrying concealed deadly weapons in the Court of Oyer and Terminer of Delaware County on January 5, 1933 be commuted from 10 years to 4 years 9 months expiring on June 24, 1937.

Our reasons for making this recommendation are as follows:

The applicant was convicted of robbery and carrying concealed deadly weapons in 1932. He was sentenced to serve a term of from ten to twenty years in the Dela-

ware County Prison. The sentences of two accomplices, who received sentences of from ten to twenty years in the Eastern State Penitentiary, were commuted on our recommendation.

The applicant was never involved in any other trouble and his institutional record is good.

The District Attorney's representative who appeared before us at the opening session said that he was not opposed to the granting of clemency. The Executive Secretary of the Mothers' Assistance Fund of Delaware County told us that if mercy is shown in this case it will not be misplaced, and gave us a report on the family conditions.

The applicant has an excellent home to which he can go and employment has been assured if he is released. We believe he has been sufficiently punished and are satisfied that he is not an habitual criminal.

The applicant will be on parole until 1953.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Stanley Mackeravage, D-307, No. 3336, May Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences on Bills No. 1A, No. 5 and No. 5A of Stanley Mackeravage, convicted of entering a building with intent to steal in the Court of Oyer and Terminer of Schuylkill County on January 15, 1935, to begin October 29, 1934, be commuted on Bill No. 1A from a maximum of 3 years to a maximum of 2 years 8 months, expiring June 29, 1937; on Bill No. 5 from a maximum of 3 years to a maximum of 1 day, expiring June 30, 1937; and on Bill No. 5A from a minimum of 1 year to a minimum of 1 day, expiring July 1, 1937.

Our reasons for making this recommendation are as follows:

The applicant was sentenced to serve a term of from four to eight years in the Eastern State Penitentiary on several charges of entering a building with intent to steal.

The Board of Trustees of the Penitentiary states: "(1) If eligible for parole would probably receive favorable consideration because he is a first offender. (2) Authorities at Rockview state a good institutional record on this man. While in the Graterford institution, he attempted to improve himself by attending school for five months where he made good progress. In this case there is no criminal record, therefore, the merit of the application will, no doubt, be based on individual progress and prison performance.... (3) Since this man does not have a previous criminal record, his release would probably not jeopardize society."

The trial judge states that he has no objections to the granting of clemency.

The applicant has served over two and one-half years of his minimum sentence. We believe he has been sufficiently punished and are satisfied he is not an habitual criminal.

The applicant will be on parole until 1940.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of John H. Jones, D-1260, No. 3347, May Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of John H. Jones, convicted of statutory rape in the Court of Oyer and Terminer of Luzerne County on June 5, 1935 be commuted from four years to two years expiring on June 5, 1937.

Our reasons for making this recommendation are as follows:

The applicant was convicted of statutory rape in 1935. He was sentenced to serve a term of from four to ten years in the Eastern State Penitentiary.

The District Attorney's representative who appeared before us at the open session stated that the application had merit and that he was not opposed to the granting of clemency.

The trial judge said he had no objections to the granting of clemency.

The applicant was never involved in any other trouble. The Board of Trustees of the Eastern State Penitentiary states that the applicant's release would probably not jeopardize society.

The applicant's wife and three children are in urgent need of his support. We believe the applicant has been sufficiently punished and are satisfied he is not an habitual criminal.

The applicant will be on parole until 1945. Employment has been assured.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Foster Britton, B-4143, No. 3354, May Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Foster Britton, convicted of assault and battery with intent to kill in the Court of Quarter Sessions of Crawford County on May 28, 1934, be commuted from three and one-half years to three years 1 month, expiring on June 28, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to assault and battery with intent to kill in 1934. He was sentenced to serve a term of from three and one-half to seven years in the Western State Penitentiary.

The Board of Trustees of the Western State Penitentiary states: "If this inmate were eligible to apply for parole, we would probably recommend him for parole (1) first imprisonment (2) excellent institutional record (3) very cooperative inmate."

The District attorney states: "The defendant was the victim of many unfortunate circumstances in his earlier life. All of his family lost their lives through some acci-

dent—I believe they were burned up—and he was thrown out upon the outside world without the home training that he should have had.

"He had been having trouble with his wife, and, by hearsay, it has been reported that she was going about with other men and he became very jealous and in a fit of passion shot at her.

"We submit that so far as the defendant's record here is concerned, he is entitled to a pardon provided the authorities of the Penitentiary can give him a good record during his time of incarceration."

We believe the applicant has been sufficiently punished and are satisfied he is not an habitual criminal.

The applicant will be on parole until 1941. Empoyment has been assured and arrangements have been made for a satisfactory home.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Archie Thrasher, D-1014, No. 3362, May Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences on Bills No. 29 and No. 30 of Archie Thrasher convicted of breaking. entering and larceny in the Court of Quarter Sessions of Sullivan County on November 19, 1935, be commuted on Bill No. 29 from a minimum of 3 years to a minimum of 1 year 7 months, expiring on June 19, 1937, and on Bill No. 30, from a maximum of 3 years to a maximum of 1 day, expiring June 20, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to breaking and entering and larceny in 1935. He was sentenced to serve a term of from four to thirteen years in the Eastern State Penitentiary. He was never involved in any other trouble and his institutional record is satisfactory.

The District Attorney appeared before us and told us that in his opinion the applicant had been sufficiently punished.

The trial judge stated: "....On inquiry of dependable citizens of Sullivan County I am informed that this young man had not been deemed bad, but rather as weak and easily led. They think he has been sufficiently punished, and I am of the opinion that there is merit in the application.

The applicant will be on parole until 1945. Employment has been assured.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Joseph Shepelski, C-3378, No. 3366, May Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Joseph Shepelski, convicted of murder of the first degree in the Court of Oyer and Terminer and Quarter Sessions of Lackawanna County on April 10, 1926, be commuted from life imprisonment to 11 years 2 months, expiring on June 10, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to murder of the first degree and was sentenced to life imprisonment in 1926. Judge Hoban, who represented the applicant, in a letter to the Restoration Director of the Eastern State Penitentiary, stated that the technical requirements for a finding of murder of the first degree were present but the crime resulted from a continual harrassment by the victim which had built up a fear in the mind of the applicant.

The parole agent who investigated the case said that the deceased was a former chief of police in Old Forge, Pennsylvania, who had been transporting prostitutes between New York and Scranton. The victim became intimate with the applicant's sister-in-law and the applicant threatened to tell her husband. Out of these circumstances a quarrel ensued and the crime resulted.

The District Attorney's representative who appeared before us at the opening session said that a finding of murder of the second degree would have been a proper finding. The applicant has served one year more than the highest possible minimum sentence that could have been imposed for murder of the second degree.

The applicant had never been involved in any other trouble. The Board of Trustees of the penitentiary states that the applicant has made an honest attempt to improve himself by attending school and by learning the bakery trade, that his present attitude, prison performance and apparent honest effort to adjust himself are reasonable ground to believe his will be a fair parole risk.

The appicant has a wife and two children who are in need of his support. Employment has been assured.

The applicant had a good reputation prior to the commission of the crime. We believe he has been sufficiently punished and are satisfied he is not an habitual criminal.

The applicant will be on parole for life.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Mae B. Lee, No. 3370, May Session 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Mae B. Lee, convicted of larceny in the Court of Oyer and Terminer of Monroe County on December 21, 1935 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant was convicted of larceny in 1935. She was sentenced to serve a term of from one to three years in the State Industrial Home for Women at Muncy. She was released on parole at the expiration of one year under the supervision of a parole officer of that institution in Philadelphia.

The applicant was never involved in any other trouble. The trial judge is not opposed to the granting of a pardon.

Senator Law appeared in behalf of the applicant and urged the granting of a pardon.

A pardon will in part remove the stigma of the crime from the applicant and her family and will enable her to rejoin her daughter.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Walter John Stavish, D-1064, No. 3371, May Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Walter John Stavish, convicted of breaking and entering and larceny in the Court of Quarter Sessions of Luzerne County on December 9, 1935 be commuted from five years to one year six months, expiring on June 9, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to breaking and entering and larceny in 1935. He was sentenced to serve a term of from five to ten years in the Eastern State Penitentiary. The applicant has a wife and three children who are in urgent need of his support. The only support his wife is receiving is an order of sixteen dollars ($16.00) a month from the Poor Board.

The penitentiary states that the applicant has rendered exceptional services as a teacher in the school.

The applicant will have served over one and one-half years by the time he can be released. We believe he has been sufficiently punished and are satisfied he is not an habitual criminal. Employment has been assured and an excellent home has been provided for him.

The applicant will be on parole until 1945.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Peter William Huster, No. 3373, May Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Peter William Huster, convicted of embezzlement by a member of a corporation and aiding and abetting misapplication of funds in the Court of Quarter Sessions of Philadelphia County, on November 8, 1934 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant was convicted of embezzlement by a member of a corporation and aiding and abetting misapplication of funds in 1934. He was sentenced to serve a term of from two to five years in the Philadelphia County Prison. He was released on parole after having served a little over one year of his sentence.

At present the applicant is employed by Mrs. John H. McClatchy in Philadelphia. Mr. McClatchy appeared in behalf of the applicant and strongly urged the granting of clemency. The applicant enjoys an excellent reputation in the community in which he resides.

The applicant did not profit personally from the crimes for which he was convicted. He is fifty-two years of age, married and has two children.

A pardon will in part remove the stigma of the crime from the applicant and his family and will be of material assistance to his advancement.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Vernon Beattes, C-9059, No. 4062, May Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Vernon Beattes, convicted of robbery, armed with an offensive weapon in the Court of Oyer and Terminer and Quarter Sessions of Bucks County on July 3, 1933 be commuted from eight years to three years 11 months, expiring on June 3, 1937.

Our reasons for making this recommendation are as follows:

In 1931, the applicant was convicted of robbery, being armed with an offensive weapon. He was sentenced to serve a term of from two to six years in the Eastern State Penitentiary. At the expiration of the two year term he was taken to Bucks County and received a sentence of from eight to sixteen years on a charge of robbery, which offense was committed about the same time of the commission of the original crime.

The applicant has been incarcerated for over six years. He was never involved in any other trouble and his institutional record is above reproach. The trial judge and trial District Attorney stated they had no objections to the granting of clemency.

The Board of Trustees of the penitentiary states that the applicant is attempting to improve himself and that his institutional record is above reproach.

The Honorable Eugene J. Haggerty appeared in behalf of the applicant and stated that he would employ the applicant if he is released.

We believe that applicant has been sufficiently punished and are satisfied he is not an habitual criminal.

The applicant will be on parole until 1949.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of George Grimm, B-4308, No. 4092, May Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of George Grimm, convicted of breaking and entering, larceny and receiving stolen goods in the Court of Oyer and Terminer of Beaver County on September 15, 1934 be commuted from four years to two years nine months, expiring on June 15, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to charges of breaking and entering, larceny and receiving stolen goods in 1934. He was sentenced to serve a term of from four to ten years in the Western State Penitentiary.

The Board of Trustees of the penitentiary states: "If this inmate were eligible to apply for parole, we would probably recommend him for parole (1) first imprisonment (2) excellent institutional record."

The trial judge told us that he had no objections to the granting of clemency if restitution is made. The District Attorney expressed the same belief and added that he had received letters from the persons from whom property was stolen, to the effect that they were not opposed to the granting of clemency.

The applicant has served over two-thirds of his minimum sentence. We believe he has been sufficiently punished and are satisfied he is not an habitual criminal.

The applicant will be on parole until 1944.

Respectfully submitted.

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Thomas Sheedy, C-4751, No. 30, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences on Bills No. 180 and 183 of Thomas Sheedy, convicted of robbery, being armed with an offensive weapon, larceny of auto in the Court of Quarter Sessions of Philadelphia County on August 9, 1928, be commuted on Bill No. 180 from a maximum of 20 years to a maximum of eight years, 11 months, expiring July 9, 1937; and on Bill No. 183 from a minimum of five years to a minimum of one day, expiring July 10,1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to two charges of robbery in 1928. He was sentenced to serve two consecutive terms of imprisonment of from 10 to 20 years and five to ten years. The sentence of an accomplice was commuted in 1935.

The applicant has been incarcerated for almost nine years. We belive he has been sufficiently punished. His institutional record at Graterford has been satisfactory.

Reverend Kenny, Chaplain of the New Eastern State Penitentiary, stated that he believed that the applicant has been rehabilitated.

The applicant will be on parole until 1947.

Respectfully submitted.

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE.
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of James J. Dillon, B-5164, No. 977 June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of James J. Dillon, convicted of murder in the second degree in the Court of Quarter Sessions of Delaware County on January 22, 1932 be commuted from seven years to five years five months, expiring on June 22, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to murder of the second degree in 1932. He was sentenced to serve a term of from seven to twenty years in the Eastern State Penitentiary.

The District Attorney's representative who appeared before us at the open session said that he was not opposed to a commutation of sentence. The trial judge did not oppose the granting of clemency.

The Board of Trustees of the penitentiary states that the applicant's physical condition is poor. He has tuberculosis, although it is inactive.

The applicant has served over five and one-half years of his minimum sentence. We belive he has been sufficiently punished and are satisfied he is not an habitual criminal.

The Honorable Francis Fisher Kane presented the application on behalf of the Pennsylvania Prison Society and urged the granting of clemency.

Dr. Bowman, Restoration Director of the Eastern State Penitentiary, and Reverand B. C. Farley recommended the granting of clemency.

On June 24, 1914, the Honorable Josephus Daniels. Secretary of the Navy, cited the applicant for his prompt and gallant rescue of men from drowning.

The applicant will be on parole until 1952. Employment has been assured.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Wilson Link, B-2655, No. 1243, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons, recommend that the sentences on Bills No. 51, No. 45 and No. 54 of Wilson Link, convicted of robbery in the Court of Oyer and Terminer of Allegheny County on May 13, 1931 be commuted on Bill No. 51 from a maximum of 20 years to a maximum of 6 years, 1 month, expiring June 13, 1937; on Bill No. 45 from a maximum of 40 years to a maximum of 1 day, expiring June 14, 1937 and on Bill No. 54 from a minimum of 10 years to a minimum of 1 day, expiring on June 15, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to a number of charges of robbery in 1931. He was sentenced to serve terms totaling

from thirty to one hundred years in the Western State Penitentiary.

The applicant was never involved in any other trouble.

The Board of Trustees of the penitentiary states: "If this inmate were eligible to apply for parole, we would probably recommend him for parole (1) first conviction (2) excellent institutional record (3) very cooperate inmate (4) during the flood emergencies at this institution, rendered extraordinary services to the State."

The trial judge states that he believes there is much merit in the application.

Many responsible citizens of the community in which applicant resided urged us to recommend clemency.

The applicant will be on parole until 1971.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Benjamin Hyman, C-6141, No. 1747, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Benjamin Hyman, convicted of robbery, armed with an offensive weapon in the Court of Quarter Sessions of Philadelphia County on April 22, 1930 be commuted from ten years to 7 years, 2 months expiring on June 22, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to robbery in 1930. He was sentenced to serve a term of from ten to twenty years in the Eastern State Penitentiary. An accomplice only received a sentence of from three to six years.

The Board of Trustees of the penitentiary states:

"If eligible for parole, applicant would probably receive favorable consideration.

His institutional record is satisfactory. He is employed as an instructor in the school and has the qualifications necessary to the bricklaying trade. From an institutional standpoint, his application probably will be considered as having some merit...."

The applicant has served ever seven years of his minimum sentence. We believe he has been sufficiently punished.

The applicant will be on parole until 1950.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Pasquale Montesjardi, C-8150, No. 1835, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Pasquale Montesjardi, convicted of robbery in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on July 22, 1932 be commuted from 10 years to 5 years, expiring on July 18, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to robbery in 1932. He was sentenced to serve a term of from ten to twenty years in the Eastern State Penitentiary. He was never convicted of any other crime. The Board of Trustees of the Eastern State Penitentiary stated that he has an excellent institutional record, and has worked faithfully in the shoe shop.

The district attorney's representative did not oppose the granting of clemency.

The applicant has served almost one-half of his minimum sentence. We believe he has been sufficiently punished, and are satisfied he is not an habitual criminal.

The sentence of an accomplice was commuted in 1936.

The trial judge interposed no objection to the granting of clemency.

The applicant will be on parole until 1952. He has an excellent home to which he can go and employment has been assured.

Respectfully submitted.

THOMAS KENNEDY.
Lieutenant Governor.
DAVID L. LAWRENCE.
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE.
Governor.

BOARD OF PARDONS

In re application of Martha Dettner Colvin, C-6641, No. 1971, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Martha Dettner Colvin, convicted of murder of the second degree, in the Court of Oyer and Terminer of Luzerne County, on December 8, 1930 be commuted from 10 years to 6 years, 7 months, expiring July 8, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to murder of the second degree in 1930. She was sentenced to serve a term of from ten to twenty years in the Eastern State Penitentiary. She was never involved in any other trouble.

The Board of Trustees of the Eastern State Penitentiary state: "If eligible this woman would probably be given a favorable recommendation.

Since this woman has never been incarcerated in the Eastern State Penitentiary the only facts we have are those reported by the Warden of Luzerne County Prison. He states that she is an honor girl in the women's section of the institution. He feels that through her institutional behaviour she has earned commutation.

According to Warden Healey, he would consider her an excellent parole risk."

The District Attorney's representative who appeared before us at the open session stated that he approved the application.

Miss Nellie G. Loftus, of the Department of Health and Supervisor in the Kirby Health Center in Wilkes-Barre, also appeared before us and urgently recommended clemency in this case. Miss Loftus told us that the applicant has been a cooperative inmate of the Luzerne County Prison and has become proficient in sewing and cooking, that her labor and patience has helped many other young girls who have been committed to the Luzerne County Prison to be contented and that she has promoted an

environment where many have been able to help themselves. Miss Loftus also said that the trial judge told her that he was in favor of the extension of clemency.

The applicant will be on parole until 1950.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE.
Governor.

BOARD OF PARDONS

In re application of George Sigvart Nelson, No. 2463, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence on Bill No. 2 of George Sigvart Nelson convicted of robbery, being armed with an offensive weapon, Bills No. 1 and No. 2, in the Court of Oyer and Terminer and Quarter Sessions of Bradford County on January 24, 1927, be commuted from a minimum of ten years to a minimum of 4 years and 5 months, expiring on June 24, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to robbery, being armed with an offensive weapon in 1927. He was sentenced to serve consecutive terms of imprisonment, totalling thirteen to twenty-six years. He was never involved in any other trouble.

The Board of Trustees of the Eastern State Penitentiary states: "If eligible for parole soon, applicant would probably receive favorable consideration because he has no previous criminal record.

His institutional record has been satisfactory during the past four years. He has been employed two years as a teacher in the institutional school where his services have been of value. Applicant has made an attempt to improve himself by cell study....."

The District Attorney and trial judge did not oppose the granting of clemency.

The applicant has been incarcerated for over ten years. We believe he has been sufficiently punished and are satisfied he is not an habitual criminal.

The applicant will be on parole until 1957. He intends to return to his parents in New York and our recommendation is contingent upon his returning to and remaining in that State.

The sentence of an accomplice was commuted in 1934.

Respectfully submitted.
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Charles Robert Egan, No. 2492, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Charles Robert Egan, convicted of larceny of auto, assault and battery with intent to kill in the Court of Quarter Sessions of Philadelphia County, on September 13, 1929 be pardoned.

Our reasons for making this recommendation are as follows:

In 1929, the applicant, when only seventeen years of age, plead guilty to larceny of an automobile and assault and battery with intent to kill. He was sentenced to serve a term of from eight to sixteen years in the Eastern State Penitentiary.

In 1936, his minimum sentence was commuted on our recommendation and he was released on parole. Unusual sponsorship was provided for him in New York and the applicant has been making a remarkable readjustment. At the present time he is acting as secretary to Mr. Holton Luther, of Long Island, New York, an investment broker.

Mr. Luther is convinced that the applicant has been completely rehabilitated and appeared before us and urged the granting of a pardon in order that the applicant may advance himself in the business and social world.

The Supervisor of Paroles recommended the granting of a pardon.

A pardon will in part remove the stigma of the crime from the applicant and will be of material assistance to his advancement.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Albert Rymsza, C-8925, No. 2501, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of Albert Rymsza, convicted of breaking and larceny in the Court of Oyer and Terminer and Quarter Sessions of Luzerne County on May 3, 1933, be commuted from a maximum of ten years to a minimum of 2 years and 8 months, expiring on June 21, 1937, and a maximum of ten years.

Our reasons for making this recommendation are as follows:

In 1933, the applicant was convicted of breaking and entering and larceny. He was sentenced to serve a term of from five to ten years in the Eastern State Penitntiary. In 1935, his sentence was commuted, on our recommendation, and the applicant was released on parole. In January of this year he was convicted of assault and battery and was sentenced to serve a term of from three to six months in the Luzerne County Prison, sentence was suspended and the applicant was placed on parole.

Because of the conviction while on parole, it was necessary to return the applicant to the penitentiary to serve the remainder of the unexpired portion of the original sentence. We believe it would be unjust to keep the applicant incarcerated for a minor parole violation for which the trial court did not see fit to have the applicant incarcerated.

Respectfully submitted.
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.

THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In reapplication of Charles Hare, D-4471, No. 2811, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Charles Hare, convicted of breaking. entering, larceny and receiving stolen goods in the Court of Oyer and Terminer of Somerset County on February 18, 1935 be commuted from three years to two years five months, expiring on July 18, 1937.

Our reasons for making this recommendation are as follows:

The applicant was convicted of breaking, entering, larceny and receiving stolen goods in 1935. He was sentenced to serve a term of from three to six years in the Western State Penitentiary.

The Board of Trustees states: "If this inmate were eligible to apply for parole, we would probably recommend him for parole (1) first conviction (2) excellent institutional record (3) very cooperative and trusted inmate."

The trial judge states: "He (the applicant) has no previous criminal record, and I would recommend that his sentence be commuted or he be placed on parole. During the trial it was intimated that he may have a weak mental condition and probably should not be longer confined in the Western Penitentiary. I concur in this application."

The applicant will be on parole until 1941.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of John Nardo. B-4718, No. 2817, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of John Nardo, convicted of murder of the second degree in the Court of Oyer and Terminer of Allegheny County on September 25, 1935 be commuted from four years to two years five months, expiring on June 13, 1937.

Our reasons for making this recommendation are as follows:

The applicant was convicted of murder of the second degree in 1935. He was sentenced to serve a term of from four to fifteen years in the Western State Penitentiary.

The District Attorney's representative who appeared before us at the open session stated that he was not opposed to the granting of clemency.

The applicant is over seventy years of age. He has served over two and one-half years of his minimum sentence. We believe he has been sufficiently punished and are satisfied he is not an habitual criminal.

The applicant will be on parole until 1950.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Carl Pierro, C-6930, B-4780, No. 2834, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Carl Pierro, convicted of robbery, being armed with an offensive weapon in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on March 26, 1931 be commuted from seven and one-half years to six years five months, expiring on June 26, 1937.

Our reasons for making this recommendation are as follows:

The applicant was sentenced to serve a term of from seven and one-half to twenty years in the Eastern State Penitentiary in 1931 for robbery, being armed with an offensive weapon.

One accomplice received a sentence of from ten to twenty years in the Eastern State Penitentiary, but this sentence was set aside and a sentence of from seven to twenty years in the Philadelphia County Prison was imposed. In December 1934, this accomplice was paroled by the trial court.

Another accomplice received a sentence of from two and one half to five years in the Philadelphia County Prison.

The District Attorney's representative who appeared before us at the open session said that because of the unequal sentences he would neither oppose nor recommend clemency.

The applicant will be on parole until 1951.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Leonard Louis Neiman, D-327, D-4650, No. 2864, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Leonard Louis Neiman, convicted of burglary in the Court of Oyer and Terminer, Quarter Sessions of Philadelphia County on January 31, 1935 be commuted from 4 years to 2 years, 5 months expiring on June 30, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to burglary in 1935. He was sentenced to serve a term of from four to ten years in the Eastern State Penitnentiary.

The Board of Trustees of the penitentiary state that they have no objection to the granting of clemency.

The applicant has served over one-half of his minimum sentence. We believe he has been sufficiently punished and are satisfied he is not an habitual criminal.

The District Attorney's representative who appeared before us at the open session said that he had no objections to the granting of clemency.

The applicant will be on parole until 1945.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Stanley Wawsczyk, A-1841, No. 2934, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Stanley Wawsczyk, convicted of robbery in the Court of Oyer and Terminer of Erie County on November 14, 1934 be commuted from 4 years, 6 months to 2 years, 7 months expiring on June 14, 1937.

Our reasons for making this recommendation are as follows:

In 1934, the applicant, when only sixteen years of age, plead guilty to robbery. He was sentenced to serve four and one-half to nine years in the Western State Penitentiary.

The Board of Trustees of the Western State Penitentiary states: "This inmate was transferred, on January 16, 1935, to the Pennsylvania Industrial School at Huntingdon, to enable him to take advantage of the trade training there, which had been his principle lack in the past. In view of their favorable report in regard to his progress, if eligible to apply for parole, we would probably recommend.

A representative of the Pennsylvania Industrial School appeared before us and recommended the granting of clemency.

The applicant has served over one-half of his minimum sentence. We believe he has been sufficiently punished.

The applicant will be on parole until 1943.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE.
Secretary of the Commonwealth.
THOMAS A. LOGUE.
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Ellis Parry Williams, C-9003, B-4807, No. 2950, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Ellis Parry Williams, convicted of robbery in the Court of Oyer and Terminer of Luzerne County on May 25, 1933 be commuted from 5 years to 4 years, 1 month expiring on June 25, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to robbery in 1933. He was sentenced to serve a term of from five to ten years in the Eastern State Penitentiary.

The Board of Trustees of the penitentiary states: "If eligible for parole would probably receive favorable consideration.

According to the authorities of Rockview, applicant's institutional record is satisfactory.

Since this man does not have a previous record, his release would probably not jeopardize society."

The District Attorney's representative who appeared before us at the open session said that he did not oppose the granting of clemency.

The applicant has served over four years of his minimum sentence. We believe he has been sufficiently punished and are satisfied he is not an habitual criminal.

The applicant will be on parole until 1943.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Joseph Voycheck, B-4541, No. 2989, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Joseph Voycheck, convicted of robbery under aggravated circumstances in the Court of Oyer and Terminer of Greene County on May 13, 1935 be commuted from 3 years to 2 years, 2 months, expiring on July 13, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to robbery under aggravated circumstances in 1935. He was sentenced to serve a term of from three to six years in the Western State Penitentiary.

The trial judge said there is no reason to oppose the application.

The Board of Trustees of the penitentiary states: "If this inmate were eligible to apply for parole, we would probably recommend him for parole (1) first conviction (2) good institutional record.

The sentence of an accomplice was commuted in December, 1936.

We believe the applicant has been sufficiently punished and are satisfied he is not an habitual criminal.

The applicant will be on parole until 1941.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of John Daniel McAfee, C-9628, B-4823, No. 2990, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum of sentence of John Daniel McAfee, convicted of felonious entry and larceny in the Court of Oyer and Terminer of Montgomery County on April 6, 1934 be commuted from 4 years to 3 years, 3 months, expiring on July 6, 1937.

Our reasons for making this recommendation are as follows:

The applicant was convicted of felonious entry and larceny. He was sentenced to serve a term of from four to eight years in the Eastern State Penitentiary.

The Board of Trustees of the penitentiary states: "If eligible for parole would probably receive favorable recommendation.

According to the report from the Rockview authorities, this man has a satisfactory record in that institution."

The trial judge had no objections to the granting of clemency.

The applicant has served over three-fourths of his minimum sentence. We believe he has been sufficiently punished.

The applicant will be on parole until 1942.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Fred J. Sperling, No. 3060, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Fred J. Sperling, convicted of abortion in the Court of Quarter Sessions of Luzerne County on May 29, 1930, and convicted of abortion in the Court of Quarter Sessions of Luzerne County on September 24, 1932, be pardoned.

Our reasons for making this recommendation are as follows:

On two occasions the applicant was convicted of abortion and was sentenced to serve two terms of imprisonment in the Luzerne County Prison. Since his second incarceration he has been free for almost four years.

Judge Jones states: "I presided at his second trial and sentenced him to jail and he remained there until I was fully satisfied that he had been sufficiently punished to warrant a parole, and on August 7, 1933, I paroled him. Since that time he has lived in the community and I have been in a position to observe his conduct and feel quite satisfied that he has conducted himself as a decent, honorable citizen.

I join in recommending a reinstatement of his license in order that he may practice his honorable profession and rehabilitate himself in the community. I am satisfied he can and will do it."

Judge Valentine says: "As trial judge who presided when Dr. Sperling was convicted, I am of the opinion that he has been sufficiently punished and that his application should be granted. I believe that the granting of his application will have a tendency to permit him to rehabilitate himself."

The District Attorney's representative who appeared before us at the open session recommended the granting of a pardon.

We have a number of petitions on file containing names of approximately two hundred physicians recommending a pardon in order that the applicant may be reinstated in his profession.

The Luzerne County Homeopathic Medical Society recommended a full pardon in order that the applicant's medical license could be restored to him.

The chief cause of the applicant's becoming involved in crime was the excessive use of intoxicating liquors. We have been reliably informed that he is now a total abstainer. We believe that the applicant is entitled to another chance to practice in his chosen field.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Joseph Hornyak, B-4588, No. 3137, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Joseph Hornyak, convicted of voluntary manslaughter in the Court of Oyer and Terminer of Allegheny County on June 24, 1935 be commuted from 3 years to 2 years expiring on June 24, 1937.

Our reasons for making this recommendation are as follows:

The applicant was convicted of voluntary manslaughter in 1935. He was sentenced to serve a term of from three to twelve years in the Western State Penitentiary. He was never involved in any other trouble and is fifty-nine years of age.

The Board of Trustees of the Penitentiary states: "If this inmate were eligible to apply for parole, we would probably recommend him for parole, (1) first conviction (2) excellent institutional record," and add that he has a sense of social responsibility and is of good repute.

The District Attorney's representative who appeared before us at the open session stated that the computation should be granted.

The applicant has served approximately two-thirds of his minimum sentence. We believe he has been sufficiently punished and are satisfied he is not an habitual criminal.

The applicant will be on parole until 1947. Employment has been assured.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Ira Moore, B-4845. No. 3246, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Ira Moore, convicted of arson in the Court

of Oyer and Terminer of Bedford County on December 2, 1935 be commuted from 2 years to 1 year, 7 months expiring on July 2, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to arson in 1935. He was sentenced to serve a term of from two to four years in the Western State Penitentiary.

The trial judge states: "We are convinced that the defendant has been sufficiently punished. We have further concluded that in view of his opportunities for adjustment in this County, the future welfare of himself and our citizens will not be injured by his parole. The citizens of his community are willing to take him back, help him and treat him as one of its ordinary honest citizens."

The District Attorney and the probation officer concur in the trial judge's opinion.

The Board of Trustees of the penitentiary states: "If this inmate were eligible to apply for parole, we would probably recommend him for parole (1) first conviction (2) excellent institutional record (3) very cooperative inmate.

The applicant will be on parole until 1939. Employment has been assured. He has a wife and four children who are dependent upon him for support.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Nelson Hicks, D-1871, No. 3381, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Nelson Hicks, convicted of fraudulently making and publishing a written instrument in the Court of Quarter Sessions of Philadelphia County on January 7, 1937 be commuted from 1 year to 6 months expiring on July 7, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to fraudulently making and publishing a written instrument in January, 1937. He was sentenced to serve a term of from one to two years in the Eastern State Penitentiary. He was never involved in any other trouble.

The Board of Trustees of the penitentiary states: ". . . Applicant's record in the institution is satisfactory. He is employed as a clerk in the education department, associates with the better type of inmates and has attempted to improve himself by learning the duties of his present position. The fact that applicant has no previous record and restitution was made on the present charge would probably be the important factors in deciding this case. Judging from the constructive type of behaviour of this man in the institution and also his previous record outside, we feel that his release would probably not jeopardize society."

The District Attorney's representative who appeared before us at the open session stated that he was not opposed to the granting of clemency.

The applicant has served over one-half of his minimum sentence. We believe he has been sufficiently punished and are satisfied he is not an habitual criminal.

The applicant will be on parole until 1939. Employment has been assured if the prisoner is released.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Harry Weinberg, No. 3390, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Harry Weinberg, convicted of perjury in the Court of Quarter Sessions of Philadelphia County, on May 9, 1933 be pardoned.

Our reasons for making this recommendation are as follows:

In 1933, the applicant plead guilty to perjury. He was sentenced to serve a term of from two to four years in the Philadelphia County Prison. Five days later he was released on parole.

The trial judge stated: "This was a rather badly mixed up affair and while Weinberg was technically guilty of perjury, I did not feel that he deserved much of a jail sentence. The lawyer involved at the time was suspended and we always felt that the lawyer was entirely to blame for everything that was done. I have no objection to a pardon, if his application has merit in your opinion."

The District Attorney's representative who appeared before us at the open session recommended a pardon.

The applicant has an outstanding reputation in the community in which he resides. He has a wife, four children and a mother who are dependent upon him for support.

The applicant is engaged in the advertising business and selling various merchandise. It is necessary to obtain mercantile licenses and on a number of occasions he has been refused because of his criminal record.

The applicant served over twenty-two months in the U. S. Army during the World War and received an honorable discharge.

A pardon will in part remove the stigma of the crime from the applicant and his family and will be of material assistance to securing employment.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Alois J. Moes, D-1765, No. 3394, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Alois J. Moes, convicted of felonious entry, larceny and receiving stolen goods in the Court of Oyer and Terminer, Quarter Session of Bucks County on November 30, 1936 be commuted from 1 year to 7 months expiring on June 30, 1937.

Our reasons for making this recommendation are as follows:

The applicant was convicted of felonious entry, larceny and receiving stolen goods in 1936. He was sentenced to serve a term of from one to five years in the Eastern State Penitentiary.

The Board of Trustees of the penitentiary states: "His institutional record is satisfactory. He has made some effort toward self-improvement by school attendance. This man has been recommended for parole."

Reverend Walters and Reverend Kenny recommended the granting of clemency.

Reverend Walters stated that Judge Keller, who is now ill, told him that he would recommend clemency after the applicant had served six months of his sentence.

The applicant enjoys an excellent reputation. A good home has been provided for him if he is released.

The applicant will be on parole until 1941.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE.
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Raymond Duffy, B-5102, No. 3396, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum and minimum sentence of Raymond Duffy, convicted of robbery in the Court of Oyer and Terminer of Allegheny County on May 6, 1936 be commuted on Bill No. 39 from a maximum of 5 years to a maximum of 1 year, 2 months expiring on July 6, 1937 and on Bill No. 40 from a minimum of 1 year to a minimum of 1 day, expiring July 7, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to robbery in 1936. He was sentenced to serve a term of from two to ten years in the Western State Penitentiary.

The Board of Trustees of the Penitentiary states: "If this inmate were eligible to apply for parole, we would probably recommend him for parole (1) first conviction (2) excellent institutional record."

The trial judge is not opposed to the granting of clemency.

The applicant has served over one-half of his minimum sentence. We believe he has been sufficiently punished.

Employment has been assured.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE.
Secretary of the Commonwealth.
THOMAS A. LOGUE.
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Raymond J. Pyle, B-2079, Philadelphia County Prison, No. 3402, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Raymond J. Pyle, convicted of attempt to escape from prison in the Court of Quarter Sessions of Philadelphia County on May 27, 1927 be commuted from 10 years to 5 months, expiring June 27, 1937.

Our reasons for making this recommendation are as follows:

In 1927, the applicant was sentenced to serve two consecutive terms of imprisonment in the Philadelphia County Prison of from five to twenty and five to ten years. In the County Prison he was apprehended sawing the bars of his cell and was sentenced on a charge of attempt to escape to serve a term of from ten to thirty years, beginning January of this year.

The trial judge states: "I have no objection to this application for pardon. He has served his sentence and so far as the additional term for attempting to escape is concerned, perhaps if you and I had been in the prison under the conditions that existed at that time, we would have attempted the same."

The District Attorney's office reported to us: ". . . According to information obtained by the District Attorney's office, it is true that this petitioner was treated inhumanly by former employees of the prison, but the present officals used different methods. The petitioner was given work and encouragement, which served to bring out latent qualities in him, and he is now described as "A model prisoner", and the district attorney's representative who appeared before us at the open session recommended the granting of clemency.

The applicant has been incarcerated for over ten years. He has never been involved in any other trouble. We believe he has been sufficiently punished.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Hyman Rosen, No. 3407, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Hyman Rosen, convicted of setting up and maintaining an illegal lottery in the Court of Oyer and Terminer of Philadelphia County, on January 17, 1933 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant was adjudged guilty of setting up and maintaining an illegal lottery in 1933. He was sentenced to serve a term of sixty days in the Philadelphia County Prison but was released on parole after serving approximately twenty-three days. The crime consisted of having in his possession a few number books. He was never convicted of any other crime and enjoys an excellent reputation in the community in which he resides.

The applicant intends to get married and does not wish to be handicapped with a criminal record.

The applicant's excellent reputation and because the crime committed was not a serious one are facts which we believe entitle the applicant to a pardon.

The District Attorney's representative who appeared before us at the open session stated that the application had merit.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Henry Thomas Bagley, C-567, No. 3410, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Henry Thomas Bagley, convicted of robbery, assault and battery with intent to kill in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on December 20, 1920, be commuted from a maximum of 17 years to a minimum of 11 years and 1 month, expiring on June 11, 1937, and a maximum of 17 years.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to robbery and assault and battery with intent to kill in 1920. He was sentenced to serve a term of from sixteen to seventeen years in the Eastern State Penitentiary.

By reason of the Ludlow Act he was released on parole in 1931. In November, 1936, he was sentenced to serve a term of three months in the Philadelphia County Prison. In February of this year he was returned to the penitentiary because of the parole violation.

The District Attorney's representative who appeared before us at the open session stated that there is merit in the application.

The trial judge states: ". . . I think it is a bit unreasonable to expect this man to do all his back time because of the assault and battery by automobile upon Mrs. Vickery. I had no choice but to send him to jail in view of the evidence, but I thought three months about covered the seriousness of his crime."

The applicant will be on parole until 1943.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of John McSorley, No. 3426, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that John McSorley, convicted of operating auto without consent of owner in the Court of Quarter Sessions of Philadelphia County, on June 21, 1927 be pardoned.

Our reasons for making this recommendation are as follows:

In 1927, the applicant plead guilty to operating an auto without consent of the owner. At the time of the commission of the crime the applicant was only nineteen years of age. He was placed on probation for one year. He was never convicted of any other crime and enjoys an excellent reputation in the community in which he resides.

Judge McDevitt said: "I have made inquiry concerning this case and it appears that it was really operating an automobile without the owner's consent instead of larceny. Judge Ferguson was inclined to give most lawbreakers at least a short sentence and I am satisfied from the record and his sentence that if he were available, he would recommend giving this man a new start."

The District Attorney's representative who appeared before us at the open session said that a pardon could well be granted.

A pardon will in part remove the stigma of the crime from the applicant and his family and will be of material assistance to his advancement.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Daniel Lamanna, D-1411, No. 3428, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Daniel Lamanna, convicted of burglary in the Court of Oyer and Terminer of Lackawanna County on May 29, 1936 be commuted from 2 years to 1 year, 1 month expiring on June 29, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to burglary in 1936. He was sentenced to serve a term of from two to four years in the Eastern State Penitentiary.

The District Attorney's representative who appeared before us at the open session stated that he was not opposed to the granting of clemency.

The trial judge stated: ". . . However, I would not be opposed to commutation of sentence or a pardon if the prison authorities are reasonably satisfied that this prisoner's attitude is a correct one and to be followed by reasonably close supervision for a number of years in the future. I do not think that this man is essentially a bad character. I am rather of the opinion that he was led into trouble and that he engaged in these rather desperate enterprises in order to earn money to help support his father and the rest of his family."

The Board of Trustees of the penitentiary states: ". . . Applicant's record in the institution is satisfactory and he attempted to improve himself by attending school where he made good progress in all subjects."

The applicant will be on parole until 1940. Employment and a home will be provided for him if he is released.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re appication of Harry Boone, No. 3435, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Harry Boone, convicted of aggravated assault and battery in the Court of Quarter Sessions of Berks County on March 25, 1937, be commuted from one year to six months, expiring on September 25, 1937.

Our reasons for making this recommendation are as follows:

The applicant and five others attacked a police officer in the Borough of West Reading. The attack indirectly arose out of the strike at the Berkshire Knitting Mills. All the participants in the attack were arrested and charged with a number of different crimes. An arrangement was made with the district attorney's office to enter pleas of guilty to charges of aggravated assault and battery. One accomplice also plead guilty to carrying concealed deadly weapons. Different statements were made with regard to what sentences would satisfy the district attorney's office if pleas were entered. The applicant's attorney understood that the applicant would receive a sentence of from one year to two years was imposed on the applicant.

The applicant was never involved in any other trouble and has a good institutional record. While there was no real justification for the assault the fact can not be overlooked that it occurred when feeling between the strikers and the police officers was high and everyone was tense with the excitement.

The applicant and his accomplices are not criminally minded. We feel that if the applicant serves a minimum sentence of six months he will have been sufficiently punished.

The victim of the assault expended approximately $325.00 for medical care as the result of the injuries incurred. The defendants have deposited with the Probation Department of Berks County this amount but the victim has started a civil suit for damages.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Irvin Gerber, No. 3436, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Irvin Gerber, convicted of aggravated assault and battery in the Court of Quarter Sessions of Berks County on March 25, 1937, be commuted from nine months to four months, expiring on July 25, 1937.

Our reasons for making this recommendation are as follows:

The applicant and five others attacked a police officer in the Borough of West Reading. The attack indirectly arose out of the strike at the Berkshire Knitting Mills. All the participants in the attack were arrested and charged with a number of different crimes. An arrangement was made with the District Attorney's office to enter pleas of guilty to charges of aggravated assault and battery. One accomplice also plead guilty to carrying concealed deadly weapons. Different statements were made with regard to what sentences would satisfy the district attorney's office if pleas were entered. The applicant's attorney understood that the applicant would receive a sentence of four months. However, the court knew nothing of any understanding with the District Attorney's office and the court advised us he never accepted pleas with conditions. A sentence of from nine months to two years was imposed on the applicant.

The applicant was never involved in any other trouble and has a good institutional record. While there was no real justification for the assault the fact can not be overlooked that it occurred when feeling between the strikers and the police officers was high and everyone was tense with the excitement.

The applicant and his accomplices are not criminally minded. We feel that if the applicant serves a minimum sentence of four months he will have been sufficiently punished.

The victim of the assault expended approximately $325.00 for medical care as the result of the injuries incurred. The defendants have deposited with the Probation Department of Berks County this amount but the victim has started a civil suit for damages.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of William Rathman, No. 3437, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of William Rathman, convicted of carrying concealed deadly weapons in the Court of Quarter Sessions of Berks County on March 25, 1937, be commuted from one and one-half years to nine months, expiring on December 25, 1937.

Our reasons for making this recommendation are as follows:

The applicant and five others attacked a police officer in the Borough of West Reading. The attack indirectly arose out of the strike at the Berkshire Knitting Mills. All the participants in the attack were arrested and charged with a number of different crimes. An arrangement was made with the District Attorney's office to enter pleas of guilty to charges of aggravated assault and battery. The applicant also plead guilty to carrying concealed deadly weapons. Different statements were made with regard to what sentences would satisfy the District Attorney's office if pleas were entered. The applicant's attorney understood that the applicant would receive a sentence of nine months. However, the court knew nothing of any understanding with the District Attorney's office and the court advised us he never accepted pleas with conditions. A sentence of from one and one-half to three years was imposed on the applicant.

The applicant was never involved in any other trouble and has a good institutional record. While there was no real justification for the assault the fact can not be overlooked that it occurred when feeling between the strikers

and the police officers was high and everyone was tense with the excitement.

The applicant and his accomplices are not criminally minded. We feel that if the applicant serves a minimum sentence of nine months he will have been sufficiently punished.

The victim of the assault expended approximately $325.00 for medical care as the result of the injuries incurred. The defendants have deposited with the Probation Department of Berks County this amount but the victim has started a civil suit for damages.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.

The above recommendation is approved:

GEORGE H. EARLE.
Governor.

BOARD OF PARDONS

In re application of Daniel Siegfried, No. 3439, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of Daniel Siegfried, convicted of aggravated assault and battery in the Court of Quarter Sessions of Berks County on March 25, 1937, be commuted from six months to four months, expiring on July 25, 1937.

Our reasons for making this recommendation are as follows:

The applicant and five others attacked a police officer in the Borough of West Reading. The attack indirectly arose out of the strike at the Berkshire Knitting Mills. All the participants in the attack were arrested and charged with a number of different crimes. An arrangement was made with the District Attorney's office to enter pleas of guilty to charges of aggravated assault and battery. One accomplice also plead guilty to carrying concealed deadly weapons. Different statements were made with regard to what sentences would satisfy the District Attorney's office if pleas were entered. The applicant's attorney understood that the applicant would be placed on probation. However, the court knew nothing of any understanding with the district attorney's office and advised us he never accepted pleas with conditions. A sentence of from six months to two years was imposed on the applicant.

The applicant was never involved in any other trouble and has a good institutional record. While there was no real justification for the assault the fact can not be overlooked that it occurred when feeling between the strikers and the police officers was high and everyone was tense with the excitement.

The applicant and his accomplices are not criminally minded. We feel that if the applicant serves a minimum sentence of four months he will have been sufficiently punished.

The victim of the assault expended approximately $325 for medical care as the result of the injuries incurred. The defendants have deposited with the Probation Department of Berks County this amount but the victim has started a civil suit for damages.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Leroy Schultz, No. 3438, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Leroy Schultz, convicted of aggravated assault and battery in the Court of Quarter Sessions of Berks County on March 25, 1937, be commuted from nine months to six months, expiring on September 25, 1937.

Our reasons for making this recommendation are as follows:

The applicant and five others attacked a police officer in the Borough of West Reading. The attack indirectly arose out of the strike at the Berkshire Knitting Mills. All the participants in the attack were arrested and charged with a number of different crimes. An arrangement was made with the district attorney's office to enter pleas of guilty to charges of aggravated assault and battery. One accomplice also plead guilty to carrying concealed deadly weapons. Different statements were made with regard to what sentences would satisfy the District Attorney's office if pleas were entered. The applicant's attorney understood that the applicant would receive a sentence of six months. However, the court knew nothing of any understanding with the District Attorney's office and the court advised us he never accepted pleas with conditions. A sentence of from nine months to two years was imposed on the applicant.

The applicant was never involved in any other trouble and has a good institutional record. While there was no real justification for the assault, the fact can not be overlooked that it occurred when feeling between the strikers and the police officers was high and everyone was tense with the excitement.

The applicant and his accomplices are not criminally minded. We feel that if the applicant serves a minimum sentence of six months he will have been sufficiently punished.

The victim of the assault expended approximately $325 for medical care as the result of the injuries incurred. The defendants have deposited with the Probation Department of Berks County this amount but the victim has started a civil suit for damages.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Francis A. Dwyer, B-5024, No. 4052, June Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Francis A. Dwyer, convicted of robbery in the Court of Oyer and Terminer of Carbon County on September 12, 1935, be commuted from three years to one year eleven months, expiring on August 12, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to robbery in 1935. He was sentenced to serve a term of from 3 to 6 years in the Eastern State Penitentiary.

It appears that the applicant, an officer of the B. P. O. E., was attending a convention at Hazleton. During a period of 4 days he was continually under the influence of intoxi-

cants. He apparently spent all his money and attempted to get some at a gas station in order that he could return home. At the time of the commission of the crime he was employed by the Baltimore and Ohio Railroad.

He was never involved in any other trouble and had an excellent reputation. Many character letters were mailed to the sentencing judge, copies of which are on file, attesting to the good character of the applicant. These letters were from judges, priests, city officials, doctors, lawyers and business men.

The District Attorney of Carbon County states: ". . . I believe this is a meritorious application and this office has no objection to enter against the said Francis A. Dwyer."

Mr. W. K. Nichol, Chief Clerk of the Baltimore and Ohio, presented the application and recommended clemency.

The applicant has taken a pledge to abstain from intoxicating liquors for the period of his parole.

An excellent home has been provided.

We believe the applicant has been sufficiently punished and are satisfied he is not an habitual criminal. He will be on parole until 1941.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Louis Toliver, B-1585, No. 472, September Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence on Bill 56 and the minimum sentence on Bill No. 57 of Louis Toliver, convicted of entering a building, larceny, and receiving stolen goods, Bills 56 and 57, in the Court of Quarter Sessions of Allegheny County on September 18, 1929 be commuted on Bill No. 56 from a maximum of 8 years to a maximum of 7 years 11 months 29 days, expiring on September 17, 1937, and on Bill No. 57 from a minimum of 4 years to a minimum of 1 day, expiring on September 18, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Casimer Skorzewski, B-2339, No. 1548, September Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Casimer Skorzewski, convicted of robbery and receiving stolen goods in the Court of Oyer and Terminer of Allegheny County on November 24, 1930 be commuted from ten years to six years eleven months, expiring on October 24, 1937.

Our reasons for making this recommendation are as follows:

In 1930 the applicant plead nolle contendere to a charge of robbery and receiving stolen goods. He was found guilty and sentenced to the Western State Penitentiary for from ten to twenty years.

The Board of Trustees of the Western State Penitentiary state that they would probably recommend him for parole if eligible "(1) first conviction (2) excellent institutional record."

Assistant District Attorney Adams offered no objection to the application and felt that it merited clemency.

The applicant is assured of employment and will live with his mother. He has served six years and eleven months of his minimum sentence and will be under the supervision of the parole board until the twentieth day of November, 1950.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Leo Robert Augustyniak, B-3516, No. 1788, September Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentences on Bills Nos. 21 and 22 of Leo Robert Augustyniak, convicted of robbery, Bills Nos. 21 and 22 in the Court of Oyer and Terminer of Allegheny County on December 13, 1932, be commuted on Bill No. 21 from a minimum of 5 years to a minimum of 4 years 10 months, expiring on October 13, 1937, and on Bill No. 22, from a minimum of 2 and one-half years to a minimum of 1 day, expiring on October 14, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery in 1932 and was sentenced to imprisonment in the Western State Penitentiary for from seven and one-half to fifteen years.

The Board of Trustees of the Western State Penitentiary state that he has an excellent institutional record and would probably recommend him for parole.

The trial judge, the Honorable Frank P. Patterson, states: ". . . at this time the application may be given the benefit of the Pardon Board's power. I am under the impression that through his family connections and the others who have interested themselves in his behalf, he might become a good citizen if his sentence were commuted."

The assistant District Attorney, present, offered no objection to the recommendation.

The applicant has a position awaiting him as a truck driver. He has served four years and ten months of his minimum sentence and will be under the supervision of the parole board until the thirteenth day of December, 1947.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of William Thorpe, C-4712, No. 2740, September Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence on Bill No. 485 and the minimum sentence on Bill No. 486 of William Thorpe, convicted of robbery in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on July 17, 1928, be commuted on Bill 485 from a maximum of 20 years to a maximum of 9 years 3 months, expiring October 17, 1937, and on Bill No. 486 from a minimum of 10 years to a minimum of one day, expiring October 18, 1937.

Our reasons for making this recommendation are as follows:

The applicant was sentenced in 1928 for robbery to the Eastern State Penitentiary for a term of from twenty to forty years.

The Board of Trustees of the Eastern State Penitentiary state that from his habits of industry and his trustworthiness during his incarceration that the man has profited by this experience and if released will probably adjust himself.

The Honorable Harry S. McDevitt, trial judge, states that he has no objection to commuting his sentence as he believes that he has been thoroughly cured.

The assistant District Attorney offered no objection to the application.

The applicant is a tailor and has saved two hundred and twenty-five dollars while in the institution, and proposes to enter the tailoring business upon his release.

The applicant will have served nine years and three months and will be under the supervision of the parole board until the 18th day of July, 1957.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of John McCrone, D-234, No. 2787, September Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of John McCrone, convicted of burglary in the Court of Oyer and Terminer of Lackawana County on December 8, 1934 be commuted from 3 years to 2 years, 10 months, expiring on October 8, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to burglary in 1934 and was sentenced to imprisonment in the Eastern State Penitentiary for from three to six years.

The Board of Trustees of the Eastern State Penitentiary made no recommendation as he has been under the supervision of the officials of the Western State Penitentiary for nearly two years. The officials of the Western State Penitentiary state that his conduct there is good.

The present District Attorney, Michael J. Egan, recommends whole-heartedly his application, and the assistant District Attorney, Harold R. Edwards, present at the hearing, recommended the application.

Employment has been assured. This man has had no previous criminal record. He has served two years and ten months of his minimum sentence and will be under the supervision of the parole board until the eighth day of December, 1940.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Carl Davison, D-229, No. 2790, September Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum

sentences of Carl Davison, convicted of conspiracy, breaking and entering and larceny, Bills No. 21 and 22 in the Court of Quarter Sessions of Monroe County on December 13, 1934, be commuted on Bill No. 21 from a minimum of 5 years to 2 years, 10 months, expiring on October 13, 1937, and on Bill No. 22, from a minimum of 1½ years to a minimum of 1 day, expiring on October 14, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to conspiracy to rob and larceny in 1934. He was sentenced to pay a fine of two hundred dollars and to imprisonment in the Eastern State Penitentiary for from six and one-half to thirteen years.

The Board of Trustees of the Eastern State Penitentiary state that this man will probably not re-enter the field of crime after release as he does not possess any criminal tendencies and has utilized every opportunity to improve himself.

The Honorable Samuel E. Shull, trial judge, felt that any action of the Board would be satisfactory to him. The present District Attorney, George C. Shafer, felt that this man has had sufficient punishment and recommends that his prison sentence be commuted.

Employment has been assured for the applicant and his home conditions will be very satisfactory. He has served two years and ten months of his minimum sentence and will be under the supervision of the parole board until December 13, 1947.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of William Foxall MacElree, D-1072, No. 2964, September Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that William Foxall MacElree, convicted of larceny in the Court of Quarter Sessions of Chester County on December 30, 1935 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of larceny in 1935. He was sentenced to pay a fine of two hundred dollars and imprisonment in the Eastern State Penitentiary for from sixteen months to three years. On May 20, 1936, a commutation of his sentence was recommended and his minimum sentence was commuted as of May 27, 1936. His application for a pardon was filed on the fifth day of August, 1937, and the trial judges, the Honorable W. Butler Windle and the Honorable Ernest Harvey have no objections to the granting of this pardon. Likewise, the present District Attorney submitted no objections.

The applicant is employed now with the General Sales Company of West Chester, Pennsylvania, and lives at the home of his father, J. Paul MacElree, Esquire. He has had no previous criminal record and a pardon will in part remove the stigma of the crime from the applicant and his family and will be of material assistance in securing advancement with his present employer.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of John Paul Nolton, B-4900, No. 3432, September Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of John Paul Nolton, convicted of burglary Bill No. 30, (Bills Nos. 25, 26, 27, 28, 29, 31 and 32 to run concurrent) in the Court of Oyer and Terminer of Allegheny County on February 21, 1936 be commuted from five years to 1 year 8 months, expiring on October 21, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to burglary in 1936 and was sentenced to the Western State Penitentiary for a term of from five to ten years.

The Board of Trustees of that institution state they would probably recommend him for parole "(1) first conviction (2) very good institutional record (3) youth at time of conviction."

Judge Ralph H. Smith, trial judge, states ". . . in making what for me is an unusual recommendation that he be favorably considered for release . . ."

The assistant District Attorney, Adams, was not opposed to the application and recommended clemency.

Employment is assured upon his release and his home conditions and environment are good.

The applicant has served one year and eight months of his minimum sentence and will be on parole until the twenty-first day of February, 1946.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Richard Smith, C-8651, No. 3454, September Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Richard Smith, convicted of larceny in the Court of Oyer and Terminer and Quarter Sessions of Chester County on February 3, 1933, and convicted of assault and battery by automobile, and operating motor vehicle while under influence of intoxicating liquor in the Court of Oyer and Terminer of Philadelphia County on April 7, 1937, be commuted from four years to a minimum of 2 years 7 months, expiring October 10, 1937 and a maximum of 4 years.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to larceny in 1933 and was sentenced to pay a fine of one hundred dollars and to imprisonment in the Eastern State Penitentiary of from two to four years. He was released on parole the thirteenth

day of March, 1935, and was returned to the Eastern State Penitentiary for violation of his parole on the twentieth day of April, 1937, because of an accident while driving an automobile under the influence of intoxicating liquor.

The Board of Trustees of the Eastern State Penitentiary stated that the report of the Supervisor of Paroles would govern their recommendation. The Supervisor entered no objections to this commutation.

The trial judge, Honorable W. Butler Windle, stated: " . . . Under all the circumstances I see no reason why this application should not be granted . . . ".

The present District Attorney likewise had no objections to the reparole of the applicant.

The applicant has served two years and seven months of his maximum sentence of four years. We believe he has been sufficiently punished. He will be on parole until March 10, 1939.

Employment for the applicant is pending and Father Kenny of the Eastern State Penitentiary will cooperate in the supervision and rehabilitation of the applicant.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Anthony J. Corcoran, D-204, No. 3456, September Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Anthony J. Corcoran, convicted of burglary in the Court of Oyer and Terminer of Lackawanna County on December 8, 1934 be commuted from five years to 3 years, expiring on December 8, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to burglary in 1934 and was sentenced to imprisonment in the Eastern State Penitentiary for from five to ten years.

The Board of Trustees of the Eastern State Penitentiary felt that he would probably rehabilitate himself if released as he has formed some constructive habits and has applied himself to his work in the institution. He has had no previous criminal record and has a good sponsor upon his release.

The trial judge, the Honorable William Leach stated that he believed the sentence imposed was a correct one.

The assistant District Attorney appeared and recommended that the Board grant a commutation.

The applicant has served three years of his minimum five year sentence and we believe he has been sufficiently punished. He will be on parole until December 8, 1944.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Leonard Sinkiewicz, B-5016, No. 3467, September Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Leonard Sinkiewicz, convicted of robbery with an offensive weapon in the Court of Oyer and Terminer of Luzerne County on November 25, 1935 be commuted from five years to 1 year 11 months, expiring on October 25, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery, being armed with an offensive weapon, in 1935 and was sentenced to pay a fine of five hundred dollars and to imprisonment in the Eastern State Penitentiary for from five to ten years.

The Board of Trustees of the Eastern State Penitentiary have no personal knowledge of the conduct of the prisoner as he was transferred to Rockview on the twenty-third day of May, 1935. The authorities of that institution state that his conduct record there is good.

The assistant District Attorney, Mr. Dando, of Luzerne County stated that he had no objections to the granting of the application.

Employment for the applicant has been assured and responsible sponsors have appeared for him. He has made full restitution of the money that he stole.

The applicant has served one year and eleven months of his minimum sentence and will be under the control of the parole board until November 25, 1945.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Frank P. Murphy, No. 3469, September Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Frank P. Murphy, convicted of aggravated assault and battery in the Court of Quarter Sessions of Philadelphia County on April 13, 1934 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to a charge of aggravated assault and battery and was sentenced to five years on probation.

The investigation of the parole officer disclosed that the applicant is president of the Keystone Dyeing Company and lives in very excellent environment. His business reputation is quite excellent.

The Honorable Harry S. McDevitt was opposed to the granting of a pardon, while the assistant District Attorney, Tracey, saw no objection to the application.

The applicant conducts his own business in Philadelphia, being a hosiery dyer, and employs some twenty people in his plant. His business and home conditions are excellent and his business reputation is very good.

A pardon will in part remove the stigma of the crime from the applicant and will be of material assistance to his business career.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Thomas Bryan Speight, C-7175, No. 3471, September Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Thomas Bryan Speight, convicted of robbery in the Court of Oyer and Terminer of Berks County on April 8, 1931 be commuted from seven years, six months to six years, six months, expiring on October 8, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to a charge of robbery in 1931 and was sentenced to imprisonment in the Eastern State Penitentiary for from seven and one-half to fifteen years.

The Board of Trustees of the Eastern State Penitentiary state that he has an excellent institutional record and would probably make satisfactory adjustment upon release.

The trial judge did not reply to our letter of inquiry but the present District Attorney gave us no recommendation and left the matter entirely to the discretion of the Board.

The applicant has served six years and six months of his minimum sentence and we believe he has been sufficiently punished. He will be under the control of the Parole Board until April 8, 1946.

Employment has been assured and his brother is now here in the State ready to take him to his home in New Mexico.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Alex Blumenthal, C-9336, No. 3489, September Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Alex Blumenthal, convicted of conspiracy to cheat and defraud a bank in the Court of Quarter Sessions of Luzerne County on November 29, 1933 be pardoned.

Our reasons for making this recommendation are as follows:

In 1933, the applicant was sentenced to pay a fine of one hundred dollars and to imprisonment in the Eastern State Penitentiary for from one to two years. He was released on parole on the twenty-ninth day of November, 1934, and was discharged from parole on the twenty-ninth day of November, 1935.

The Supervisor of Paroles offered no objections to the granting of this pardon as the applicant's parole history has been satisfactory.

The trial judge, the Honorable Benjamin R. Jones stated that the application is a meritorious one. The former District Attorney, Thomas M. Lewis, stated that he had no objection to the granting of this application and " . . . I believe the applicant will merit any consideration extended to him by the Board."

Many letters have been filed from prominent citizens in Wilkes-Barre testifying as to the exemplary habits and steady employment of Mr. Blumenthal since his release.

A pardon will in part remove the stigma of the crime from the applicant and his family and will be of material assistance to his advancement in business.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOAR OF PARDONS

In re application of Mike Jaba, C-4289, No. 73A, October Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence on Bill No. 456 of Mike Jaba, convicted of breaking and larceny, Bills No. 457 and 456, in the Court of Oyer and Terminer and Quarter Sessions of Luzerne County on December 27, 1927, be commuted on Bill No. 456 from a minimum of 5 years to a minimum of 1 day, expiring on December 28, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much

longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE.
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of James Stayer, C-3628, No. 74A, October Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentences on Bills No. 57 and 55 of James Stayer, convicted of felonious entry, larceny, receiving stolen goods and larceny of auto, Bills No. 56, 57 and 55, in the Court of Oyer and Terminer and Quarter Sessions of Bucks County on December 1, 1930, be commuted on Bill No. 57, from a minimum of 2 years to a minimum of 1 day, expiring December 2, 1937, and on Bill No. 55 from a minimum of 1 year to a minimum of 1 day, expiring December 3, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE.
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of George Jackson, D-1055, No. 75A, October Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence on Bill No. 3, of George Jackson, convicted of involuntary manslaughter, Bills No. 2 and 3, in the Court of Oyer and Terminer and Quarter Sessions of Lebanon County on December 13, 1935 be commuted on Bill No. 3 from a minimum of 1 year to a minimum of 1 day, expiring on December 13, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences,

through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of James Watson, B-837, No. 76A, October Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence on Bill No. 107 and the minimum sentence on Bill No. 396 of James Watson, convicted of entering a building with intent, etc., and misdemeanor, escape, Bills No. 107 and 396, in the Court of Quarter Sessions of Allegheny County on June 12, 1928, be commuted on Bill No. 107 from a maximum of 10 years to a maximum of 9 years 4 months 29 days, expiring November 11, 1937, and on Bill No. 396 from a minimum of 1 year to a minimum of 1 day, expiring November 12, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Joe Johnson, B-1699, No. 77A, October Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentences on Bills No. 37 and 38 and the minimum sentence on Bill No. 77 of Joe Johnson, convicted of entering a building with intent to commit a felony and breaking, entering and larceny, Bills No. 36, 37, 38 and 77, in the Court of Quarter Sessions of Westmoreland County on November 21, 1929, be commuted on Bill No. 37 from a maximum of 6 years to a maximum of 5 years, 11 months, 28 days expiring, November 19, 1937, on Bill No. 38 from a maximum of 4 years to a maximum of 1 day expiring, November 20, 1937; and on Bill No. 77 from a minimum of 2 years to a minimum of 1 day expiring, November 21, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the

officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Raymond Bridge, B-1766, No. 569, October Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence on Bill No. 122 and the minimum sentence on Bill No. 123 of Raymond Bridge, convicted of robbery, felonious breaking and entering and felonious breaking, entering and larceny, Bills No. 4, 119, 122 and 123, in the Court of Oyer and Terminer of Washington County on December 23, 1929, be commuted on Bill No. 122 from a maximum of 4 years to a maximum of 10 months and 29 days, expiring November 22, 1937, and on Bill No. 123 from a minimum of 2 years to a minimum of 1 day, expiring November 23, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Charles Repyneck, C-6627, No. 2424, October Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentences on Bills No. 57 and 55 of Charles Repyneck, convicted of felonious entry, larceny, receiving stolen goods and larceny of auto, Bills No. 56, 57 and 55, in the Court of Oyer and Terminer and Quarter Sessions of Bucks County on December 1, 1930, be commuted on Bill No. 57 from a minimum of 2 years to a minimum of 1 day expiring December 2, 1937; and on Bill No. 55 from a minimum of 1 year to a minimum of 1 day, expiring December 3, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at

the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Joseph Biro, C-9355, No. 2606, October Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentences on Bills No. 132 and 133 of Joseph Biro, convicted of larceny and receiving stolen goods and robbery, etc., Bills No. 130, 131, 132 and 133, in the Court of Oyer and Terminer and Quarter Sessions of Lehigh County on December 12, 1933, be commuted on Bill No. 132 from a minimum of 1 year to a minimum of 1 day, expiring December 13, 1937; and on Bill No. 133 from a minimum of 1 year to a minimum of 1 day, expiring on December 14, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recomendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Edward Bocchino, Jr., D-880, No. 2954, October Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence on Bill No. 1219 and the minimum sentence on Bill No. 1220, of Edward Bocchino, Jr., convicted of assault and battery to ravish, attempted rape, attempted sodomy, Bills No. 1219 and 1220, in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on September 30, 1935, be commuted on Bill No. 1219 from a maximum of ten years to a maximum of 2 years, 3 months, expiring December 30, 1937; and on Bill No. 1220 from a minimum of 5 years to a minimum of 1 day, expiring December 31, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to a charge of assault and battery to ravish, attempted rape, attempted sodomy, and was sentenced by the Quarter Sessions Court of Philadelphia County for from six to twenty-five years in the Eastern State Penitentiary on the 30th day of September, 1935.

The Board of Trustees of the Eastern State Penitentiary state that he has shown definite evidence of his self improvement, and has had a good institutional

record. He is at present employed in the radio room of the institution, which is a position of trust.

The trial judge, the Honorable James G. Gordon, Jr., did not reply to our letter of inquiry with respect to his opinion in the case, but the assistant District Attorney, James W. Tracey, Jr., of Philadelphia County, felt that this applicant should have every consideration and left the decision to the Board of Pardons.

The applicant was 18 years of age at the time of the crime, having just graduated from the South Philadelphia High School for Boys, and appeared to be under the influence of an older companion.

The applicant has served two years and three months of his minimum sentence. We believe he has been sufficiently punished. He will be under the Supervision of the parole board until December of 1952.

Employment has been assured as a shipping clerk and he will reside at home with his parents in Philadelphia.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of John F. McAdams, No. 3481, October Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that John F. McAdams, convicted of entering to steal, Bill No. 688, in the Court of Quarter Sessions of Philadelphia County on June 20, 1924; and convicted of unlawful possession of intoxicating liquor, Bill No. 1714, in the Court of Quarter Sessions of Philadelphia County on January 6, 1930, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of conspiracy to enter and steal and larceny and was sentenced to a term of ten months in the Philadelphia County Prison at Holmesburg, on the 20th day of June, 1934.

The Honorable Joseph L. Kun is not opposed to the granting of this application for pardon. Likewise, the assistant District Attorney, James W. Tracey, Jr., offered no objection to granting the pardon.

The applicant is now employed as a watchman at $18.00 a week and desires to become a private watchman at an increase of salary, which will require a bond for his new position.

The applicant has lived an exemplary life since his release from prison. His business and home conditions are satisfactory.

A pardon will in part remove the stigma of the crime from the applicant and his family and will be of material assistance to his advancement.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Scott Foster Marshall, No. 348 October Session, 1937.

To His Excellency, the Governor of the Commonwealth o Pennsylvania:

Sir: The above application having been heard, upon du public notice, in open session, the undersigned member of the Board of Pardons recommend that Scott Foste Marshall, convicted of larceny, burning a motor vehicl burning personal property, Bills No. 286, 287, in th Court of Quarter Sessions of Washington County o February 14, 1936 be pardoned.

Our reasons for making this recommendation are a follows:

The applicant plead guilty to the charge of larceny burning a motor vehicle, burning personal property i a Quarter Sessions Court of Washington County, an was sentenced on the 14th day of February, 1936, t pay the costs of prosecution, make restitution and be o probation for two years.

An investigation by the parole officer disclosed tha the applicant is now earning a hundred dollars a wee as Secretary-Treasurer of General Teamsters Local No 249. He, likewise, is president of the Teamsters Join Council No. 40. His home is above the average and h bears an excellent reputation in his community.

The Honorable Howard W. Hughes of Washingto County, Pennsylvania, offers no objection to this applica tion and, likewise, the District Attorney, the Honorabl James C. Bane, recommends that his petition for pardo be granted.

His rehabilitation and self-improvement since his con viction has been marked, and a pardon will in part re move the stigma of the crime from himself and famil and will be of material assistance to his advancement.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Jane Mackenzie, No. 3483, Octobe Session, 1937.

To His Excellency, the Governor of the Commonwealth o Pennsylvania:

Sir: The above application having been heard, upon du public notice, in open session, the undersigned member of the Board of Pardons recommend that Jane Macken zie, convicted of keeping a bawdy house in the Court o Quarter Sessions of Allegheny County, on January 1 1937, be pardoned.

Our reasons for making this recommendation are a follows:

The applicant plead not guilty to the crime of keepin a bawdy house on the 14th day of January, 1937, an was sentenced by the Allegheny County Courts to b on probation for a period of two years.

The applicant is 58 years old and is a registere trained nurse, practicing her profession in Alleghen County and vicinity.

The Honorable Joseph A. Richardson of Alleghen County states: "This women — well into middle age - is not, and never was, a criminal. The granting of pardon would, under the circumstances, be an act o mercy and the means of preventing terrible disaster t her."

The probation officer in charge of women of Alleghen County, Mrs. Florine Koegler, states that "she has ha

fairly regular work due to the fact that she has established herself with several reputable physicians of this community."

The United States Department of Labor, Immigration Bureau, has a deportation order lodged for the reason that the applicant, born in Scotland and unnaturalized, may be deported for the crime of which she was convicted.

The Board of Pardons believes that a woman who has established herself in her profession and has a recommendation from reputable physicians in Allegheny County, such as Dr. Harry Ellis Canter, Dr. J. B. Gold, Dr. H. A. Foreman, and others, should not be returned to her native land at her time of life to face the problem of existence in a strange country after residing in the United States for many years.

The Board believes that a grave injustice would be done in permitting her deportation.

A pardon will in part remove the stigma of the crime from the applicant and will be of material assistance in her business career.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Frank Manna, No. 3485, October Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Frank Manna, convicted of violation of the Snyder Act in the Court of Quarter Sessions of Allegheny County, on October 29, 1928 be pardoned.

Our reasons for making this recommendation are as follows:

On October 29, 1928, the applicant plead not guilty to the crime of the violation of the Snyder Act, in the Quarter Sessions Court of Allegheny County, Pennsylvania. He was found guilty and was sentenced to pay the costs of prosecution and placed on probation for two years.

The trial judge, the Honorable John H. Gray, offered no objection to the granting of this pardon and, likewise, the District Attorney of Allegheny County saw no objection to the granting of a pardon.

The applicant has conducted himself through the past years in an upright manner and has engaged in a legitimate business as the proprietor of a barber shop at the corner of Fifth avenue and Grant Street, Pittsburgh, Pennsylvania.

A pardon will in part remove the stigma of the crime from the applicant and his family and will be of material assistance in his business career.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Leon Kuhn, C-6983, No. 78A, November Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentences on Bills No. 21, 23, 26, 27, 28 of Leon Kuhn, convicted of felonious entry and larceny, Bills No. 42, 21, 23, 27, 26, 28, in the Court of Oyer and Terminer and Quarter Sessions of Cumberland County on January 26, 1931, be commuted on Bills No. 21, 23, 26, 27 and 28 from minimums of 1 year to minimums of 1 day, expiring on February 1, 1938.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Charles Gray, C-4293, No. 79A, November Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence on Bill No. 11 of Charles Gray, convicted of arson, Bills No. 9 and 11, in the Court of Oyer and Terminer and Quarter Sessions of Bucks County on January 3, 1928, be commuted on Bill No. 11 from a minimum of 5 years to a minimum of 1 day, expiring on January 3, 1938.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of James Mascara, B-557, No. 1512, November Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentences on Bills No. 114 and 115 and the minimum sentence on Bill No. 118 of James Mascara, convicted of robbery in the Court of Oyer and Terminer of Allegheny County on December 24, 1927, be commuted on Bill No. 114 from a maximum of 5 years to a maximum of 4 years, 11 months, 28 days, expiring December 22, 1937; and on Bill No. 115 from a maximum of 5 years to a maximum of 1 day, expiring December 23, 1937; and on Bill No. 118 from a minimum of 2½ years to a minimum of 1 day (Bills Nos. 110, 111, 112, 116, 117, 131, 132 concurrent) expiring December 24, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Basilio Emma, No. 1762, November Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Basilio Emma, convicted of (1) Solicitation to commit sodomy, (2) indecent exposure in the Court of Quarter Sessions of Philadelphia County on (1) September 27, 1929 (2) July 25, 1933 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of solicitation to commit sodomy. He was found guilty and on September 27, 1929, by the Quarter Sessions Court of Philadelphia County, was sentenced to pay a fine of three hundred dollars and to imprisonment in the Eastern State Penitentiary for from two to four years. He was discharged at the expiration of his minimum sentence on September 27, 1931.

In 1933, the applicant plead not guilty to the crime of indecent exposure and was sentenced by the Philadelphia County Court to one year in the Philadelphia County Prison, and was released at the expiration of his sentence on the twenty-fifth day of July, 1934.

The trial judge, the Honorable Joseph L. Kun states as follows: "This is a matter on which I, as one of the trial judges in one of the cases, do not deem it within the scope of my functions, to express an opinion. The judicial processes relating to the cases mentioned have been completed. Whether the State of Pennsylvania will lend itself to the proposal made is a question of policy which must be determined by the Board of Pardons as part of the Executive Branch of the State Government."

The District Attorney's office permitted the matter to rest with the decision of the Board.

The applicant is frankly requesting a pardon to avoid deportation. The applicant is now employed as a stone mason and is earning about twenty dollars a week. His home is in Philadelphia and is very good. His reputation is fair. He has conducted himself in a very satisfactory manner since his release from prison and wishes to reside in this country because of his family relationship, having a wife and son.

A pardon will in part remove the stigma of the crime from the applicant and his family and will be of material assistance to his advancement and to the prevention of his deportation.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Edmund Lawler, C-7526, No. 2077, November Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Edmund Lawler, convicted of robbery, being armed with an offensive weapon in the Court of Quarter Sessions of Philadelphia County on November 23, 1931 be commuted from ten years to 6 years, 1 month, expiring on December 23, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to a charge of robbery, armed with an offensive weapon, and was sentenced by the Quarter Sessions Court of Philadelphia County to from ten to twenty years in the Eastern State Penitentiary on the 23rd day of November, 1931.

The Board of Trustees report that the applicant has a good institution record, which includes a constructive effort of self-improvement. This indicates a desire to earn a living in a manner acceptable to society. He has been employed in the printing department of the penitentiary and has learned to work as a pressman.

The trial judge, the Honorable Harry S. McDevitt, states: "I do feel, however, that the applicant has benefited and there has been considerable rehabilitation effected."

The assistant District Attorney, James W. Tracey, Jr., was opposed to the granting but states he would have no objection if the prisoner had rehabilitated himself while in the institution.

The applicant is assured of employment with the Strafford Laundry Company, 3508 Haverford Ave., Phila., where he will be employed as a salesman. His past record with that business house has been good and he was considered a valued employee. He will reside with his uncle in Philadelphia upon his release.

The applicant will have served six years and one month of his minimum sentence and will be on parole until November, 1951.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of William T. Ramsey, C-8306, No. 2141, November Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that William T. Ramsey, convicted of embezzlement in the Court of Oyer and Terminer of Delaware County on September 30, 1932 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant was convicted of embezzlement in 1932, and was sentenced to serve a term of from five to ten years in the Eastern State Penitentiary. An application to the Board of Pardons for commutation of his sentence was granted on the thirteenth day of December, 1935.

The applicant was never involved in any other crime and since his release on parole he has conducted himself in an exemplary manner. He enjoys an excellent reputation.

At the present time his health is in a precarious condition, having a cancerous growth on the face above the right eye, and from the opinion of his attending physician, Dr. J. G. Cohen, of Philadelphia, his life is despaired. His illness is a mortal one.

The trial judge, the Honorable W. Roger Franefield, writes us, under date of November 13, that he is not opposed to the pardoning of Ramsey.

The applicant has a wife and son, and this pardon will in part remove the stigma of the crime from the

applicant so that his closing hours on earth may be free from the stigma of his offense.

The District Attorney offered no objection to the pardon and, indeed, joined with the applicant in the plea for pardon.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Anthony Colletts, B-555, No. 2246, November Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence on Bills No. 114 and 115 and the minimum sentence on Bill No. 118 of Anthony Colletts, convicted of robbery, Bills 113, 114, 115, 118 (Bills 110, 112, 119, 120, 116, 117, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 132 and 133 concurrent with No. 118) in the Court of Oyer and Terminer of Allegheny County on Dec. 24, 1927, be commuted on Bill No. 114 from a maximum of 5 years to a maximum of 4 years 11 months 28 days, expiring Dec. 22, 1937; on Bill No. 115 from a maximum of 5 years to a maximum of 1 day, expiring Dec. 23, 1937; and on Bill 118 from a minimum of 2½ years to a minimum of 1 day, expiring Dec. 24, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Vincenzo Moschillo, B-3669, No. 2459, November Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Vincenzo Moschillo, convicted of voluntary manslaughter in the Court of Oyer and Terminer of Allegheny County on April 21, 1933 be commuted from 6 years to 4 years, 8 months expiring on December 21, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of voluntary manslaughter and was sentenced to pay a fine of one dollar and to imprisonment in the Western State Penitentiary for from six to twelve years on April 21, 1933, by the Allegheny County Court of Oyer and Terminer.

The trial judge, the Honorable Norman T. Boose, did not reply to our letter of inquiry as to the merit of the application. However, the assistant District Attorney, Adams, of Allegheny County, believed that there was merit in the application. James F. Haggerty, assistant District Attorney of Allegheny County, states: "I personally felt that the ends of justice will be satisfied if the applicant is released so that the little boy can be reunited with his father. The mother, I understand, has been dead for some time."

The Board of Trustees of the Western State Penitentiary states that they would recommend him for parole for the reason that this was his first conviction, having no prior criminal record, second, that he had a very good institutional record.

The applicant is assured of employment with a contracting concern in Wilmerding, Pennsylvania, and will reside with one, Mrs. Rosa Alfieri and her husband, of Wilmerding, Pennsylvania. He has dependent upon him a son, age 14.

The applicant has served 4 years and 8 months of his minimum sentence and will be under the supervision of the parole board until April 21, 1945.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Walter Joyce, C-8374, No. 2574, November Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Walter Joyce, convicted of rape, larceny and receiving in the Court of Quarter Sessions of Lackawanna County on October 15, 1932, and convicted of driving while intoxicated in the Court of Criminal Court of Bradford County on April 19, 1936, be commuted from a maximum of 15 years on Bill No. 60 to a minimum of 4 years 5 months and 20 days, expiring December 23, 1937, and a maximum of 15 years; and on Bill No. 944 from a maximum of 3 years to a minimum of 1 day, expiring December 24, 1937, and a maximum of 3 years.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of rape, larceny and receiving stolen goods and was sentenced by the Quarter Sessions Court of Lackawanna County from nine to eighteen years in October of 1932. His sentence was commuted on the 30th day of October, 1935, to a new minimum of 3 years and 1 month, expiring on the 15th day of November, 1935, and he was paroled on the 6th day of December, 1935.

While on parole, the applicant was found guilty of driving an automobile while intoxicated and was sentenced on the 19th day of April, 1936, to a term of ninety days in the Bradford County Jail and was returned to the Eastern State Penitentiary to serve the unexpired term of his sentence on the 24th day of August, 1936.

Both the present judge, the Honorable Will H. Leach, and the Honorable E. C. Culver, did not reply to our inquiry requesting their opinion as to the merit of his application. Nor did the District Attorneys of Lackawanna and Bradford counties indicate their position on this application.

The Board of Trustees of the Eastern State Penitentiary state that he associates with the better type of men in the prison and is employed as a teacher in the higher grades of the prison school. He has an excellent institutional record and has made serious attempts at self-improvement.

The applicant has dependent upon him for support his aged parents and two small daughters. He is assured of employment with his brother-in-law, George Rees, 4234 Paul St., Phila., upon his release. His home conditions are satisfactory. He will be on parole until July 3, 1951.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of James McKendree, B-4340, No. 2792, November Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of James McKendree, convicted of robbery in the Court of Quarter Sessions of McKean County on October 1, 1934 be commuted from 5 years to 3 years, 2 months expiring on December 1, 1937.

Our reasons for making this recommendation are as follows:

On October 1, 1934, the applicant plead guilty to the crime of robbery and was sentenced by the Quarter Sessions Court of McKean County to pay a fine of one hundred dollars and serve from five to ten years in the Western State Penitentiary.

The trial judge, the Honorable Charles G. Hubbard, of McKean County, states as follows: ". . . In view of the fact that this applicant did not have a very bad record previous to the time of the offense for which he was sentenced, I feel that it will be just for him to be paroled at this time. The two other defendants who were implicated with McKendree have both been free for some time."

The District Attorney, the Honorable Claude W. Shattuck, in a telephone conversation on the twelfth day of November, 1937, withdrew any objection that he might have to the granting of this application.

The Board of Trustees of the Western State Penitentiary state that they would recommend him for parole, first, because this is his first imprisonment and second, because of his excellent institutional record.

The applicant is assured of employment by his father and will reside with his parents in Kane, Pennsylvania. He will have served three years and two months of his minimum sentence and will be on parole until the first of October, 1944.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of George Zalick, B-3924, No. 2820, November Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence on Bill No. 71 and the minimum sentence on Bill No. 42 (with six concurrent bills) of George Zalick, convicted of breaking and entering with intent to commit a felony, felonious attempt to kill and murder, Bills Nos. 71 and 42 (Bills Nos. 43, 44, 48, 51, 55, 69 concurrent with No. 42) in the Court of Quarter Sessions of Lawrence County of December 21, 1933, be commuted on Bill No. 71 from a maximum of 4 years to a maximum of 3 years 11 months 29 days expiring December 20, 1937; and on Bill No. 42 (with 6 concurrent bills) from a minimum of 2 years to a minimum of 1 day, expiring December 21, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at

the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted.

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Frank Coleman, No. 3532, November Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Frank Coleman, convicted of assault and battery in the Court of Quarter Sessions of Philadelphia County, on December 7, 1933, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of assault and battery and was sentenced by the Quarter Sessions Court of Philadelphia County to one year in the Philadelphia County Prison on December 7, 1933. He was discharged on the second day of March, 1934, for the remainder of his sentence, being placed on parole for eight months.

The trial judge, the Honorable Harry S. McDevitt, states as follows: "I have no objection to this man's pardon, for I paroled him shortly after I sentenced him because his family needed his help. So far as I can ascertain, he has been in no difficulty since that time."

Assistant District Attorney James W. Tracey, Jr., of Philadelphia County, offered no objection to the granting of a pardon.

The applicant is now employed, and he has been since January, 1935, with the Home Life Insurance Company. He has a family consisting of a wife and three children, ages 13 years, 8 years, and 6 months. His home conditions are very good and the reputation of the applicant is excellent.

A pardon will in part remove the stigma of the crime from the applicant and his family and will be of material assistance to his advancement.

Respectfully submitted.

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Felice Russo, No. 3533, November Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Felice Russo, convicted of aggravated assault and battery to kill, carrying concealed deadly weapons, etc. in the Court of Oyer and Terminer of York County, on August 25, 1925, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to aggravated assault and battery to kill, carrying concealed deadly weapons, etc., and was sentenced by the York County Court of Oyer and Terminer to pay a fine of one dollar and to serve from three and one-half to seven years in the Eastern State Penitentiary on the 25th day of August, 1925.

The applicant served his minimum sentence and was paroled on February 26, 1929, and was under the supervision of the parole board until August of 1932, when he was finally discharged.

The District Attorney of York County, the Honorable Walter I. Anderson, has no objection to the pardoning of the applicant.

The trial judge, the Honorable Nevin N. Wanner, was non-commital as to the merits of the application and stated as follows: ". . . I can not give you any judicial opinion on the merits of his application as presented to the Board, because I have not heard the evidence offered or seen any copy of it, and it is upon that that your decision must be based . . ."

During the time that the applicant has been on parole he has conducted himself quite satisfactorily. He desires to become a United States citizen and if this pardon is not granted he will be deported. He has dependent upon him a wife and a small son, age three years. At present he is the proprietor of a barber shop in Philadelphia and earns approximately twenty-five hundred dollars a year.

A pardon will in part remove the stigma of the crime from the applicant and his family and will be of material assistance to his advancement.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of John Sweitzer, B-5365, No. 3534, November Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of John Sweitzer, convicted of breaking and entering and larceny in the Court of Quarter Sessions of Somerset County on January 15, 1937 be commuted from one and one-half years to 11 months expiring on December 15, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of breaking and entering and larceny and was sentenced by the Courts of Somerset County to the Western State Penitentiary for from one and one-half to three years on the fifteenth day of January, 1937. The applicant was found guilty on circumstantial evidence that he had stolen three hams from one, Jacob Glessner.

The Board of Trustees of the Western State Penitentiary recommend the applicant for parole subject to employment and a sponsor, as his institutional record has been excellent and his attitude has been cooperative.

The Honorable Norman T. Boose, trial judge, states that if Mr. Sweitzer makes an application for parole he will not oppose it. The District Attorney, the Honorable Archibald W. Mathews, however, opposed the application.

Employment has been assured the applicant by Mr. J. Walker of Berlin, Pennsylvania, and his sponsor is Mr. Ray Snyder of Markleton, Pennsylvania. He will reside with his family, consisting of his wife and little boy, who need his support very much as they are now dependent on public charity.

The applicant will have served over eleven months of his minimum sentence and will be under the supervision of the Board of Pardons until the fifteenth day of January, 1940.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of James Marash, D-2351, No. 3538, November Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of James Marash, convicted of arson in the Court of Oyer and Terminer of Lackawanna County on June 4, 1937 to begin December 4, 1936 be commuted from 2 years to 1 year expiring on December 4, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of arson, in the Court of Oyer and Terminer and Quarter Sessions of Lackawanna County and was sentenced to pay a fine of one dollar and for from two to four years imprisonment in the Eastern State Penitentiary on the fourth day of June, 1937, to begin on the fourth day of December, 1936.

The Honorable Will Leach, president judge of Lackawanna County, states as follows: "This man was a valuable witness in the conviction of a professional fire bug. The sentence was mandatory under the law or it would not have been imposed."

The District Attorney, Michael J. Egan, of Lackawanna County, offered no objection or opposition to the granting of the application for the commutation of sentence.

The Board of Trustees of the Eastern State Penitentiary states that his conduct record is satisfactory. That he has been neat and clean about his person and has been very cooperative and has no previous criminal record.

The applicant is assured of employment as a butcher in Olyphant, Pennsylvania, and will reside in Olyphant with relatives. He has dependent upon him a small daughter, 9 years of age. He will be under the supervision of the parole board until December 4, 1940.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of John Lynch, No. 3540, November Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that John Lynch, convicted of entering a building, larceny and receiving stolen goods, carrying concealed deadly weapons in the Court of Quarter Sessions of Allegheny County on December 17, 1920 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to carrying concealed deadly weapons, larceny and entering a building in the Quarter Sessions Court of Allegheny County in December, 1920, and was sentenced to pay the cost of the prosecution and undergo imprisonment in the Pennsylvania Industrial School at Huntingdon. He was released from the Pennsylvania Industrial School in April 1922. The assistant District Attorney, Adams, of Allegheny County, was not opposed to the application and joins in with the applicant and his petition to the Board for a pardon.

The applicant has lived an exemplary life. He is now married and has a dependent wife and two children. He is active in the community and church life of his home town, Elizabeth, Pennsylvania, and was nominated in September, 1937, as a School Director of the Elizabeth Township schools.

He is now employed by the Department of Finance and Statistics, of the Works Progress Administration, Pittsburgh, Pennsylvania. His home life is excellent and his reputation is above reproach.

A pardon will in part remove the stigma of the crime from the applicant and his family and will be of material assistance to his advancement.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Thomas Boyle, B-556, No. 4041, November Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence on Bills No. 114 and 115 and the minimum sentence on Bill No. 118 of Thomas Boyle, convicted of robbery, Bills No. 113, 114, 115, 118, (Bills No. 110 111, 112, 116, 117, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 29, 130, 131, 132, 133 concurrent with No. 118) in the Court of Oyer and Terminer of Allegheny County on December 24, 1927, be commuted on Bill No. 114 from a maximum of 5 years to a maximum of 4 years 11 months 28 days, expiring December 22, 1937; on Bill No. 115 from a maximum of 5 years to a maximum of 1 day, expiring Dec. 23, 1937; and on Bill No. 115 from a minimum of 2½ years to a minimum of 1 day, expiring Dec. 24, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Virgil Davis, B-3967, No. 80A, December Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentences on Bills No. 35 and 24 of Virgil Davis, convicted of burglary, violation uniform firearms act, receiving stolen goods, Bills No. 35, and 24, in the Court of Quarter Sessions of Clearfield County on January 22, 1934, be commuted on Bill No. 35 from a minimum of 6 months to a minimum of 1 day and on Bill No. 24 from a minimum of 6 months to a minimum of 1 day, expiring on January 22, 1938.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Albert Rinehart, C-6003, No. 81A, December Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence on Bill No. 12 of Albert Rinehart, convicted of felonious entry and larceny, Bills No. 6 and No. 12, in the Court of Oyer and Terminer and Quarter Sessions of Franklin County on February 25, 1930, be commuted from a minimum of 3 years on Bill No. 12 to a minimum of 1 day, expiring on February 26, 1938.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Bernard McKendrick, C-7813, No. 82A, December Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence on Bill No. 3 of Bernard McKendrick, convicted of burglary, Bills No. 1, 2, and 3, in the Court of Oyer and Terminer and Quarter Sessions of Franklin County on February 27, 1932, be commuted on Bill No. 3 from a minimum of 2 years to a minimum of 1 day, expiring on February 28, 1938.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Nicholas Rinaldi, C-5394, No. 420, December Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Nicholas Rinaldi, convicted of being armed with an offensive weapon to rob and robbery in the Court of Quarter Sessions of Philadelphia County on May 22, 1929, be commuted from 10 years to 8 years 7 months, expiring on December 22, 1937, for deportation to Italy.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to a charge of robbery, armed with an offensive weapon and was sentenced to the Eastern State Penitentiary on the twenty-second day of May, 1929.

The Board of Trustees of the Eastern State Penitentiary states that the applicant shows definite habits of industry and attempts at self-improvement.

A warrant for deportation to Italy is filed against this man by the United States Government.

Assistant District Attorney, James W. Tracey, Jr., offered no objection to the application if the applicant is deported.

The applicant will have served eight years, seven months of his minimum sentence and will be handed over to the United States Immigration Department for deportation in accordance with the warrant.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Hugh McCafferty, No. 841, December Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Hugh McCafferty, convicted of robbery, armed with an offensive weapon in the Court of Oyer and Terminer of Philadelphia County on August 9, 1928 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the charge of robbery, armed with an offensive weapon and larceny of an automobile and was sentenced in the Oyer and Terminer Court of Philadelphia County on the 9th day of August, 1928, to from fifteen to thirty years in the Eastern State Penitentiary. This minimum sentence was commuted to seven years in June, 1935, expiring on August 9, 1935.

An investigation by the parole officer discloses that the applicant's behavior is excellent and that he is now employed and has been for the past two years as a truck driver for the Branch Storage Company and has proved to be a loyal and efficient employee.

The trial judge, the Honorable Edwin O. Lewis, directed Mr. E. M. Hackney, Chief Probation Officer of Philadelphia County, to advise the Board that "the court has no further recommendation or comment to make and leaves the matter to the discretion of your Honorable Board after a diligent inquiry and investigation of the case has been made."

Assistant District Attorney, James W. Tracey, Jr., states that he was satisfied to recommend a pardon for the applicant.

The applicant requests a pardon in order to be eligible for a bond that is necessary in the conduct of his business.

Investigation discloses that the applicant's home conditions and environment are excellent and that his sponsor is of excellent character.

A pardon will in part remove the stigma of the crime from the applicant and his family and will be of material assistance to his advancement.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Charles Shoaf, B-3088, No. 1254, December Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence on Bill No. 298 and the maximum sentences on Bills No. 233 and 297, of Charles Shoaf, convicted of felonious breaking and entering and larceny (12), in the Court of Quarter Sessions of Washington County on January 23, 1932, be commuted on Bill No. 233 from a maximum of 3 years to a maximum of 2 years 11 months 28 days, expiring January 21, 1938; and on Bill No. 297 from a maximum of 3 years to a maximum of 1 day, expiring January 22, 1938; and on Bill No. 298 from a minimum of 1½ years (with 3 concurrent bills) to a minimum of 1 day, expiring January 23, 1938.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout

the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted.

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of C. Gilbert Crawford, C-6295, No. 1315, December Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentences on Bills No. 633 and 635 and the minimum sentence on Bill No. 634 of C. Gilbert Crawford, convicted of rape, taking female under 16 for sexual intercourse, soliciting to commit sodomy, seduction under promise of marriage, in the Court of Quarter Sessions of Philadelphia County on July 2, 1930, be commuted on Bill No. 633 from a maximum of 5 years to a maximum of 4 years 5 months 15 days, expiring December 17, 1937, on Bill No. 635 from a maximum of 5 years to a maximum of 1 day, expiring on December 18, 1937; and on Bill No. 634 from a minimum of 7½ years to a minimum of 1 day, expiring December 19, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of rape, taking a female child under sixteen for sexual intercourse, solicitation to commit sodomy, seduction under promise of marriage and was sentenced by the Philadelphia County Courts to the Eastern State Penitentiary for from fourteen to twenty-eight years on the 2d day of July, 1930.

The Board of Trustees of the Eastern State Penitentiary state that his institutional record is satisfactory and, further, that absence of any suspicion concerning his moral conduct, together with the fact that he has no previous criminal record makes him eligible for their recommedation for a parole.

The trial judge, the Honorable Harry S. McDevitt, states that "he is a dangerous man and his present address should not be changed at this time." The assistant District Attorney, James W. Tracey, Jr., believes that seven and one-half years confined in the Eastern State Penitentiary is sufficient penalty for these crimes.

The testimony which was divulged upon investigation by the parole department and made in conjunction with County Detective James McColgan of Philadelphia County, raised the doubt as to whether the applicant was actually guilty of rape, sodomy and solicitation to commit sodomy. There is no question that he was guilty of fornication.

The applicant is a detective by profession and from the signed statements of numerous individuals who employed his services prior to his conviction, attested to his ability in that profession. He materially assisted the District Attorney's office of Delaware County in the famous Dalton murder case. The first assistant District Attorney, Wm. J. MacCarter, Jr., states that he was honest, truthful and conscientious and the best detective he had ever known.

Employment is assured in his profession and the applicant will reside with his relatives and his three children, the wife having died, in Philadelphia.

The applicant will have served over seven years and five months of his minimum sentence and will be under the control of the parole board until 1953.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of George Henry Kramer, B-2828, No. 1545, December Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentences on Bills No. 1166 and No. 1167 and the minimum on Bill No. 1168 of George Henry Kramer, convicted of forgery in the Court of Quarter Sessions of Allegheny County on August 27, 1931, be commuted on Bill No. 1166 from a maximum of 4 years to a minimum of 2 years 3 months 15 days, expiring December 12, 1937; on Bill No. 1167 from a maximum of 4 years to a minimum of 1 day, expiring December 13, 1937, and a maximum of 4 years, and on Bill No. 1168, from a minimum of 2 years to a minimum of 1 day, expiring December 14, 1937 and a maximum of 4 years.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of forgery and was sentenced by the Quarter Sessions Court of Allegheny County to from eight to sixteen years in the Western State Penitentiary on the twenty-seventh day of August, 1931.

The Board of Trustees of the Western State Penitentiary on the twenty-seventh day of August, 1931.

The Board of Trustees of the Western State Penitentiary state that he has been an exceptional inmate and has been very cooperative and now holds a position in the penitentiary as a trusted hospital nurse.

The trial judge, the Honorable Samuel H. Gardner, did not reply to our letter of inquiry but the assistant District Attorney, Russell Adams, was not opposed to the granting of clemency.

The applicant is assured of employment in the Allegheny County Home under the direction and sponsorship of Dr. G. P. Hammill, resident physician.

The applicant will have served six years and four months of his minimum sentence and he will be under the supervision of the parole board until the twenty-seventh day of August, 1947.

Respectfully submitted.

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Glenn Warren, C-7814, No. 1995, December Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence on Bill No. 3 of Glenn Warren, convicted of burglary, Bills No. 1, No. 2 and No. 3, in the Court of Oyer and Terminer and Quarter Sessions in the County of Franklin on February 27, 1932, be commuted on Bill No. 3 from a minimum of 2 years to a minimum of 1 day, expiring on February 28, 1938.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of John Skrocki, B-2342, No. 2626, December Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence on Bill No. 27 and the minimum sentence on Bill No. 28 of John Skrocki, convicted of robbery in the Court of Oyer and Terminer of Allegheny County on November 24, 1930, be commuted on Bill No. 27 from a maximum of 20 years to a maximum of 7 years, expiring on November 24, 1937; and on Bill No. 28 from a minimum of 10 years to a minimum of 1 day, expiring November 25, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to a charge of robbery and was sentenced by the Allegheny County Court to from twenty to forty years in the Western State Penitentiary on the 24th day of November, 1930.

The Board of Trustees of the Western State Penitentiary state that they would recommend him for parole as this was his first conviction, second, a youth of 18 at the time of the conviction and of his general satisfactory prison conduct.

Of the six accomplices in the crimes, four of them have been paroled and two are still confined in the penitentiary. The applicant was not the ring leader in this group of boys in the series of crimes that they committed.

The trial judge, the Honorable George V. Moore, states that "at this time I think there is merit in this application." Likewise, the assistant District Attorney, Russell Adams, entered no opposition to the application and believed that it was merited.

Employment is assured the applicant at Roschie's Print Shop, 319 Fifth Avenue, Pittsburgh, Pennsylvania, and he will reside at the home of his parents in Pittsburgh, under the sponsorship of his mother.

The applicant has served seven years and one month of his minimum sentence and we believe he has been sufficiently punished.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Russell Ranert, C-8145, No. 2729, December Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Russell Ranert, convicted of robbery in the Court of Oyer and Terminer of Philadelphia County on July 21, 1932, to begin June 2, 1932 be commuted from ten years to 5 years, 6 months expiring on December 2, 1937.

Our reasons for making this recommendation are as follows:

In 1932, the applicant was sentenced to serve a term of from ten to twenty years in the Eastern State Penitentiary for robbery. The applicant has served almost one-half of his minimum sentence.

The Board of Trustees of the penitentiary states: "This man would probably be recommended for parole."

The applicant has exceptional institutional record. He is employed as a barber and during the disturbance in the institution he performed his duties even though he was criticized by the other inmates. He has always attempted to live up to the rules and regulations irrespective of the

difficulties of the situation. In light of this unusual record, we feel that he merits consideration.

He has apparently made definite effort to adjust his manner of living and his entire record in the institution will lead us to believe he has an honest intention to live a law abiding life. We feel that his release would not jeopardize society.

We believe the applicant has been sufficiently punished. He will be on parole until 1952. He has sufficient money saved to established himself in the barber business.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Louis Catlin, B-3215, No. 2756, December Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Louis Catlin, convicted of murder of the second degree in the Court of Oyer and Terminer of Washington County, on April 30, 1032, be commuted from 9 years to 5 years, 7 months, expiring on November 30, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to murder of the second degree in 1932. He was sentenced to serve a term of from nine to eighteen years in the Western State Penitentiary.

The Board of Trustees of the penitentiary states: "If this inmate were eligible to apply for parole, we would probably recommend him for parole (1) first conviction (2) excellent institutional record." and add "The crime was an emotional one resulting from the prisoner's fright at the threats of the victim."

The parole agent who investigated the case also reported that the crime resulted because of the applicant's fear of the deceased.

The applicant was never involved in any other trouble and had a good reputation. He has served over five years of his minimum sentence. We believe he has been sufficiently punished and are satisfied he is not an habitual criminal.

The applicant will be on parole until 1950.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Silas Freelan Preston, B-2258, No. 2797, December Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Silas Freelan Preston, convicted of entering a building with intent to commit a felony in the Court of Quarter Sessions of Allegheny County on November 7, 1929, be commuted on Bill No. 131 from a maximum of 4 years to a minimum of 1 month, expiring December 7, 1937, and a maximum of 4 years, and that the minimum sentence of Silas Freelan Preston, convicted of escaping penitentiary in the Court of Quarter Sessions of Allegheny County on October 16, 1930, to begin October 14, 1930, be commuted from a minimum of 1 year to a minimum of 1 day, expiring December 8, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of entering with intent to commit a felony and was sentenced by the Allegheny County Court to the Western State Penitentiary for from six to twelve years on the seventh day of November, 1929, and for escape from prison he was sentenced on the sixteenth day of October, 1930, to from one to two years, sentence to begin at the expiration of the original sentence.

The Board of Trustees of the Western State Penitentiary state that he has an excellent institutional record. His escape from the Western State Penitentiary was a technical one, as he was recaptured in the front yard of the prison within the walls.

The sentencing judge, the Honorable H. H. Rowand, and the Honorable George V. Moore, did not reply to our letters of inquiry.

The assistant District Attorney, Russell Adams, was not opposed to the application for the commutation of his sentence.

The applicant is assured of employment by his uncle, Mr. J. T. Richardson of Rocky Gap, Virginia. He will reside at his home in Virginia, and according to the investigation of the parole agent it is a satisfactory home.

The applicant will have served eight years and one month of his maximum sentence and we believe he has been sufficiently punished.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Vincent Rota, D-328, No. 3117, December Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Vincent Rota, convicted of burglary in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on January 31, 1935 be commuted from 4 years to 2 years, 10 months, 15 days expiring December 16, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to a charge of burglary and was sentenced by the Philadelphia County courts on the thirty-first day of January, 1935, to serve from four to ten years in the Eastern State Penitentiary and at the expiration thereof to be on probation for thirty years.

The applicant was transferred to the Pennsylvania Industrial School where he has been employed and attended school.

The applicant has no previous criminal record and his crime was committed without the use of offensive weapons. He has displayed a good institutional attitude and is quiet and of clean habits. The boy was eighteen years of age at the commission of this crime, with a record of no previous arrests.

The Honorable James G. Gordon, trial judge, did not

reply to our letter of inquiry but the assistant District Attorney, James W. Tracey, Jr., stated that if the boy has been rehabilitated he would be satisfied to have clemency extended to him.

An accomplice in the crime was paroled on the thirtieth day of June, 1937, after his sentence had been commuted by the Board of Pardons.

Employment has been arranged for the applicant with his uncle who conducts a furniture store in Philadelphia and he will reside with his uncle in the same city.

The applicant will have served two years and eleven months of his minimum sentence and will be under the supervision of the parole board until January 31, 1955, and then under the supervision of the Chief Probation Officer of Philadelphia County until 1975.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Michael Joseph Bereskie, A-1986, No. 3189, December Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence on Bill No. 3 and the minimum sentence on Bill No. 5A of Michael Beresky, convicted of breaking and entering with intent to commit felony, larceny, in the Court of Quarter Sessions of Schuylkill County on January 16, 1935, to begin October 29, 1934, be commuted on Bill No. 3 from a maximum of 3 years to a maximum of 1 month, expiring November 29, 1937, and on Bill No. 5A from a minimum of 1 year three months to 1 day, expiring November 30, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of entering a building to commit a felony and to larceny and was sentenced by the Court of Schuylkill County to from four years three months to eight years six months in the Eastern State Penitentiary on the 16th day of January, to begin October 29, 1934.

The applicant was transferred to the Pennsylvania Industrial School and Mr. Washabaugh, Assistant Superintendent of the Pennsylvania Industrial School states that he has an excellent institutional record at the school and believes that his sentence should be commuted.

The Honorable Roy P. Hicks, the trial judge, stated that "if in the judgment of the Board, clemency should be extended to the prisoner, I have no objection to it."

An accomplice in the crime, who received practically the same sentence, was paroled in May, 1937, after his sentence had been commuted by the Board of Pardons.

The applicant will be employed by his father in the general hauling business and will reside with his parents in Shenandoah, Pennsylvania. He will have served three years and one month of his minimum sentence and will be under the supervision of the parole board until April 29, 1943.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Merle George Vought, B-5366, No 3430, December Session, 1937.

To His Excellency, the Governor of the Commonwealth o Pennsylvania:

Sir: The above application having been heard, upon du public notice, in open session, the undersigned member of the Board of Pardons recommend that the minimur sentence of Merle George Vought, convicted of breakin and entering and larceny in the Court of Oyer and Term iner of Somerset County on January 13, 1937, be commute from one and one-half years to 11 months, expiring o December 13, 1937.

Our reasons for making this recommendation are a follows:

The applicant plead not guilty to the offense of break ing and entering and larceny and was sentenced by th Court of Somerset County to the Western State Peniten tiary for from one and one-half to three years on th 13th day of January, 1937. The crime involved the thei of approximately seven hams, valued less than one hun dred dollars.

The Board of Trustees of the Western State Peniten tiary state that they would recommend him for parol because of his excellent institutional record and his co operative attitude.

The trial judge, the Honorable Norman T. Boose, di not reply to our letter of inquiry. The District Attorney the Honorable Archibald Mathews, of Somerset County states that he was properly convicted and should serve hi minimum sentence.

The applicant is married and has a wife and three children dependent upon him for support. They are liv ing on a little farm in Somerset County and are now de pendent upon public charity for their support.

The sponsor has been provided for the applicant in th person of Mr. Fred Groff of Berlin, Pennsylvania, an employment has been assured by the Keystone Coal Com pany and the East End Garage of Berlin, Pennsylvania Other citizens of Berlin, Pennsylvania, assured him i writing of employment. The applicant will have serve over eleven months of his minimum sentence and will b under the supervision of the Board of Pardons until th 13th day of January, 1940.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Edward J. McGonigle, No. 3512 December Session, 1937.

To His Excellency, the Governor of the Commonwealth o Pennsylvania:

Sir: The above application having been heard, upon du public notice, in open session, the undersigned member of the Board of Pardons recommend that Edward J. Mc Gonigle, convicted of fornication and bastardy in th Court of Municipal Court of Philadelphia County, on Jun 1, 1936 be pardoned, conditioned upon payment of th lying in expenses of $64.00 at rate of fifty cents a wee and $3.50 per week for sixteen years.

Our reasons for making this recommendation are a follows:

The applicant plead not guilty to the crime of fornica tion and bastardy and was sentenced to pay $64.00 lyin in expenses at the rate of fifty cents a week and $3.5 a week for the support of the child for sixteen years b

the Municipal Court of Philadelphia County on the first day of June, 1936.

The sentencing judge, the Honorable Theodore Rosen, did not reply to our inquiry, but the assistant District Attorney, James W. Tracey, Jr., has no objection to the petition provided he continued to pay the order of the Court for the support of the child.

The applicant is now employed in the maintenance department of the Board of Education of Philadelphia and has filed an application for employment with the Fire Department of Philadelphia, and upon the Civil Service Examination he ranked among the leaders with every chance of his being appointed at the Fire Department on the first of the year.

The applicant has no previous criminal record of arrests or convictions. He is now married and lives in Philadelphia with his wife.

The Board believes that a pardon should be granted subject to the payment of the Court Order of $3.50 per week for the upkeep and maintenance of his child.

A pardon will in part remove the stigma of the crime from the applicant and will be of material assistance in his business career.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE.
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Joseph Pounder, A-2095, No. 3539, December Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Joseph Pounder, convicted of burglary in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on March 20, 1935 be commuted from five years to 2 years, 9 months expiring on December 20, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to a charge of burglary and was sentenced by the courts of Philadelphia County to from five to ten years in the Eastern State Penitentiary on the twentieth day of March, 1935.

The Board of Trustees of the Eastern State Penitentiary state that he has been under the supervision of the authorities of the Pennsylvania Industrial School and S. M. Washabaugh, Assistant Superintendent of the Pennsylvania Industrial School stated that he has been rehabilitated and his application for clemency should be granted.

The applicant has learned the automobile trade and is equipped to take his place in society.

The Honorable Edwin O. Lewis directed Mr. H. M. Hackney, Chief Probation Officer of Philadelphia County, to inform the Board that he has no recommendations to make, feeling that it is a matter entirely for the discretion of the Board after a thorough investigation has been made of the case. The assistant District Attorney, James W. Tracey, Jr., believes that if the applicant has been rehabilitated in accordance with the opinion of Mr. Washabaugh he should be given clemency.

The applicant has served two years and nine months of his minimum sentence and will be under the supervision of the parole board until March 20, 1945. The Pennsylvania Prison Society guarantees his employment and subsistence and he will reside with the mother in Philadelphia.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of William Z. Bradfield, No. 3544, December Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that William Z. Bradfield, convicted of involuntary manslaughter in the Court of Quarter Sessions of Lancaster County, on July 9, 1937, be pardoned..

Our reasons for making this recommendation are as follows:

The applicant plead guilty to a charge of involuntary manslaughter and was sentenced on the 9th day of July, 1937, to pay a fine of one hundred dollars and undergo imprisonment in the Lancaster County Prison for one year.

The investigation of the parole agent discloses that the applicant is a railroad engineer for the Pennsylvania Railroad Company and has been in the service of the railroad company for 49 years. He, at present, ranks No. 3 on the seniority list. If the pardon is not granted he will lose his seniority position and likewise endanger his retirement pension under the Federal Pension plan.

The applicant has led an exemplary life for many years and is held in high esteem in his home, Havre de Grace, Maryland. His character, reputation and work record with the Pennsylvania Railroad has been attested to by the Honorable Millard E. Tydings, U. S. Senator from Maryland, the Honorable Howard W. Jackson, Mayor of Baltimore, the Honorable G. Arnold Pfaffenback, House of Delegates, Maryland, and many other prominent citizens of the State of Maryland.

The trial judge, the Honorable Benjamin C. Atlee, states that the facts are before the Board and he does not care to intrude his judgment upon the deliberations of the Board.

The District Attorney, the Honorable Charles W. Eaby, opposed the application and requested that a pardon be denied.

The applicant will return to his position as a locomotive engineer with the Pennsylvania Railroad and will reside at his home in Havre de Grace, Maryland, which is excellent.

A pardon will in part remove the stigma of the crime from the applicant and will assure him the benefits of being pensioned from the Pennsylvania Railroad Company with whom he has been associated for nearly fifty years, and without the pardon he would lose the efforts of a life time of service.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Michael Telech, D-1410, No. 3546, December Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Michael Telech, convicted of arson in the Court of Oyer and Terminer of Sullivan County on June 12, 1936 be commuted from 5 years to 1 year, 6 months expiring on December 12, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of arson and was sentenced by the courts of Sullivan County to pay a fine of five hundred dollars and to from five to ten years in the Eastern State Penitentiary on the twelfth day of June, 1936.

The Board of Trustees of the Eastern State Penitentiary state that this applicant's institutional record is excellent and that he has shown definite habits of industry and attempts at self-improvement. It is felt that there are favorable possibilities for his rehabilitation when released to society.

The Honorable Edward B. Farr, trial judge states that he has no objection to granting the petition of the applicant for the commutation of his sentence. Associate Justice, Don E. Hughes, states that the year and one-half that he has already spent in prison is sufficient punishment.

The District Attorney of Sullivan County, the Honorable T. F. Kernan, did not express himself in relation to the application.

Many citizens of Sullivan County signed a petition requesting that Michael Telech be released.

The applicant is assured of employment in the city of Lopez, Pennsylvania, and will reside with his aged mother in Lopez. The applicant will have served more than one year and six months of his minimum sentence and will be under the supervision of the parole board until June 12, 1946.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Edward Wilson McCartney, Jr., B-5179, No. 3548, December Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Edward Wilson McCartney, Jr. convicted of larceny of automobiles and driving without owner's consent in the Court of Quarter Sessions of Philadelphia County on April 9, 1936 be commuted from 5 years to 1 year, 8 months expiring on December 9, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to a charge of larceny of automobiles and driving without the owner's consent and was sentenced by the Quarter Sessions Court of Philadelphia County to from five to ten years imprisonment in the Eastern State Penitentiary, on the ninth day of April, 1936.

The Board of Trustees of the Eastern State Penitentiary states that he has an excellent institutional record, is very cooperative, associates with the better class of inmates and has improved himself by attending school. They believe that this man would probably readjust himself if released to society.

The trial judge, the Honorable Harry S. McDevitt, states that the applicant took the automobiles for joy riding and not for sale and that he gave him a comparatively ligh sentence in view of this crime. Assistant District At torney, James W. Tracey, Jr., stated that he took thes cars only for joy rides and not for sale and believes tha the sentence imposed was a "stiff" one.

The applicant has served one year and eight month of his minimum sentence and we believe he has been suffi ciently punished. Employment has been assured and h will live with his father, who provides an excellent hom

The applicant will be on parole until 1946.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Julius Christian, No. 3556, Decem ber Session, 1937.

To His Excellency, the Governor of the Commonwealth o Pennsylvania:

Sir: The above application having been heard, upon du public notice, in open session, the undersigned member of the Board of Pardons recommend that Julius Christia convicted of defrauding a boarding house keeper in th Court of Quarter Sessions of Allegheny County on Sep tember 2, 1937, be pardoned.

Our reasons for making this recommendation are a follows:

The applicant plead guilty in the Quarter Sessions Cou of Allegheny County to a charge of defrauding a board ing house keeper and was placed on probation for si months.

The investigation of the parole officer disclosed tha the applicant would be required to return to the Wester State Penitentiary for a period of eight years because o this offense, and the Board believed that an 8 year sentenc for a minor offense was too severe in view of the fac that the applicant has been on parole since 1931, a perio of over six years, and maintained a very excellent recor while on parole.

The trial judge, the Honorable James H. Gray, recom mends that the applicant should be paroled. Likewis assistant District Attorney, Russell Adams, expressed h agreement in granting the application.

The applicant will be under the supervision of th parole board until March of 1939.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Joseph Bortnick, No. 3568, Decembe Session, 1937.

To His Excellency, the Governor of the Commonwealth o Pennsylvania:

Sir: The above application having been heard, upon du public notice, in open session, the undersigned member of the Board of Pardons recommend that Joseph Bortnic convicted of assault and battery with intent to kill, carry ing concealed deadly weapons in the Court of Oyer an Terminer of Philadelphia County, on June 8, 1936 b pardoned.

Our reasons for making this recommendation are as ollows:

The applicant plead not guilty to a charge of assault nd battery to kill and carrying concealed deadly weapons vithout a license and was sentenced to five years on robation and payment of costs by the Oyer and Terminer Court of Philadelphia County on the 8th day of June, 935.

The Honorable Harry S. McDevitt states: " . . . I have o objection to this man's record being cleared, for I hink the facts are about as he states them . . .". The ssistant District Attorney, James W. Tracey, Jr., likevise had no objection to the granting of the application or a pardon.

The applicant conducts an Infants and Childrens Wear Store at 2856 Kensington Avenue, Philadelphia. His busiess and home conditions are excellent and he has conducted himself in an exemplary manner since his arrest.

The applicant had no prior criminal record. A pardon vill in part remove the stigma of the crime from the applicant and will be of material assistance in his business career.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Pasquale de Rogatis, No. 3569, December Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Pasquale de Rogatis, convicted of (1) unlawful possession of liquor (2) unlawful possession and sale of liquor in the Court of Quarter Sessions of Philadelphia County, on (1) September 18, 1925 (2) October 23, 1925 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to a charge of unlawful possession of intoxicating liquor and guilty to a charge of unlawful possession and sale of intoxicating liquor, and was sentenced by the Quarter Sessions Court of Philadelphia County in September and October 1925 to a fine of $100.00 and one year probation on the unlawful possession charge and found guilty with sentence suspended on the charge of possession and sale.

An investigation by our parole officer disclosed that the petitioner has conducted himself in an exemplary manner and he has been entirely free of any law violations since his arrest, and his conduct on all occasions has been of the very best. At present he is employed in the office of the Coroner of Philadelphia County as a Deputy.

The Honorable Howard A. Davis directed the Chief Probation Officer, Mr. E. M. Hackney of Philadelphia County, to advise the Board that the defendant was not sentenced by him and therefore he has no recommendation to make, being of the opinion that it is a matter for the pardon board to determine after a thorough investigation has been made of the defendant and his prior history. The assistant District Attorney, James W. Tracey, Jr., offered no objection to the granting of a pardon and believes that clemency should be extended.

A pardon will in part remove the stigma of the crime from the applicant and will be of material assistance to his career.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Ben Wells, C-8878, No. 3574, December Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Ben Wells, convicted of robbery, being armed with an offensive weapon in the Court of Quarter Sessions of Philadelphia County on April 20, 1933 be commuted from 5 years to 4 years, 8 months expiring on December 20, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to a charge of assault and battery with intent to rob and was sentenced by the Courts of Philadelphia County to from five to ten years in the Eastern State Penitentiary on the 20th day of April, 1933.

The Board of Trustees of the Eastern State Penitentiary state that this man has a good institutional record and that there is every possibility of his rehabilitating himself when released.

The trial judge, the Honorable Frank Smith, did not reply to our letter of inquiry but the assistant District Attorney, James W. Tracey, Jr., stated that if his institutional record has been satisfactory there is no reason that the application should not be granted.

There was some question as to the guilt of the aplicant involving a street fight between white boys and colored boys in the neighborhood and some of the boys who were sent to the Pennsylvania Industrial School have been released. In a sworn statement by one of the boys convicted of this robbery the applicant was not in the group that were accused of the robbery.

The applicant has served four years and eight months of his minimum sentence and he will be under the supervision of the parole board until the 20th day of April, 1943.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Willard A. Hay, D-2125, No. 3578, December Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Willard A. Hay, convicted of arson in the Court of Oyer and Terminer of Monroe County on April 5, 1937 be commuted from 2 years to 8 months expiring on December 5, 1937.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to a charge of arson and was sentenced to imprisonment on the fifth day of April,

1937, in the Eastern State Penitentiary for from two to four years.

The Board of Trustees of the institution state that his institutional record is satisfactory and he has no previous criminal record.

The trial Judge, the Honorable Samuel E. Shull, states that he has no facts concerning the applicant which are not disclosed by the record or which would be of any assistance to the Board of Pardons in disposing of the case. The District Attorney, the Honorable George G. Shafer, states that in his opinion the application is meritorious.

Well over three hundred citizens of Stroudsburg and Delaware Water Gap have petitioned the Board in favor of granting clemency for the applicant. Letters in behalf of the applicant are on file from many of the leading citizens of Delaware Water Gap, Pennsylvania, and East Stroudsburg, attesting to the character of Willard A. Hay.

The applicant has served eight and one-half months of his minimum sentence of two years and we believe he has been sufficiently punished.

The applicant has no previous record. Employment has been assured and he will be under proper sponsorship in his home town of Delaware Water Gap, Pennsylvania. He will be under the supervision of the pardon board until the fifth day of April, 1941.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Angelo Litz, No. 3581, December Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Angelo Litz, convicted of driving an automobile while under the influence of intoxicating liquor in the Court of Quarter Sessions of Butler County, on June 5, 1937 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to larceny of an automobile while under the influence of intoxicating liquor and was sentenced to the Western State Penitentiary on the 15th day of June, 1935, for from one to two years. He was released on parole at the expiration of his minimum sentence on the 27th day of June, 1936. On the 5th day of June, 1937, the applicant was arrested for driving an automobile while under the influence of intoxicating liquor and sentenced to pay a fine of $200.00 and costs.

Because of this conviction it will be necessary to return the applicant to the Western State Penitentiary to serve the unexpired term of his maximum sentence unless a pardon is granted.

The applicant's family is totally dependent upon the applicant and his wife is now seriously ill with impetigo, which makes it impossible for her to attend to her household duties and to take care of the children, aged two and four years.

The Honorable John H. Wilson of Butler County concurs in the recommendation for clemency for the applicant. Likewise, the District Attorney, the Honorable Lee C. McCandless, states that he does not hesitate to recommend that the application for clemency be granted.

The applicant is employed as a painter for the City of Butler and he will reside at his home, which is quite satisfactory. A pardon will in part remove the stigma of the crime from the applicant and will avoid the necessity of his return to the penitentiary.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Bartley V. Coffey, No. 3583, December Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Bartley V. Coffey, convicted of (1) larceny (2) robbery, Bills No. 10 and No. 11 in the Court of Oyer and Terminer of Allegheny County, on (1) January 30, 1937, (2) March 11, 1932 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead nole contendere in the Quarter Sessions Court of Allegheny County to a charge of larceny and was sentenced on the 30th day of January, 1897, to spend 30 days in the Allegheny County Work House. The applicant further plead not guilty to the charge of robbery and was sentenced by the Allegheny County Courts on March 11, 1902, and modified by the Court on May 21, 1902, to undergo imprisonment in the Allegheny County Work House for two years.

Since his release the applicant has led an exemplary life. He has been connected with the office of the Sheriff of Allegheny County for a period of thirty-five years and is now a Chief Deputy Sheriff of Allegheny County. During all this period of time he has never been arrested nor has there been any suspicion of misconduct on his part.

The Honorable Ambrose V. Reid states: "The applicant bears an excellent reputation for honesty and integrity and I have no hesitation in recommending a pardon in his case." Likewise, the Superintendent of the Allegheny County Work House, Mr. Robert H. Braun, joins with the applicant in his petition for clemency.

The assistant District Attorney, Russell Adams, was not opposed and joins in the petition for clemency.

A pardon will in part remove the stigma of the crime from the applicant and his family and will be of material assistance to his career.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Joseph Katz, D-2314, No. 3593, December Session, 1937.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Joseph Katz, convicted of receiving stolen goods in the Court of Quarter Sessions of Philadelphia County on July 12, 1937 be commuted from 1 year on Bill No. 182 to 6 months expiring on January 12, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the charge of receiving stolen goods in the Court of Quarter Sessions of Philadelphia County and was sentenced on the seventh day of July, 1937, to from one to two years in the Eastern State Penitentiary.

The Board of Trustees of that institution state that this man has a good conduct record and has attempted to improve himself since he has been in the institution.

The trial judge, the Honorable Edward B. Farr, states that he is not opposed to parole provided arrangements are made to pay the balance due the Reading Railroad Company for the goods stolen and also the fine and costs of the trial. The assistant District Attorney, James W. Tracey, Jr., Esquire, offered no objection to the application.

The Board of Pardons has been assured that $298.00 has been paid in restitution towards the amount of $798.00 which was ordered by the Court to be repaid and Mr. Milton Lundy, of 532 North Second Street, Philadelphia has guaranteed to reduce the $500.00 balance by payments of ten dollars per week over a period of fifty weeks.

The Board recommends that the commutation of the applicant's sentence be granted subject to the payment of the balance of the amount due the Reading Railroad Company and the fine of $50.00 and costs of the trial.

The applicant will have served six months of his minimum sentence and we believe he has been sufficiently punished. Employment has been assured and he will be under the control of the Board of Pardons until the twelfth day of July, 1939.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Thomas J. McCue, C-3965, No. 79, January Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum on Bill No. 1162 and the minimum sentences on Bills No. 1163, 1165, 1166, 1168, of Thomas J. McCue, convicted of rape in the Court of Oyer and Terminer in Philadelphia County on May 26, 1927, be commuted on Bill No. 1162 from a maximum of 15 years to a maximum of 10 years 9 months, expiring February 26, 1938; on Bill No. 1163, from a minimum of 2½ years to a minimum of 1 day, expiring February 27, 1938; on Bill No. 1164, from a minimum of 7½ years to a minimum of 1 day, expiring February 28, 1938; on Bill No. 1165, from a minimum of 2½ years to a minimum of 1 day, expiring March 1, 1938; on Bill No. 1166 from a minimum of 2½ years to a minimum of 1 day, expiring March 2, 1938; and on Bill No. 1168 from a minimum of 2½ years to a minimum of 1 day, expiring March 3, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of rape in the Oyer and Terminer Court of Philadelphia County and was sentenced to the Eastern State Penitentiary for from twenty-five to fifty years on the 28th day of May, 1927.

The Board of Trustees of the Eastern State Penitentiary are unable to predict the applicant's future behavior but during his confinement there has not been any suspicion of perversion or unusual interest in sexual matter since he has been in the institution. His prior criminal record consists only of one arrest for drunkenness and disorderly conduct.

The applicant is 61 years of age and was accused of having intercourse with girls under sixteen years of age.

The trial judge, the Honorable Harry S. McDevitt, states that he believes that time has cured the criminal instincts of this applicant and he has no objection to any action we take.

The assistant District Attorney, the Honorable James W. Tracey, Jr., stated that he believed that the applicant has served enough for this crime. Likewise, the Senior Parole Officer of the Eastern State Penitentiary, Mr. Frank P. Tucker, believes that clemency should be extended and the Chaplain of the Eastern State Penitentiary, Father Bernard C. Farley, likewise expressed the opinion that clemency could properly be extended in this case.

The investigation of the Board of Pardons reveals that he will be provided a home with his neice in Philadelphia. This home is commodious and well located. The employment of this man is questionable because of his advanced years. The applicant will have served 10 years and 8 months of his minimum sentence and will be under the supervision of the Board of Pardons until February 26, 1973.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Ira Embrey, C-6335, No. 83A January Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence on Bill No. 41 of Ira Embrey, convicted of breaking and entering with intent to steal, Bills No. 40 and No. 41, in the Court of Oyer and Terminer and Quarter Sessions of Tioga County on July 31, 1930, be commuted on Bill No. 41 from a minimum of 2 years to a minimum of 1 day, expiring August 31, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Parole Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on

parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Francis R. Lewis, C-5064, No. 506, January Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Francis R. Lewis, convicted of arson in the Court of Oyer and Terminer of Delaware County, on December 3, 1928 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of arson and was sentenced by the Oyer and Terminer Court of Delaware County on the third day of December, 1928, to imprisonment in the Eastern State Penitentiary to from five to twenty years. The applicant was released at the expiration of his minimum sentence on or about the third day of December, 1933.

The applicant is 29 years of age and is a trained acrobat and is conected with a "trapeze troupe" under the direction of John H. Cowden, Tampa, Florida.

The applicant has conducted himself in an exemplary manner during the period of his parole, and the Supervisor of Paroles states that "we have had no complaints about his conduct and from all indications he has been leading a suitable law-abiding life."

The Board of Trustees of the Eastern State Penitentiary state that his behavior was excellent and he has no previous criminal record.

The District Attorney's office of Delaware County offers no objections to granting this pardon.

A pardon will in part remove the stigma of the crime from the applicant and will be of material assistance to his business career.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of George Eisenhart, B-612, No. 1182, January Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentences on Bills No. 3 and No. 4 and the minimum sentence on Bill No. 5 of George Eisenhart, convicted of felonious entry, larceny and forcible entry, larceny, Bills No. 1, No. 2, No. 3, No. 4, and No. 5, in the Court of Oyer and Terminer of Mifflin County, on February 4, 1928, be commuted on Bill No. 3 from a maximum of 4 years to a maximum of 1 year 11 months 28 days, expiring February 2, 1938; on Bill No. 4 from a maximum of 4 years to a maximum of 1 day, expiring February 3, 1938; and on Bill No. 5 from a minimum of 2 years to a minimum of 1 day, expiring February 4, 1938.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Gugliardo Leonardi, C-7791, No. 1543, January Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Gugliardo Leonardi, convicted of statutory rape in the Court of Quarter Sessions of Luzerne County, on February 15, 1932 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of statutory rape in the Quarter Sessions Court of Luzerne County on the 15th day of February, 1932, and was sentenced to the Eastern State Penitentiary for from five to fifteen years and to pay a fine of three hundred dollars and costs. The applicant was released by the Board of Pardons on September 14, 1933, by the granting of his petition for a commutation of his sentence.

The applicant has no known previous record and his behavior during the time he was in the penitentiary was excellent. Since his release the applicant has been employed by the Sindaco Coal Company, Plains Township, Pennsylvania, and he has worked very steadily since his release. The applicant holds a responsible position and his services have been very satisfactory with the coal company. The applicant lives with his wife and family in Plains Township and the home is a very satisfactory one.

During the time he has been on parole he has reported regularly to the parole officer and his conduct has been noted as exceptionally good. There have been no complaints received and the applicant has worked every day possible in the mines. He has provided for his family in a satisfactory manner and all persons contacted have spoken well in behalf of the applicant.

The district attorney of Luzerne County approved of the application and stated that he is leading a fine life, married and settled down. The Board of Pardons recommends the granting of the application for a pardon believing that the applicant has fully adjusted himself to his place in society and that a pardon will in part remove the stigma of the crime from the applicant and his family and will be of material assistance to his advancement.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Herbert Rose, C-4440, No. 2317, January Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence on Bill No. 220 of Herbert Rose, convicted of being armed with an offensive weapon to rob, Bills No. 218 and No. 220, in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on March 16, 1928, be commuted on Bill No. 220 from a minimum of 5 years to a minimum of 1 day, expiring March 17, 1938.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Charles Dearer, C-5094, No. 2608, January Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due

public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentences of Charles Deaner, convicted of felonious entry, larceny, robbery, Bills No. 156 to 169 Inc. and 11-12, in the Court of Quarter Sessions of Dauphin County on January 18, 1929, be commuted on Bill No. 160 from a maximum of 2 years to a minimum of 1 year, 1 month, expiring February 18, 1938; on Bill No. 161 from a minimum of 1 year to 1 day, expiring February 19, 1938; on Bill No. 162, from minimum of 1 year to a minimum of 1 day, expiring February 20, 1938; on Bill No. 163, from minimum of 1 year to a minimum of 1 day, expiring February 21, 1938; on Bill No. 164, from a minimum of 1 year to minimum of 1 day, expiring February 22, 1938; on Bill No. 165, from minimum of 1 year to minimum of 1 day, expiring February 23, 1938; on Bill No. 166, from minimum of 1 year to minimum of 1 day, expiring February 24, 1938; on Bill No. 167, from minimum of 1 year to minimum of 1 day, expiring February 25, 1938; on Bill No. 168, from minimum of 1 year to minimum of 1 day, expiring February 26, 1938; on Bill No. 169 from inimum of 1 year to minimum of 1 day, expiring February 27, 1938; and on Bill No. 11-12, from a minimum of 2½ years to a minimum of 1 day, expiring February 28, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of felonious entry, larceny and robbery and was sentenced by the Dauphin County Court on the 18th day of January, 1929, to the Eastern State Penitentiary for from sixteen and one-half to thirty-three years. The crime involved a series of thefts in and about Harrisburg and Dauphin County.

The Board of Trustees of the Eastern State Penitentiary stated "Judging solely on the basis of this man's institutional record and behavior, it is felt that he probably has an honest desire to become a respected citizen when released."

The sentencing Judge, the Honorable Frank B. Wickersham, stated that if the Board of Pardons is convinced that he has reformed he (Wickersham) sees no objection to granting him a commutation. The District Attorney's office of Dauphin County stated that they would be satisfied with whatever action may be taken by the Board on this application.

The five accomplices of the petitioner in these series of robberies have all been released. An investigation indicates that the applicant was not the ring leader but received by far the heaviest sentence.

The Board of Pardons believes that the applicant has rehabilitated himself and is capable of leading a law-abiding life. He will be under the supervision of the Board of Pardons until 1962.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of William Meredith, B-3323, No. 2846, January Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentences of William Meredith, convicted of assault and battery, aggravated assault and battery, assault and battery with intent to kill and murder, robbery, receiving stolen goods, violation of the Fire Arms Act and obstructing legal process, Bills No. 21-134-1-5, 21-134-2-5, 21-134-3-5, 21-134-4-5, in the Court of Quarter Sessions of Fayette County on August 26, 1932, be commuted on Bill No. 21-134 from a minimum of 10 years to a minimum of 5 years 6 months, expiring February 26, 1938; on Bill No. 21-134-1-5 from a minimum of 2½ years to a minimum of 1 day, expiring February 27, 1938; on Bill No. 21-134-2-5 from a minimum of 2½ years to a minimum of 1 day, expiring February 28, 1938; on Bill No. 21-134-3-5 from a minimum of 3 years to a minimum of 1 day, expiring March 1, 1938; and on Bill No. 21-134-4-5 from a minimum of 2 years to a minimum of 1 day, expiring March 2 1938.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crimes of assault and battery, aggravated assault and battery, assault and battery with intent to kill and murder, robbery, receiving stolen goods, violation of the Fire Arms Act, obstructing legal process, before the Court of Quarter Sessions of Fayette County and was sentenced to the Western State Penitentiary for from twenty to forty years on August 26, 1932.

The Board of Trustees of the Western State Penitentiary state that they would recommend him for parole "(1) first conviction, (2) excellent institutional record."

The trial judge, the Honorable Thomas H. Hudson, states that he thought the sentence from twenty to forty years was a very severe one and longer than the boy should serve. "Yet I doubt very much if five years is severe enough penalty for the crimes which were committed." The District Attorney's office believes that there is no merit to the application.

The Honorable Horatio S. Dumbauld of Fayette County states that he is much impressed by the outstanding character of the boy's parents and "taking into consideration the fact that this was his first time that the applicant exhibited any symptoms of a crime complex I am sure that the state and society can depend, with implicit confidence, upon his parents to aid in his reformation."

The Board of Pardons investigated the case and found that the applicant never had any criminal record, that employment is assured for the applicant with the Duquesne Light Company. The applicant's parents are very loyal to him and will assist in every way possible. The applicant's home environment will be of great help in his rehabilitation.

The applicant was lead into this series of crimes by older associates.

The Board of Pardons believes that this applicant, if released, will merit the confidence of the Board, and friends and family, and will lead a law-abiding life.

The applicant will have served 5 years and 6 months of his minimum sentence and will be on parole until 1952.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Ambrose Zuchowski, B-5573, D-1303, No. 3119, January Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Ambrose Zuchowski, convicted of burglary in the Court of Quarter Sessions of Tioga County on May 11, 1936 be commuted from 2 years to 1 year 9 months, expiring on February 11, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of burglary and was sentenced by the Oyer and Terminer Court of Tioga County to the Eastern State Penitentiary for from two to ten years on the 11th day of May, 1936.

The board of Trustees of the Eastern State Penitentiary state that this man has no known previous criminal record and since this is his first offense and that "he has shown evidence of constructive behavior, we feel that he would probably readjust seuccessfully if returned to society."

The trial judge, the Honorable Thomas A. Crichton, stated that he would have no objection to his release and suggests that the granting of the application would be justified.

Investigation by the Board of Pardons revealed that the employment of the applicant is assured with the Annas Coal Mines, Antrim, Pennsylvania, and that his home conditions are satisfactory.

He will be under the sponsorship of Mr. William Howell of Antrim, Pennsylvania. Our investigation further revealed that it is the belief of the Tioga County officials and many other citizens interviewed by our agent that the applicant's sentence was too severe.

The applicant will have served one year and nine months of his minimum term and will be under the supervision of the Board of Pardons until May 11, 1946.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of William Doleman, C-3332, No. 3253, January Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of William Doleman, convicted of murder in the first degree, in the Court of Oyer and Terminer and Quarter Sessions of York County on February 25, 1926, be commuted from life imprisonment to a minimum of 12 years, expiring February 25, 1938, and a maximum of life.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to murder of the first degree in the Court of Oyer and Terminer of York County. He was sentenced to life imprisonment in the Eastern State Penitentiary on the 25th day of February, 1926.

The trial judge, the Honorable Henry C. Niles, states: "I believe that if adequate supervision is had for this defendant clemency may well be extended." The District Attorney of York County states he has no objections to the granting of clemency. The trial District Attorney told us: "My recommendation to the Board of Pardons of the Commonwealth of Pennsylvania is that in view of the evidence and in consideration of his good conduct in the penitentiary Doleman's sentence should be commuted."

There is a certificate on file from Leamon Harris, dated October 27, 1937, who was convicted with William Doleman, which states under oath that William Doleman at no time, "before or after, had any part in the shooting of Paul Davis, and his reasons for changing his plea from not guilty to guilty was on the advice of council to save me from the electric chair."

Aftre careful review of all the facts in the case we are inclined to believe that the applicant was not guilty of murder of the first degree. He was only nineteen years of age at the time of the commission of the crime. He has been incarcerated for twelve years.

The Board of Trustees of the penitentiary state: "His (the applicant's) institutional record has been satisfactory. He has improved himself by learning the tailoring trade and at the present time is employed as a tailor. He has saved approximately $1100. He associates with the better type of inmates and he does not have any record of misconducts during the entire period of his incarceration."

We believe the applicant has been sufficiently punished and are satisfied that he is not an habitual criminal.

The applicant intends to return to his relatives in Virginia. Our recommendation is contingent upon his returning to and remaining in that State. He will be on parole for life.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Anthony Liberi, C-6373, No. 3424, January Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Anthony Liberi, convicted of robbery, being armed with an offensive weapon in the Court of Oyer and Terminer of Philadelphia County on August 29, 1930, and convicted of violation of the Mann Act in the U. S. District Court at Camden, New Jersey on May 28, 1936, be commuted from a maximum of 10 years to a minimum of 3 years 8 months 10 days, expiring March 3, 1938, and a maximum of 10 years.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the charge of robbery being armed with an offensive weapon and was sentenced by the Oyer and Terminer Court of Philadelphia County to the Eastern State Penitentiary for from two and one-half to ten years on August 29, 1930. He was paroled on the 23rd day of May, 1938, and was returned to the Eastern State Penitentiary on the 17th day of March, 1937, for violation of his parole. He was charged with violation of the Mann Act and was sentenced to the United States Northeastern Penitentiary at Lewisburg, Pennsylvania, for 9 months and 18 days and at the expiration of his sentence he was returned to the Eastern State Penitentiary on the date stated above.

The Board of Trustees of the Eastern State Penitentiary stated that they are not able to express their opinion as to his future behavior.

The trial judge, the Honorable Harry S. McDevitt, was not in favor of granting a commutation. The assistant District Attorney, Honorable James W. Tracey, Jr., stated that in his opinion the matter of granting the application should be left to the discretion of the Board of Pardons.

Investigation by the Board of Pardons disclosed that the violation of the Mann Act involved the transportation of a girl from Camden to Philadelphia and revealed that there was no commercial aspect in the removal of this girl from one state to another.

The Board of Pardons recommends that this applicant be commuted, having served three years and eight months of his maximum sentence and having served on the charge of the violation of the Mann Act one year and eight months, both in the Federal Prison and the Eastern State Penitentiary. He will be under the supervision of the Board of Pardons until January 23, 1944.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Anthony D. Mongello, B-5253, No. 3431, January Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentences of Anthony Mongello, convicted of larceny from person in the Court of Quarter Sessions of Crawford County on September 28, 1936, be commuted from a minimum of two and one-half years to a minimum of 1 year 5 months on Bill No. 101, expiring February 28, 1938; and on Bill No. 102 from a minimum of two and one-half years to a minimum of 1 day, expiring March 1, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of larceny from the person in the Quarter Sessions Court of Crawford County and was sentenced to the Western State Penitentiary for from five to ten years and to pay a fine of fifty dollars on the 28th day of September, 1936.

The Board of Trustees of the Western State Penitentiary, under date of February 1, 1938, stated: "Because of the fact that at this time the applicant has been imprisoned for eighteen months, if he were eligible for parole, this Board would probably conditionally recommend subject to assurance of a proper sponsor and legitimate employment: (1) first imprisonment in a penal institution; (2) excellent conduct and work records."

Investigation of the Board of Pardons indicated that there was some question as to the proper identification of the applicant as the person who picked the pockets of people attending a huge political rally held on August 24, 1936, in Conneautville, Pennsylvania, at which time the presidential nominee, Governor Landon, was making an address.

The trial judge, the Honorable O. Clair Kent, stated that he had no recommendations, one way or another, while the District Attorney, the Honorable Herbert A. Mook, expressed his opposition to a commutation, under date of May 28, 1937.

The Board of Pardons believes that this man has served a sufficient time for the punishment of this crime, in view of the fact that there has been some question as to identification of the applicant as the actual perperator of the crime.

Our investigation shows that he will be employed and that his home conditions will be satisfactory. The applicant will have served one year and five months of his minimum sentence and will be under the supervision of the Board of Pardons until March 1, 1943.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Frank Stelma, No. 3447, January Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the death sentence of Frank Stelma, convicted of murder in the first degree, in the Court of Oyer and Terminer of Northumberland County on March 15, 1937, be commuted from death to imprisonment for life, expiring on

Our reasons for making this recommendation are as follows:

The applicant was convicted of murder of the first degree and was sentenced to death by the Court of Oyer and Terminer of Northumberland County on the 15th day of March, A. D., 1937. The applicant attacked one, Joseph Boyle by striking him with his fist and knocking him to the ground and then picking up a rock and striking him on the head, causing wounds to the scalp and a fractured skull. The applicant had been drinking for several hours prior to meeting Boyle, and there being no witnesses to encounter, as the hour was about 1:30 in the morning it could not be learned who was the aggressor. The applicant after attacking Boyle went to his home and went to bed. An investigation conducted by the Board with the cooperation of the District Attorney's office of Northumberland County revealed that the applicant was drinking heavily the night of the crime and appeared to be drunk. No motive or reason for the attack could be discovered as both the applicant and deceased were casual acquaintances and no disagreement or unpleasantness existed between them prior to this fatal encounter. The applicant on the night of the encounter was so intoxicated that he fell. The Board felt that the intoxication of the applicant was of such a degree, that he was incapable of conceiving any intent which expresses itself in deliberation and premeditation. The District Attorney and the trial judge, Honorable H. W. Cummings expressed their opinion that the trial of the applicant was a fair one, and the jury in their opinion brought in a proper verdict. However, in our opinion it would be unjust under the circumstances, to permit the applicant to be executed, notwithstanding the applicant's guilt, when the facts of his intoxication on the night of the crime was to such a degree, that it is questionable if he could form a deliberate intent bearing the elements of deliberation and premeditation. We, therefore, recommend that the sentence of death be commuted to life imprisonment.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Paul L. Hamilton, D-2214, No. 3473, January Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Paul L. Hamilton, convicted of voluntary manslaughter in the Court of Quarter Sessions of Philadelphia County on April 2, 1937, be commuted from 1 year to 10 months, expiring on February 2, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of voluntary manslaughter and was sentenced by the Quarter Sessions

Court of Philadelphia County for from one to six years in the Eastern State Penitentiary on the 2nd day of April, 1937.

The applicant was accused of the death of one, James Payne, after an overnight drinking party. The deceased died from a severed jugular vein but there was no direct testimony by anybody as to the manner of the attack or who made the attack, upon the deceased. It developed that there was a possibility that the deceased fell on the pavement in front of the Club upon some broken glass.

The Board of Trustees of the Eastern State Penitentiary state that the applicant has not been in the institution a sufficient time for them to judge as to his possible future behavior.

The trial judge, the Honorable James M. Barnett, states "If the Board shall see fit to consider the application favorably I shall have no complaint." The assistant District Attorney of Philadelphia County, the Honorable James W. Tracey, Jr., Esquire, stated that there was nothing in the testimony to show the weapon used and that the application can well be granted.

The applicant is assured of employment with the J. J. Pocock Company, Philadelphia, and his sponsor will be Mr. Joseph A. Hamilton, a brother, Superintendent of the Big Brothers Association of Philadelphia. The home to which the applicant will return is an excellent one.

The applicant will have served ten months of his minimum sentence of twelve months and will be under the supervision of the Board of Pardons until April 2, 1943.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Rubin Greenfield, B-4543, No. 3498, January Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Rubin Greenfield, convicted of entering a dwelling house to commit a felony, larceny, receiving stolen goods in the Court of Quarter Sessions of Allegheny County on May 16, 1935 be commuted from 4 years to 2 years 9 months, expiring on February 16, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of entering a dwelling house to commit a felony, larceny and receiving stolen goods, and was sentenced by the Court of Quarter Sessions of Allegheny County on the 16th day of May, 1935, to the Western State Penitentiary for from four to eight years.

The Board of Trustees of the Western State Penitentiary believe that the applicant would probably be a fit subject for parole as this was his first imprisonment and he enjoys a very good institutional record.

The trial judge, the Honorable Frank J. Graff, states that he "would be satisfied with what seems best to the Board to do in this case." The assistant District Attorney, the Honorable Russell Adams, stated that the applicant was properly convicted.

The Board of Pardons on their investigation found that the applicant held a Government License to buy and sell old gold and the ring which was found in his possession could well have been purchased and not stolen.

The applicant is assured of employment with the Refrigeration Surplus Jobbers, Cleveland, Ohio, and his home conditions and sponsorship are of the very best.

The applicant will have served two years and nine months of his minimum term and will be under the supervision of the Board of Pardons until May, of 1939.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Stanley Mentus, No. 3582, January Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Stanley Mentus, convicted of larceny of an automobile in the Court of Quarter Sessions of Northampton County on March 16, 1936, be commuted from a minimum of 2 years to a minimum of 1 year 11 months, expiring February 16, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of larceny of an automobile and was sentenced by the Court of Northampton County to imprisonment in the Northampton County Prison for from two to four years and the payment of one hundred dollars fine on the 16th day of March, 1936.

The Board of Pardons investigation disclosed that the owner of the automobile, Paul Koskey, was eager to have the applicant released as his automobile had been returned to him, and, further, that the applicant had already served 9 months in the State of New Jersey for the theft of this car and a detainer from Pennsylvania committed him to Northampton County Prison for from two to four years for the same offense. In fact, therefore, the applicant has served two years and eight months for this crime.

The trial judge, the Honorable R. C. Stewart, stated that the sentence was a proper one. The District Attorney's office of Northampton County, however, stated that the action of the Board would meet with his approval.

The applicant is assured of employment with the Richmond Radiator Company, Uniontown, Pennsylvania, and he will be under the sponsorship of his father, a respected citizen of Uniontown, Fayette County.

The Board therefore recommends a commutation of his sentence in view of his long confinement for this offense, both in New Jersey and Pennsylvania. The applicant will have served for this offense in Pennsylvania one year and eleven months and will be under the supervision of the probation officer of Northampton County until the 16th day of March, 1940.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Edward R. Franc, No. 3587, January Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Edward R. Franc, convicted of conspiracy to commit robbery and violation of the Fire Arms Act in the Court of Quarter Sessions of Allegheny County, on December 17, 1935 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of conspiracy to commit robbery and violating the Fire Arms Act. He was found guilty in the Court of Quarter Sessions of Allegheny County and was sentenced on the 17 day of December, 1935, for a period of from one to two years in the Allegheny County Jail. He was paroled by the trial judge on the 25th day of May, 1936.

The applicant has conducted himself in a very excellent manner since his release. His home conditions are above the average and his reputation in his community is excellent.

The applicant conducts his own business and operates the Neon Service Company, Pittsburgh, Pennsylvania. He employs from six to twelve persons and from all appearances is operating a successful business.

The applicant is about 28 years of age, married and has a small daughter.

The District Attorney's office of Allegheny County offers no objection to the granting of a pardon and the Board of Pardons believes that his rehabilitation and self improvement has been very marked.

A pardon will in part remove the stigma of the crime from the applicant and his family and will be of material assistance in his business career.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Philip Cain, C-7750, No. 3598, January Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum and minimum sentences of Philip Cain, convicted of burglary and larceny in the Court of Oyer and Terminer and Quarter Sessions of Monroe County on February 9, 1932, be commuted on Bill No. 11 from a maximum of 10 years to a maximum of 6 years, expiring February 9, 1938; and on Bill No. 11A from a minimum of 5 years to a minimum of 1 day, expiring February 10, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of burglary and larceny and was sentenced by the Oyer and Terminer Court of Monroe County to the Eastern State Penitentiary for from ten to twenty years, on the 9th day of February, 1932.

The Board of Trustees of the Eastern State Penitentiary state "Judging on the basis of this man's attitude and behavior while he has been in the institution, it is felt that there is a favorable possibility of his readjustment when released."

The Honorable Samuel E. Schull stated that the application was meritorious and that the defendant has been sufficiently punished and that the balance of his sentence should be commuted, providing the applicant's prison conduct has been satisfactory.

Investigation by the Board of Pardons reveals that his prison conduct has been excellent.

He will reside in Philadelphia with friends who have undertaken his sponsorship. This home is very satisfactory and in a good neighborhood and environment.

The applicant will have served six years of his minimum sentence and will be under the supervision of the Board of Pardons until 1948.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Louis Gerson, No. 3601, January Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Louis J. Gerson, convicted of aggravated assault and battery in the Court of Municipal Court of Philadelphia County, on May 21, 1931, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of aggravated assault and battery in the Municipal Court of Philadelphia County and was sentenced to six months imprisonment in the Philadelphia County Prison on the 21st day of May, 1931. He was paroled by the Municipal Court thirty-seven days after commitment and placed on one year's probation. The applicant has no previous criminal record.

The trial judge, the Honorable Eugene Bonniwell was non-committal as to the merits of the application.

The applicant has conducted himself properly during the period of probation and is now anxious to qualify as a patrolman with the Police Force of the city of Philadelphia, being No. 128 out of a list of seven thousand. The Board believes that a grave injustice would be done this young man in withholding a pardon that would prevent his acceptance of a better position in life.

A pardon will in part remove the stigma of the crime from the applicant and will be of material assistance in his business career.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of H. N. Kline, B-1610, No. 3611, January Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentences of H. N. Kline, convicted of robbery, Bills No. 1 and No. 2, in the Court of Quarter Sessions of Clinton County on September 26, 1929, be commuted on Bill No. 1 from a minimum of ten years to a minimum of 8 years, 5 months, expiring February 26, 1938; and on Bill No. 2 from a minimum of 10 years to a minimum of 1 day, expiring February 27, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to robbery and was sentenced by the Court of Quarter Sessions of Clinton County to from twenty to forty years in the Western State Penitentiary on the 26th day of September, 1929. The crime involved the robbery of the Beech Creek National Bank of the sum of approximately twelve thousand dollars.

The Board of Trustees of the Western State Penitentiary state that they would recommend him for parole "(1) first major conviction, (2) excellent institutional record."

The trial judge, the Honorable Eugene H. Baird, as the result of a thorough investigation on his part stated "under all the circumstances I recommend that his application for clemency be granted. He has already served more than eight years of his term and in my judgment has been sufficiently punished." The District Attorney, the Honorable B. L. Haag, was opposed to clemency at this time.

The applicant is assured of a home with his daughter in Brookville, Pennsylvania, where he will be received and maintained until he can find employment.

The Board of Pardons, on an investigation by their parole officer, believes that the man has rehabilitated himself and purposes to lead a law-abiding life. A sponsor has been provided and a good home is open for him upon his release.

The applicant will have served 8 years and 5 months of his minimum term, and will be under the supervision of the Board of Pardons until the 26th day of February, 1958.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Roy C. Lantz, B-2585, No. 84A, February Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of Roy C. Lantz, convicted of larceny in the Court of Oyer and Terminer of Blair County on March 30, 1931, be commuted on Bill No. 22 from a maximum of 2 years to a maximum of 11 months, 27 days, expiring March 27, 1938; on Bill No. 23 from a maximum of 2 years to a maximum of 1 day, expiring on March 28, 1938; on Bill No. 24 from a maximum of 2 years to a maximum of 1 day, expiring March 29, 1938; and on Bill No. 25 from a minimum of 1 year to a minimum of 1 day, expiring March 30, 1938.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Anthony W. Spehar, A-14087, No. 872, February Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence on Bill No. 1 and the minimum sentence on Bill No. 47 of Anthony W. Spehar, convicted of murder of the second degree and larceny of an automobile in the Court of Oyer and Terminer and Quarter Sessions of McKean County on May 4, 1925, be commuted on Bill No. 1 from a maximum of 16 years to a maximum of 12 years 10 months, expiring March 4, 1938, and on Bill No. 47 from

a minimum of 5 years to a minimum of 1 day, expiring March 5, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of murder of the second degree and of larceny of an automobile and was sentenced by the Oyer and Terminer and Quarter Sessions Court of McKean County in May and June of 1925, to a term of from thirteen to twenty-six years in the Western State Penitentiary.

The Board of Trustees of the Western State Penitentiary stated that they would recommend him for parole for several reasons; first, first conviction with no prior criminal record; second, a youth at the time of the conviction, being 19 years of age; third, excellent institutional record; fourth, has served 12½ years of his sentence, and fifth, has learned to become a motion picture operator and holds a license to operate a motion picture machine.

The Honorable Charles G. Hubbard, trial judge, stated that clemency should only be granted if the applicant was in a serious condition from tuberculosis. The District Attorney of McKean County, the Honorable C. W. Shattuck, was not in favor of granting the application.

The applicant is in poor health and is suffering with tuberculosis. The medical report, as of November, 1937, indicated that the bones of his left hip joint were decalcified and the guinea pig innoculation was positive for tubercule bacilli. The prognosis as to the cure of this affliction is poor. The examining physician stated that the proper treatment in his opinion would be a complete bed rest supported by recognized tuberculosis therapy, which could be provided either by hospitalization or a private practitioner.

Employment for the applicant will be impossible at present, as he requires hospital attention for the tubercular condition of his hip. He is now able to walk only with the aid of crutches and there is little hope of effecting a permanent cure. Arrangements are being made for medical care, in cooperation with Ira C. McCloskey, Director of the Bureau of Corrections, Department of Welfare, and his father Mr. Mike Spehar.

Dr. William J. Schwartz, Resident Physician at Rockview Farm Prison, under date of January 5, 1938, states: "Anthony Spehar was first admitted to the hospital on December 13th, 1935, afflicted to a tuberculosis abscess of his left thigh, near the hip joint, at which time the abscess was drained and culture of such was positive for tubercle bacilli.

"Since that time he has had adequate bed rest with supportive treatment. His condition, however, is typical by its chronicity. At this present time, Anthony has two draining sinus on his thigh. They are small and cause him no acute pain, permitting him to be up and about. Otherwise his physical condition is fair, he is underweight and walks with a limp due to his diseased leg being two inches longer than the other one.

"Because of the chronicity of this case, it is difficult to give an estimate of the hospitalization that will be necessary. At the present time I feel that he could remain at home and go to the hospital for treatment, if no future activation of the disease begins to manifest itself."

The applicant has served 12 years and 10 months of his minimum term of 13 years. We believe the application for commutation of his sentence should be granted because he has been sufficiently punished and, further, that he is suffering from tuberculosis in advanced stage. He will be under the control of the parole board until March 5, 1948.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Raymond Albert, B-3320, No. 1142, February Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum on Bill No. 275 and minimum on Bill No. 276 of Raymond Albert, convicted of robbery in the Court of Oyer and Terminer of Washington County on August 23, 1932, be commuted from Bill No. 275 a maximum of 8 years to a maximum of 5 years 7 months, expiring March 23, 1938; and on Bill No. 276 from a minimum of 3 years to a minimum of 1 day, expiring March 24, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery and was sentenced by the Oyer and Terminer Court of Washington County to imprisonment in the Western State Penitentiary for from seven to fourteen years on the 23rd day of August, 1932.

The Board of Trustees of the Western State Penitentiary state that "they would probably recommend him for parole (1) first conviction (2) youth at time of conviction (3) good institutional record."

The trial judge, the Honorable E. Cummins, is deceased, but his widow writes that in conversation with him before his death the judge stated that he had given this defendant and another fellow a stiff sentence, but he did not intend that they should serve the minimum. He said "the sentences such as this one may make other fellows stop and think before they act."

The present District Attorney, the Honorable James C. Bane, objects to clemency.

Investigation of the Board of Pardons reveals that his home will be most satisfactory and that he is assured of employment with the Sigmund Transportation Company McKeesport, Pennsylvania. The applicant is unmarried. He has had no prior criminal record and the Chief of Police of McKeesport states that the applicant bore a good reputation in that district.

Business men, professional men, county officials and others have written strong letters to the Board in behalf of Mr. Albert, recommending that the Board extend clemency in his behalf. Unquestionably his famliy stands very high in the community.

The Board of Pardons therefore recommends that a commutation of his sentence be granted.

The applicant will have served five years and seven months of his minimum sentence and will be under the supervision of the Board of Pardons until March 24, 1944.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Giuseppe Costanzo, B-471, No. 1155, February Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due

public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Guiseppe Costanzo, convicted of robbery in the Court of Oyer and Terminer of Luzerne County on June 19, 1926, and convicted of Violation of the United States Revenue Law and possession of stills and manufacture of liquor in the United States Court at Scranton on November 12, 1935, be commuted from a maximum of ten years to a minimum of 7 years 3 months, expiring March 29, 1938, and a maximum of 10 years.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of robbery on the 9th day of June, 1926, and was sentenced to from five to ten years in the Eastern State Penitentiary by the Oyer and Terminer Court of Luzerne County. He was released on parole on the 19th day of June, 1931, and was returned to the Eastern State Penitentiary for violation of his parole on the 29th day of December, 1935, for a minor infraction of the liquor laws.

The Honorable William S. McLean, Jr., trial judge, states that he has no opinion to express, one way or the other as to the merits of this application .

The assistant District Attorney, John H. Dando, Esquire, stated that he had no objection to the granting of the petition.

The Board of Pardons believes that the violation of the liquor laws which caused the return to the penitentiary was so minor that the period that he has already spent in the penitentiary has been sufficient punishment for the infraction.

The applicant is assured of employment as the operator of his own barber shop and will reside in his home in Moconaqua.

The applicant will have served two years and three months for this parole violation and he will be under the supervision of the Board of Pardons until the 29th day of December, 1940.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE.
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Antonio Dimaio, B-2915, No. 1432, February Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Antonio Dimaio, convicted of murder of the second degree in the Court of Oyer and Terminer of McKean County on November 7, 1931, be commuted from a minimum of 10 years to a minimum of six years and four months expiring on March 7, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of murder and was sentenced by the Court of Oyer and Terminer of McKean County on the 7th day of November, 1931, to from ten to twenty years in the Western State Penitentiary for murder of the second degree.

The Board of Trustees of the Western State Penitentiary state that they would probably recommend him for parole because of his first conviction and excellent institutional record. .

The District Attorney, the Honorable Claude W. Shattuck, is opposed to his release. The Board of Pardons, upon their investigation, disclosed that the deceased was one Al Richie, a notorious gangster operating in northern Pennsylvania and New York State.

The Honorable Kent Kane, member of the House of Representatives of the General Assembly stated before the Board: "The applicant performed a real public service in ridding the Commonwealth of one of the worst men in northwestern Pennsylvania and, further, that since the death of this gangster, the city of Bradford and surrounding community have been free from gangster murders."

The Board of Pardons are persuaded that the deceased threatened the applicant with death and he avoided the deceased by moving to another section of the community. Unfortunately, the applicant crossed the pathway of the deceased and as the deceased was pulling his gun the applicant shot him, and caused his death.

The applicant is assured of employment in a bakery shop at Bradford, Pa., and his employer, Gaetano Colella, will supervise his parole period.

The applicant will have served six years and four months of his minimum sentence and will be under the supervision of the Board of Pardons until the 7th day of November, 1951.

Respectfully submitted,

THOMAS KENNEDY.
Lieutenant Governor.
DAVID L. LAWRENCE.
Secretary of the Commonwealth.
THOMAS A. LOGUE.
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Albert Grickiewicz, B-2340, No. 1499, February Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Albert Grickiewicz, convicted of robbery in the Court of Oyer and Terminer of Allegheny County on November 24, 1930, be commuted from ten years to 7 years 4 months, expiring on March 24, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead nolle contendere to the crime of robbery and was sentenced by the Oyer and Terminer Court of Allegheny County to from ten to twenty years in the Western State Penitentiary on the 24th day of November, 1930.

The assistant District Attorney, Russell Adams, Esquire, was not opposed to the granting of the application.

The Board of Trustees of the Western State Penitentiary state: "We would probably recommend him for parole (1) first major conviction; (2) excellent conduct and work records (3) has now served 7 years 3 months.

The Board of Pardons investigation reveals that he will probably have employment in the meat store of Mr. I. Cohen, Pittsburgh. He will reside with his brother-in-law in Pittsburgh, which home is located in a good location and is clean and comfortable.

The accomplices of this boy, five in all, have all been paroled or commuted except one, the ring leader.

The applicant was only 17 years of age at the time of the commission of these offenses and under the influence of older men and during the time of industrial depression he was led into committing these series of hold-ups.

The applicant will have served 7 years and 4 months of his minimum sentence and will be under the supervision of the Board of Pardons until November 24, 1950.

Respectfully submitted,

THOMAS KENNEDY.
Lieutenant Governor.
DAVID L. LAWRENCE.
Secretary of the Commonwealth.

CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE.
Governor.

BOARD OF PARDONS

In re application of Jacob Chinnic, C-5068, No. 1525, February Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum on Bill No. 526 and minimum on Bill No. 572, of Jacob Chinnic, convicted of robbery, armed with an offensive weapon in the Court of Oyer and Terminer of Philadelphia County on January 15, 1929, be commuted on Bill No. 526 from a maximum of 16 years to a maximum of 9 years 2 months, expiring March 15, 1938; and on Bill No. 572 from a minimum of 7 years to a minimum of 1 day, expiring March 16, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery, being armed with an offensive weapon and was sentenced by the Oyer and Terminer Court of Philadelphia County on the 15th day of January, 1929, on two bills, totaling a sentence of fifteen to thirty years in the Eastern State Penitentiary.

The Board of Trustees of the Eastern State Penitentiary state: "Definite improvement in attitude and habits have been observed in this man. He has attempted to improve himself by attending school where he has made satisfactory progress."

The trial judge, the Honorable D. U. Arird of Warren County specially sitting, did not reply to our inquiry.

The assistant District Attorney, James W. Tracey, Jr., stated that he had no objections to granting clemency as he believes he has served a sufficient length of time for the crime.

Investigation of the Board of Pardons reveals that this man will reside at home, which is in a good neighborhood and the home is comfortable and clean. He has been assured of employment.

The applicant will have served 9 years and 2 months of his minimum sentence and will be under the supervision of the Board of Pardons until March 15, 1952.

Respectfully submitted,
THOMAS KENNEDY.
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Eugene Pointdexter, B-690, No. 2549, February Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of Eugene Poindexter, convicted of entering a building and robbery in the Court of Oyer and Terminer of Allegheny County on March 16, 1928, be commuted on Bill No. 55 from a maximum of 4 years to a maximum of 1 year 11 months 28 days, expiring March 14, 1938; on Bill No. 56 (Bill No. 58 February Sessions, 1928, concurrent) from a maximum of 4 years to a maximum of 1 day, expiring March 16, 1938 and on Bill No. 57 from a minimum of 2 years to a minimum of 1 day, expiring March 16, 1938.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Daniel Joseph Collins, C-8444, No. 2642, February Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Daniel Joseph Collins, convicted of burglary in the Court of Oyer and Terminer of Philadelphia County on November 30, 1932; and convicted of burglary in the

Court of Oyer and Terminer in Delaware County on January 5, 1933, be commuted from a minimum of 2½ years to a minimum of 4 months, expiring March 30, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of burglary and was sentenced by the Oyer and Terminer Court of Philadelphia County to from five to ten years in the Eastern State Penitentiary on the 30th day of November, 1932. On the fifth day of January, 1933, in the Court of Oyer and Terminer of Delaware County he was sentenced to from two and one-half to five years for burglary, to commence at the expiration of the Philadelphia County sentence.

For the Philadelphia County offense the applicant served his minimum sentence, expiring November 30, 1937. He is now in the Eastern State Penitentiary serving the sentence on the Delaware County charge.

The Board of Trustees of the Eastern State Penitentiary state: "Judging from this man's behaviour while in the institution, his attempted self-improvement, and the manner in which he has performed his duties, which are of a responsible type, it is felt that he has possibilities of successfully readjusting in society when released."

The trial judge, the Honorable Charles C. Creer, specially sitting, was unable to recommend clemency. The District Attorney of Delaware County, the Honorable William B. McClenachan advise us that he has no objection to a commutation in this case.

Investigations by the Board of Pardons reveals that the applicant will probably have employment and will be under the sponsorship of Mr. William McGinnis of Philadelphia.

The applicant will have served four months of his minimum sentence on the Delaware County sentence and will be under the supervision of the Board of Pardons until 1942.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Joseph McManus, C-2851, No. 2767, February Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Joseph McManus, convicted of murder of the first degree in the Court of Oyer and Terminer of Philadelphia County on May 29, 1924, and commuted to life imprisonment on February 25, 1925, be commuted from life imprisonment to a minimum of 13 years, 1 month, expiring March 25, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of murder of the first degree in the Oyer and Terminer Court of Philadelphia County and was sentenced to death on the 29th day of May, 1924. His sentence was commuted by the Board of Pardons to life imprisonment on the 25th day of February, 1925.

The Board of Trustees of the Eastern State Penitentiary state: "Judging from the constructive behavior and attitude that this man has manifested while in the institution, also the sense of social responsibility he has shown by assisting with the support of his family, we feel that he has an honest desire to live a law abiding life. At present the applicant is employed in the hospital block as an expert technician and he is an operator of the X-ray and physiotherapy equipment."

The trial judge, the Honorable Harry S. McDevitt, states: "I think the attitude of McManus towards society at this time is a good one. If you see fit to pardon him I have no objection to it."

The assistant District Attorney, James W. Tracey, Jr., was opposed to clemency.

Investigation of the case by the Board of Pardons reveals that the accomplices in the crime, four of them, one was electrocuted, one died in prison and two were paroled, although one of the parolees subsequently broke his parole.

The Chaplain of the penitentiary, Reverend Bernard C. Farley, states that he has been rehabilitated and that the inmates, prison authorities and judge all feel that the applicant has been sufficiently punished.

It was stated before the Board that this applicant is one of the exceptional cases in prison rehabilitation and ranks as No. 1 example in all our penal system.

The applicant is assured of a position as a laboratory technician in the Saint Joseph's Hospital in Philadelphia.

The Board of Pardons, upon their investigation, were led to believe that the guilt of this man did not rise higher than second degree murder and for such he should have been sentenced.

The applicant will reside with his aunt in Philadelphia and will be under the care and direction of his sponsor, the Reverend Bernard C. Farley, Chaplain of the Eastern State Penitentiary.

The applicant will have served 13 years and 1 month of his sentence and will be on parole for the rest of his natural life.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of James Lavelle, C-9385, No. 2842, February Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that James Lavelle, convicted of robbery, being armed with an offensive weapon in the Court of Oyer and Terminer of Philadelphia County on February 7, 1930 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery, being armed with an offensive weapon, and was sentenced by the Court of Oyer and Terminer of Philadelphia County to from ten to twenty years in the Eastern State Penitentiary on the 7th day of February, 1930.

The Board of Pardons commuted the sentence on the 15th day of April, 1936.

The trial judge, the Honorable Raymond MacNeille, states that "the Board will have the advantage of a full report of his prison life and I shall be satisfied with its judgment in the matter."

Assistant District Attorney, James W. Tracey, Jr., stated that he was not opposed to the granting of this pardon.

Investigation by the Board of Pardons reveals that he has been employed since his release from prison and he has conducted himself in a very satisfactory manner.

The applicant is married and has one son. At present he is employed by the Shaeffer Motor Freight Company of Philadelphia and in order to continue his employment as a

truck driver he requires a bond, in order to comply with the regulations of the Interstate Commerce Commission.

A pardon will in part remove the stigma of the crime from the applicant and his family and will be of material assistance to his advancement.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Thomas Ciccarone, D-497, No. 3045, February Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Thomas Ciccarone, convicted of arson in the Court of Oyer and Terminer of Chester County on April 8, 1935, be commuted from 4 years to 2 years 11 months expiring on March 8, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of arson and was sentenced by the Oyer and Terminer Court of Chester County on the 8th day of April, 1935, to not less than four years nor more than eight years in the Eastern State Penitentiary.

The Board of Trustees of the Eastern State Penitentiary state: "This man is a first offender and has shown definite habits of industry while in the institution and we feel that under normal conditions he probably might adjust."

The trial judge, the Honorable W. Butler Windle states that he relies upon the Board for the disposition without making any recommendation. The District Attorney, the Honorable Raymond B. Reid, states that he is "of the opinion that the application of Ciccarone is meritorious. I, therefore, do not oppose his application."

The applicant is assured of employment with his brother in Wilmington, Delaware, and will be under proper sponsorship during the period of his parole.

The applicant will have served two years and eleven months of his minimum sentence and will be under the supervision of the Board of Pardons until the 8th day of April, 1943.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Angelo Mattei, B-5192, No. 3321, February Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Angelo Mattei, convicted of sodomy and aggravated assault and battery with intent to ravish, in the Court of Quarter Sessions of Philadelphia County on May 8, 1936, be commuted from a minimum of 2 years to a minimum of 1 year 10 months, expiring March 8, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of sodomy aggravated assault and battery with intent to ravish and was sentenced by the Court of Quarter Sessions of Philadelphia County for from two to five years in the Eastern State Penitentiary on the 8th day of May, 1936.

The Board of Trustees of the Eastern State Penitentiary state that the applicant has no previous criminal record and that his recent behavior has not been excellent on account of minor infractions of the rules.

The trial judge, the Honorable Harry S. McDevitt, is opposed to clemency.

The Board of Pardons, upon their investigation, indicates that the applicant was convicted upon the testimony of a girl; that the crime was committed in a public garage in the presence of several other people; at the time of the alleged offense she made no outcry. She was sent next day to a hospital for attempted suicide by poisoning and while under the doctor's care did not make any allegation of mistreatment by the applicant. The examination of the girl at the hospital indicated that there were no superficial bruises that might be the result of an assault. She made information against the applicant after her release from the hospital.

The Board of Pardons believes that the testimony of the young woman against the applicant sprung from other causes than the one alleged.

The applicant is assured of employment with A. Krouse gold and Sons, Furniture Dealers, Philadelphia. The home conditions of the applicant are excellent and his environment will be good.

The reputation of the applicant is fair, having no previous record.

The applicant will have served 1 year and 10 months of his minimum sentence and will be on parole until May 8, 1941.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Arthur Egleston, C-2293, No. 341 February Session, 1938.

To His Excellency, the Governor of the Commonwealth Pennsylvania:

Sir: The above application having been heard, upon du public notice, in open session, the undersigned membe of the Board of Pardons recommend that the maximu sentence of Arthur Egleston, convicted of rape in t Court of Oyer and Terminer of Philadelphia County January 9, 1924 be commuted from a maximum of years to a minimum of 9 years, 3 months and a maximu of 12 years expiring on March 9, 1938.

Our reasons for making this recommendation are follows:

The applicant plead guilty to the crime of rape and w sentenced by the Oyer and Terminer Court and Quart Sessions Court of Philadelphia County on the 9th day January, 1924, to from two to twelve years in the Easte State Penitentiary. He was paroled on the 9th day January, 1926, and violated his parole on a New Jers charge and was returned to the Eastern State Penitentia on the 21st day of January, 1931, (to begin December 1930).

The trial judge, the Honorable Alonzo T. Searle, stat "I would recommend the pardon."

Assistant District Attorney James W. Tracey, Jr., stated that he had no objections to granting clemency.

The Board of Trustees of the Eastern State Penitentiary state that the applicant has a satisfactory institutional record.

Investigation of the Board of Pardons reveals that the applicant is married and his home conditions are satisfactory.

The applicant will have served 9 years and 3 months of his maximum sentence and will be under the supervision of the Board of Pardons until December 9, 1940.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Freda Trost, B-6935, No. 3486 February Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Freda Trost, convicted of murder in the first degree, in the Court of Oyer and Terminer of Philadelphia County on December 14, 1912, be commuted from life imprisonment to a minimum of 24 years, 3 months, expiring on March 29, 1938, and a maximum of life imprisonment.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of murder and was sentenced by the Oyer and Terminer Court of Philadelphia County on the 14th day of December, 1912, to be hanged. The death sentence was commuted to life imprisonment on the 29th day of December, 1913, and the applicant was committed to the Eastern State Penitentiary, later transferred to the State Industrial Home for Women at Muncy.

The applicant is 55 years of age and was found guilty of poisoning her husband with arsenic. All the evidence at the trial was not presented as strong inferences were brought out that she had poisoned her first husband. The inference had a bearing upon the verdict of the jury and should have been refuted by facts then in the possession of the district attorney's office of Philadelphia County.

The Assistant District Attorney, James W. Tracey, Jr., was not opposed to this application.

The superintendent of the Industrial Home for Women, Miss Franklin R. Wilson, states as follows: "I am sincere in my desire to see Freda released. She has given the best years of her life for the crime she committed. It was the only offense she ever committed and I do not believe she will ever give anyone any trouble if she is granted a commutation.

The prospective home of the applicant is to be with Mrs. Birr in Philadelphia and the environment of this home is very favorable.

The applicant will be employed as a cook, as she is now a very excellent cook at the State home.

The Board of Pardons believes that this woman, now well up in years, who has conducted herself so excellently during her confinement, has expiated her crime and recommends that her sentence be commuted.

She has served 24 years and 3 months of her sentence and will be under the supervision of the Board of Pardons for the rest of her natural life.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Anthony DiNubile, No. 3617, February Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Anthony DiNubile, convicted of gambling and keeping a gambling house in the Court of Quarter Sessions of Montgomery County, on June 14, 1935 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of gambling and keeping a gambling house and was placed on probation for one year on the 14th day of June, 1935. The trial judge, the Honorable George C. Corson, states as follows: "Let me say that I am always inclined to be sympathetic in a case where a man has reformed and wishes to have his past record wiped out. If the evidence convinces your board that this is the situation in the present case, I will join in the present application."

The Assistant District Attorney, Arthur W. Bean, states: "Whatever your board sees fit to do in this case will be entirely satisfactory to this office."

The investigation of the board reveals that for the past two and one-half years the applicant was engaged in the practice of dentistry at his office at 846 Wharton Street, Philadelphia, Pa. He is married and has a family of three children residing in a well kept home. Since his sentence by the Montgomery County Court, the applicant has kept away from gambling and has conducted himself in a satisfactory manner. The Board feels that a pardon is entirely fitting for this man who is now active in professional life and that a pardon will in part remove the stigma of the crime from the applicant and his family and will be of material assistance to his professional advancement.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Leon Santerian, No. 3618, February Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Leon Santerian, convicted of conspiracy to extort and blackmail in the

Court of Quarter Sessions of Philadelphia County, on April 28, 1931, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of conspiracy to extort and blackmail and was sentenced by the Quarter Sessions Court of Philadelphia County on the 28th day of April, 1931, to four months in the Philadelphia County Prison.

The trial judge, the Honorable Thomas D. Finletter, states that the applicant's connection with the crime was not serious, or at least, his connection was slight.

The Assistant District Attorney, James W. Tracey, Jr., stated that he had no objection to granting the application for a pardon.

Investigation by the Board of Pardons reveals that the applicant has been employed at the Diener Meat Market in Philadelphia. Since his release from the Philadelphia County Prison the applicant has conducted himself in a very satisfactory manner and has not been in any trouble with the police authorities or in the neighborhood.

A pardon will in part remove the stigma of the crime from the applicant and his family and will be of material assistance to his advancement.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Harold Bolen, No. 3625, February Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Harold Bolen, convicted of felonious entry and larceny in the Court of Oyer and Terminer of Montgomery County on October 24, 1921, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of felonious entry and larceny in the Court of Oyer and Terminer of Montgomery County and was sentenced on the 24th day of October, 1921, to pay a fine of one hundred dollars and imprisonment in the Montgomery County Prison for a period of two years. The applicant was released, on petition to the trial judge for a parole, on the 18th day of June, 1923, after serving one year of his sentence.

The Honorable Harold G. Knight states that he has no objection to the granting of a pardon as it would seem to be a case where such action was warranted. The private prosecutor of the applicant, Aaron S. Swartz Jr., Esquire, states: "I am personally satisfied that Harold Bolen is entitled to a full pardon.

The District Attorney, the Honorable Fred B. Smillie, states: "I know of no reason why this application should be opposed by the Commonwealth."

The applicant is now located in business in Philadelphia, Pa., in a partnership, consisting of his uncle and himself, under the name of Bolen and Company. He will reside with his parents in Philadelphia.

The Board of Pardons investigation reveals that since his release from prison in 1923, he has been a law-abiding citizen and has gained the respect of his friends and business associates.

His rehabilitation and his self-improvement since his conviction has been marked and a pardon will in part remove the stigma of the crime from himself and family and will be of material assistance in his advancement.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Patrick Corcoran, No. 3631, February Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Patrick Corcoran, convicted of larceny in the Court of Oyer and Terminer of Allegheny County on May 20, 1933, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of larceny in the Court of Oyer and Terminer of Allegheny County on the 20th day of May, 1932. He was sentenced to pay a fine of six and one-half cents and to not less than one month nor more than one year in the Allegheny County Jail.

The applicant was paroled by the trial judge, the Honorable Elder W. Marshall, on the 9th day of June, 1932, after serving a very short time of his sentence.

The applicant had no previous criminal record and since his release he has been regularly employed in Wilkinsburg, Pennsylvania. He has the opportunity of being appointed to the police force of the Borough of Wilkinsburg and in view of the fact that his conduct has been exemplary since his release from the Allegheny County Jail the Board of Pardons therefore recommends that his petition be granted.

His rehabilitation and self-improvement since his conviction has been marked and a pardon will in part remove the stigma of the crime from himself and family and will be of material assistance to his advancement.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Harry Troyan, No. 3633, February Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Harry Troyan, convicted of keeping and maintaining a disorderly taproom in the Court of Quarter Sessions of Philadelphia County on September 27, 1937, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of keeping

and maintaining a disorderly taproom and was sentenced by the Court of Quarter Sessions of Philadelphia County on the 27th day of September, 1937, to pay a fine of one hundred dollars and be placed on probation for one year.

The trial judge, the Honorable Albert S. C. Millar, states that "if it is the opinion of the Board that there is merit in the request, I see no reason why it should not receive favorable action."

The assistant District Attorney, James W. Tracey, Jr., had no objection to the granting of his application for a pardon.

The investigation of the Board of Pardons reveals that he is now residing with his family, consisting of a wife and daughter, in Philadelphia, and has been engaged since his conviction in the grocery business. He has conducted himself in a satisfactory manner and has the esteem of his neighbors and business associates.

A pardon will in part remove the stigma of the crime from the applicant and his family and will be of material assistance to his business advancement.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Adolph David Schick, No. 3634, February Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Adolph David Schick, convicted of aggravated assault and battery, assault and battery, robbery in the Court of Quarter Sessions of Philadelphia County on October 7, 1924, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of aggravated assault and battery, assault and battery, robbery, and was sentenced by the Quarter Sessions Court of Philadelphia County on the 7th day of October, 1924, to from five to ten years in the Eastern State Penitentiary and to three years in the Philadelphia County Prison. He was paroled on December 19, 1929, and received a final discharge from parole on October 7, 1934.

The trial judge, the Honorable Harry S. McDevitt, was not in favor of clemency.

The assistant District Attorney, James W. Tracey, Jr., however, stated that he had no objection to granting this application for a pardon.

The investigation of the Board of Pardons reveals that he has conducted himself in an exemplary manner since his release from prison in 1931 and that he has been continuously employed as the business agent for the Local No. 1291 International Longshoremen's Association. He is married and has one child, residing in a satisfactory home in Philadelphia. His friends and business associates speak very well of him and the Board of Pardons believes that a pardon will in part remove the stigma of the crime from the applicant and his family and will be of material assistance to his advancement.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Charles I Cahoon, No. 3637, February Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Charles I. Cahoon, convicted of receiving stolen goods in the Court of Quarter Sessions of Northumberland County on September 16, 1937, be commuted from 1 year to 6 months expiring on March 16, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of receiving stolen goods and was sentenced by the Court of Quarter Sessions of Northumberland County on the 8th day of September, 1937, to pay the costs of prosecution, make restitution of the property stolen and be committed to the Northumberland County Jail from one to two years.

The trial judge, the Honorable Charles M. Morganroth, states that he has no recommendations in this matter. The District Attorney, Robert M. Fortney, Esquire, recommended, however, that clemency could well be extended.

Prominent citizens of Columbia and Northumberland Counties have written very strong letters in behalf of the applicant. He will be under the sponsorship of Mr. H. B. Trefagor, Strong, Pennsylvania, and will reside with his family in Mt. Carmel.

The warden of the Northumberland County Jail certifies that he has been a model prisoner during his entire confinement and that he is now holding a position of trust in the jail.

The applicant is assured of employment upon his release. He will have served six months of his minimum sentence and will be under the supervision of the probation officer until September 16, 1939.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of John V. Groom, No. 3639, February Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that John V. Groom, convicted of conspiracy to defraud and extortion in the Court of Quarter Sessions of Allegheny County on November 21, 1928 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to conspiracy to defraud and extortion in the Court of Quarter Sessions of Allegheny County and was sentenced on the 21st day of November, 1928, to serve not less than one year nor more than two years in the Allegheny County Jail and pay the

costs of prosecution. He was paroled by the trial judge, the Honorable James H. Gray, on the 7th day of March, 1929.

Since the applicant's release he has conducted himself as a law-abiding citizen and has had constant employment since that time. At present he is employed by the Highway Department of the Commonwealth of Pennsylvania as an Equipment Operator.

The applicant is married and among his friends and neighbors he bears an excellent reputation. His friends, covering business men, bank officials and law officers, bear testimony to his industrious and exemplary life.

The trial judge, the Honorable James H. Gray, states: "He served 108 days in jail, was paroled, the parole period has expired, he has paid the costs, and has a good record ever since. He belongs to a well known family in his neighborhood and, in my judgment, should have his record cleared by a pardon, which I respectfully recommend."

A pardon will in part remove the stigma of the crime from the applicant and his famliy and will be of material assistance to his business career.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re applicatoin of Theodore George Washington, C-4603, No. 85A, March Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence on Bill No. 590 of Theodore Washington convicted of entering with intent to steal, larceny, in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on May 21, 1928, be commuted on Bill No. 590 from a minimum of 5 years to a minimum of 1 day, expiring May 22, 1938.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Joseph Johnson, C-8919, No. 86A, March Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence on Bill No. 83 of Joseph Johnson, convicted of robbery in the Court of Oyer and Terminer of Delaware County on May 5, 1933, be commuted on Bill No. 83, from a minimum of 2½ years to a minimum of 1 day, expiring May 6, 1938.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much

longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of George McLain, C-8464, No. 87A, March Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentences on Bills No. 1149 and No. 1150 of George McLain convicted of larceny in the Court of Oyer and Terminer of Philadelphia County on December 6, 1932, be commuted on Bill No. 1149 from a minimum of 1 year to a minimum of 1 day, expiring December 7, 1937; and on Bill No. 1150 from a minimum of 1 year to a minimum of 1 day, expiring December 8, 1937.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Thomas Reynolds, B-2000, No. 88A, March Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum on Bill No. 24 and minimum on Bills No. 21 and No. 17, of Thomas Reynolds convicted of larceny of automobile and entering a building in the Court of Quarter Sessions of Allegheny County on April 22, 1930, be commuted on Bill No. 24 from a maximum of 4 years to a maximum of 3 years, 11 months, 28 days, expiring April 20, 1938; on Bill No. 21 from a minimum of 2 years to a minimum of 1 day, expiring April 21, 193[illegible] and on Bill No. 17 from a minimum of 1 year to 1 day, expiring April 22, 1938.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered

for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of James Colburne Howard, B-1386, No. 89A, March Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence on Bill No. 10 of James Colburne Howard, convicted of robbery, felonious assault and battery, aggravated assault and battery, in the Court of Oyer and Terminer and Quarter Sessions of Beaver County on April 3, 1929, be commuted on Bill No. 10 from a minimum of 3½ years to a minimum of 1 day, expiring April 3, 1938.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of William Stotts, A-14635, No. 730, March Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum on Bill No. 63 and minimum on Bill No. 13 of William Stotts, convicted of robbery in the Court of Oyer and Terminer of Allegheny County on June 23, 1926, be commuted on Bill No. 63 from a maximum of 12 years to a maximum of 11 years 9 months, 29 days, expiring April 22, 1938; and on Bill No. 13 from a minimum of 5 years to a minimum of 1 day, expiring April 23, 1938.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper,

the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Francis A. Flanagan, No. 1083, March Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Francis A. Flanagan, convicted of operating auto while intoxicated in the Court of Quarter Sessions of Philadelphia County, on July 28, 1930, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of operating an automobile while intoxicated in the Courts of Oyer and Terminer and Quarter Sessions of Philadelphia County on the 28th day of July, 1930. The sentence was suspended and the costs placed on the county.

The assistant District Attorney, James W. Tracey, Jr., stated that he had no objection to granting this application for pardon.

Investigation by the Board of Pardons indicates that the applicant's conduct since his release has been excellent and his record has been unblemished by any act of wrong doing. He has been employed by the Philco Radio Company of Philadelphia since 1930 and he resides in his own home located in an excellent residential section of the city with his wife and son, age 9 years. His reputation among his neighbors and business associates is of the very best. He has on record testimonials from his employer and from the Rector of his church.

The Board of Pardons recommends the granting of this pardon, believing that the applicant has fully adjusted himself to his place in society and the pardon will in part remove the stigma of the crime from the applicant and his family and will be of material assistance to his business career.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of John Joseph Duford, C.4423, No. 1343. March Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum on Bill No. 1244 and minimum on Bill No. 1245 of John Joseph Duford, convicted of robbery, being armed with an offensive weapon, in the Court of Oyer and Terminer of Philadelphia County on March 2, 1928, be commuted on Bill No. 1244 from a maximum of 15 years to a maximum of 10 years, 1 month, expiring April 2, 1938; and on Bill No. 1245 from a minimum of 7½ years to a minimum of 1 day, expiring April 3, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the charge of armed robbery in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County and was sentenced to the Eastern State Penitentiary for from fifteen to thirty years on the second day of March, 1928.

The Board of Trustees of the Eastern State Penitentiary state that although this man's previous criminal record included five arrests, he was never convicted and discharged on all these arrests. Judging solely on the basis of this man's attitude and his attempt at self-improvement and employment he is entitled to consideration.

The trial judge, the Honorable Raymond MacNeille, states: "If his release will not prove a menace to society I will be satisfied with the decision of the Board in this matter."

The assistant District Attorney, James W. Tracey, Jr., stated that he was not opposed to this application if the Board felt that the applicant had been rehabilitated.

The Board of Pardons considered carefully the opinion of the Board of Trustees of the Eastern State Penitentiary in their opinion that this man had rehabilitated himself.

The applicant will be employed by one, John Ador, in Philadelphia and will reside with his mother on Spring Garden Street, Philadelphia. His sponsor is Reverend Bernard C. Parley, Chaplain of the Eastern State Penitentiary.

The applicant will have served ten years and one month of his minimum sentence and will be under the supervision of the Board of Pardons until April 3, 1953.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of William T. Kline, No. 2127, March Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due

public notice, in open session, the undersigned members of the Board of Pardons recommend that William T. Kline, convicted of accepting a bribe, Bill No. 61, unlawfully setting up a gambling device, Bills No. 62, No. 63, No. 64 and No. 65 in the Court of Quarter Sessions of Lancaster County on March 24, 1934; and convicted of false pretense in the Court of Quarter Sessions of Lancaster County on October 20, 1934, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of accepting bribe money and was sentenced by the Quarter Sessions Court of Lancaster County to from one to two years in the Eastern State Penitentiary and to pay a fine of five hundred dollars on the 24th day of March, 1934, and to pay a fine of one hundred dollars on each of four indictments for setting up gambling device.

Likewise, the applicant was found guilty of false pretense and was sentenced by the Court of Quarter Sessions of Lancaster County to nine months in the Lancaster County prison and to pay a fine of five hundred dollars, plus costs of prosecution, on the 20th day of October, 1934, to begin at the expiration of sentence in the Eastern State Penitentiary.

The trial judge, the Honorable Henry C. Niles, states: "As far as I am concerned I have no objection to consideration of his application on its merits." The District Attorney, the Honorable Charles W. Eaby, writes: "I believe that since his liberation, his conduct has been such that a pardon ought to be granted."

Investigation by the Board of Pardons reveals that the applicant was an alderman in the city of Lancaster during his term of office and was convicted of the crime of accepting a bribe. Since his release on parole he has been engaged in an advertising business in Lancaster, Pennsylvania, and is making a valiant effort to support his wife and seven children. He submitted a statement that if a pardon is granted to him that "I will at no time in the future attempt to hold any public office of any nature whatsoever, both elective and appointive."

The applicant has been released from parole and during the time he was under the supervision of the Board of Pardons his conduct was excellent. The Board of Pardons recommends the granting of the application for a pardon, believing that the applicant has fully adjusted himself to his place in society and that a pardon will in part remove the stigma of the crime from the applicant and his family and will be of material assistance in his advancement.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of James King, B-1117, No. 3107, March Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence on Bill No. 73 and the minimum sentence on Bill No. 5 of James King, convicted of voluntary manslaughter and rape, Bills No. 73 and No. 5, in the Court of Oyer and Terminer of Allegheny County, on November 21, 1928, be commuted on Bill No. 73 from a maximum of 12 years, to a maximum of 9 years 4 months, expiring March 21, 1938; and on Bill No. 5 from a minimum of 3 years to a minimum of 1 day, expiring March 22, 1938.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Edward Jacobs, C-7564, No. 3181, March Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Edward Jacobs, convicted of robbery, being armed with an offensive weapon, in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on December 1, 1931, be commuted from a minimum of 10 years to a minimum of 6 years 4 months, expiring April 1, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of assault to rob, larceny of automobile and operating without consent of owner in the Courts of Oyer and Terminer and Quarter Sessions of Philadelphia County and was sentenced to from ten to twenty years in the Eastern State Penitentiary on the first day of December, 1931, for robbery, being armed with an offensive weapon.

The Board of Trustees of the Eastern State Penitentiary state that the applicant's previous record consists of one larceny of automobile, for which he was placed on probation, and that "since he has been at the institution he has apparently learned definite habits of industry and thrift. If he would continue the same habits when released he would probably successfully adjust."

The trial judge, the Honorable Harry S. McDevitt, states: "If such a thing as cure can be effected in a penal institution I think Jacobs is as near now as he will ever be."

The assistant District Attorney, James W. Tracey, Jr., believes that if the man has been actually rehabilitated he has no objection to granting the application.

Investigation by the Board of Pardons indicates that this man has endeavored to learn the principles of thrift, industry and good behavior, looking forward to release from the penitentiary.

He has been assured of employment with the Just Right Laundry in Philadelphia and will reside with Mr. and Mrs. Jacobs in a good section of the city. He will be under the sponsorship of Reverend Adams of the Bethlehem Baptist Church. The applicant will have served 6 years and 4 months of his minimum sentence and will be under the supervision of the Board of Pardons until Dec. 1, 1951.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Innocenzo Ferrero, No. 3330, March Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Innocenzo Ferrero, convicted of arson in the Court of Quarter Sessions of Philadelphia County on June 22, 1936, be commuted from 3 years to 1 year, 10 months, expiring on April 22, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead nolle contendere to the crime of arson in the Oyer and Terminer and Quarter Sessions of Philadelphia County and was sentenced to from three to ten years in the Eastern State Penitentiary on the 22nd day of June, 1936.

The Board of Trustees of the Eastern State Penitentiary state that his previous record consists of one arrest only for the unlawful possession of liquor and that the applicant has demonstrated during his confinement definite evidences of industry and self-improvement. "He has had an honest desire to rehabilitate successfully in life and we feel that his release would not jeopardize society."

The trial judge, the Honorable James M. Barnett, states as follows: "He has now served nearly two years of his three year term and in view of his age and what I learn of his reputation, aside from this case, as a honest and substantial citizen, I should be well satisfied if his application should be given favorable consideration."

The assistant District Attorney, James W. Tracey, Jr., was not in favor of granting the application.

Numerous business and social acquaintances in all walks of life are on record favoring the early release of the applicant. These letters of recommendation are a cross section of some of the leading business houses of Philadelphia.

The Board of Pardons investigation discloses that the facts of the crime raise some doubt as to whether or not the applicant was the guilty person. So complicated was the manner in which the fire was arranged that there is serious questions as to the probabilities of the applicant being involved. Further, the damage caused by the fire was actually less than one hundred dollars.

The applicant's background prior to this arrest is well known, having been for five or six years, manager of the old Continental Hotel and for years he conducted a number of Italian restaurants in all parts of Philadelphia. He was the genial host to thousands and thousands of citizens of every walk of life. His wife is in a serious state of health and needs the comfort and care of her husband. The ends of justice have certainly been met, guilty or not guilty, by the time already spent in prison.

This man will reenter the restaurant business, to which he has given so many years of his life. He will reside at his home in Bucks County. The applicant will have served one year and 10 months of his minimum term and will be under the supervision of the Board of Pardons until June, 1946.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Shirley O'Brien, No. 3588, March Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Boarrd of Pardons recommend that Shirley O'Brien, convicted of malfeasance in office and conspiracy in the Court of Quarter Sessions of Delaware County, on March 31, 1933, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crimes of malfeasance in office, blackmail, extortion, bribery and misbehavior in office and was found guilty in the Court of Quarter Sessions of Delaware County and sentenced on the 31st day of March, 1933, to pay a fine of five hundred dollars and to serve from one to two years in the county jail on conspiracy and one hundred dollars fine and one year in the county jail at the expiration of the previous sentence on malfeasance in office. The applicant was released on parole on the 28th day of July, 1933.

The trial judge, the Honorable Norman T. Boose, specially sitting, states: "Inasmuch as these men have already been paroled I know of no reason why they should not be eligible for a pardon at this time."

The assistant District Attorney, Honorable Louis A. Bloom, stated that he had no objections to the granting of a pardon as the applicant has been paroled by the Delaware County Court.

Since his parole, the applicant has been employed as

a machinist for the Westinghouse Electric Company and lives in Delaware County, where his reputation among his neighbors is satisfactory.

The Board of Pardons believes that this applicant has paid the penalty for his misbehavior and that a pardon will materially assist him in his business career and will remove in part the stigma of the crime from the applicant and his family.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Frank Platt, No. 3589, March Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Frank Platt, convicted of malfeasance in office and conspiracy in the Court of Quarter Sessions of Delaware County, on March 31, 1933, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crimes of malfeasance in office, blackmail, extortion, bribery and misbehavior in office and was found guilty in the Court of Oyer and Terminer of Delaware County and sentenced on the 31st day of March, 1933, to pay a fine of five hundred dollars and to serve from one to two years in the county jail on conspiracy and one hundred dollars fine and one year in the county jail at the expiration of the previous sentence on malfeasance in office. The applicant was released on parole on the 28th day of July, 1933.

The trial judge, the Honorable Norman T. Boose, specially sitting, states: "Inasmuch as these men have already been paroled I know of no reason why they should not be eligible for a pardon at this time."

The assistant District Attorney, Honorable Louis A. Bloom, stated that he had no objections to the granting of a pardon as the applicant has been paroled by the Delaware County Court.

The applicant is employed at the Gulf Refining Company and makes his home in Folsom, Pennsylvania, with his wife and seven children. His reputation among his neighbors and acquaintances is satisfactory.

The Board of Pardons believes that this applicant has paid the penalty for his misbehavior and that a pardon will materially assist him in his business career and will remove in part the stigma of the crime from the applicant and his family.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of William Servoss, No. 3590, March Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that William Servoss, convicted of malfeasance in office and conspiracy in the court of Quarter Sessions of Delaware County, on March 31, 1933, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crimes of malfeasance in office, blackmail, extortion, bribery and misbehavior in office and was found guilty in the Court of Quarter Sessions of Delaware County and sentenced on the 31st day of March, 1933, to pay a fine of five hundred dollars and to serve from one to two years in the county jail on conspiracy and one hundred dollars fine and one year in the county jail at the expiration of the previous sentence on malfeasance in office. The applicant was released on parole on the 28th day of July, 1933.

The trial judge, the Honorable Norman T. Boose, specially sitting, states: "Inasmuch as these men have already been paroled I know of no reason why they should not be eligible for a pardon at this time."

The assistant District Attorney, Honorable Louis A. Bloom, stated that he had no objections to the granting of a pardon as the applicant has been paroled by the Delaware County Court.

The applicant is employed by the General Steel Company in the Maintenance Department and lives in Eddystone, Pennsylvania with his wife. His reputation among his neighbors and friends is of the best.

The Board of Pardons believes that this applicant has paid the penalty for his misbehavior and that a pardon will materially assist him in his business career and will remove in part the stigma of the crime from the applicant and his family.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Rocco Demasi, No. 3620, March Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Rocco Demasi, convicted of manufacture and possession of liquor in the Court of Quarter Sessions of Fayette County, on September 27, 1929, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of manufacture and possession of liquor in the Courts of Quarter Session and Oyer and Terminer of Fayette County on the 27th day of September, 1929, and was sentenced to the Allegheny County Workhouse for two and one-half years and to pay a fine of twenty-five hundred dollars. The applicant was released from the Allegheny County Workhouse in June, 1931.

The applicant had no previous record and his behaviour during confinement was satisfactory.

The trial judge, the Honorable S. John Morrow, expressed no opinion as to the merits of this application. The District Attorney, the Honorable James A. Reilly, stated that he would rely on the Board and would be satisfied with their decision.

Since the applicant's release he has lead a law abiding life and has been employed in various types of labor or the past five or six years. He is at present living at Jackson Heights, Long Island, and is employed with the Long Island Floorcraft Corporation. His employer states that he is capable, efficient and industrious.

The applicant is unmarried and has no one dependent on him except his mother residing in Italy.

The Board of Pardons recommends a granting of this application for pardon, believing that the applicant has fully adjusted himself to a place in society and that a pardon will in part remove the stigma of the crime from the applicant and will be of material assistance to his advancement.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE.
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Joseph Decicco, D-1980, No. 3645, March Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Joseph Decicco, convicted of assault and battery to ravish and rape and taking minor female for immoral purpose in the Court of Quarter Sessions of Philadelphia County on February 26, 1937, be commuted from 1½ years to 1 year, 2 months, expiring April 26, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of assault and battery with intent to ravish, attempted rape, rape and taking female child under 16 for immoral purposes in the Court of Quarter Sessions and Oyer and Terminer of Philadelphia County and was sentenced to from one and one-half to three years, in the Eastern State Penitentiary on the 26th day of February, 1937.

The Board of Trustees of the Eastern State Penitentiary state that this man has no known previous criminal record and that during the time that he has been under their control he has conducted himself satisfactorily and that they would probably recommend him for parole.

The trial judge, the Honorable James M. Barnett, states as follows: "From what I have learned since the sentence was imposed, I believe the plea of guilty was ill-advised and that the boy was probably guilty of nothing more than fornication and that I would favor a pardon."

Assistant District Attorney, James W. Tracey, Jr., was not opposed to the application and stated that he would be satisfied with the decision of the Board.

The Board of Pardons made an exhaustive investigation of the crime for which this applicant was involved and believe that this applicant was not guilty of the charges made by the two girls whose conduct and credibility are admittedly very poor. The parents of one of the girls state that she is a confirmed liar and at the hearing before the magistrate and in the Court of Quarter Sessions she would shift the blame for the crime from one group to another.

Employment is assured for the applicant with a barber located in North Philadelphia and he will be offered a home with his mother in a satisfactory location under good environment.

The applicant will have served one year and two months of his minimum of one year and six months and will be under the supervision of the Board of Pardons until February 26, 1940.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Ernest Alvin Coe, No. 3650, March Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Ernest Alvin Coe, convicted of felonious entry and larceny in the Court of Quarter Sessions of Lancaster County, on December 21, 1929, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of felonious entry and larceny in the Court of Quarter Sessions of Lancaster County and was sentenced to from one to two years in the Lancaster Cuonty Jail on each of six bills and to pay a fine of fifty dollars on each bill on the 21st day of December, 1929. After one year he was paroled and since that time he has refrained from any violation of the law. The Honorable Benjamin C. Atlee, writing in behalf of the trial judge, the Honorable John Groff, now deceased, states that he has no opinion in the matter, one way or the other. The District Attorney, Honorable Charles W. Eaby, writes: "I see no reason why a pardon should not be granted to this man and therefore, I offer no objection."

The former District Attorney, S. V. Hosterman, Esq., who represented the Commonwealth at the trial, writes: "I am absolutely of the opinion and conviction that his application merits, indeed, favorable action by the Board."

Investigation by the Board of Pardons reveals that this man has conducted himself in an exemplary manner since his release and has enjoyed the respect and confidence of the citizens of his community. He is engaged in the furniture business at Mt. Hope Ohio, and has operated this business throughout the depression in a satisfactory and profitable manner. He has married since his release and likewise he is a Canadian citizen and will be deported unless this pardon is granted.

The Board of Pardons recommends the granting of this pardon, believing that the applicant has fully adjusted himself to a place in society and that his business and social standing in his home is of such high character that it would work much harm to have him deported, and that a pardon will in part remove the stigma of the crime from the applicant and will be of material assistance in his business advancement.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE.
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Edward Krasnopolski, No. 3651, March Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Edward Krasnopolski, convicted of attempted entering to steal, having burglar tools in possession in the Court of Quarter Sessions of Philadelphia County, on October 2, 1935, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of attempted entering to steal and possession of burglary tools in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on the 2nd day of October, 1935, and was placed on probation for seven years.

The applicant had no prior criminal record and as far as the police records would indicate had never been arrested. Since his arrest he has conducted himself in a satisfactory manner in every way.

Assistant District Attorney, James W. Tracey, Jr., stated that he had no objection to the Board recommending a pardon.

The applicant is at present residing at the home of his parents in Philadelphia, located in a good section of the city. At present he has made application for enlistment in the United States Marine Corps and he will be accepted as a recruit provided he receives a pardon for this offense committed several years ago.

The Board of Pardons recommends the granting of the application for pardon, believing that the applicant has fully adjusted himself to his place in society and that a pardon will in part remove the stigma of the crime from the applicant and will be of material assistance to his advancement.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Blake W. Warman, B-5247, No. 3657, March Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence on Bill No. 138, 1st and 2d counts (No. 138, 3rd and 4th counts concurrent) of Blake W. Warman, convicted of robbery from person, felonious assault, aggravated assault and battery in the Court of Quarter Sessions of Indiana County on September 14, 1936, be commuted from a minmum of 3 years to a minimum of 1 year 7 months, expiring on April 14, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery from the person, felonious assault, aggravated assault and battery and was sentenced by the Court of Oyer and Terminer and Quarter Sessions of Indiana County to the Western State Penitentiary for from three to six years on the 14th day of September, 1936.

The Board of Trustees of the Western State Penitentiary state: "We would probably recommend him for parole (1) first major conviction (2) excellent institutional record."

The trial judge, the Honorable E. E. Creps. and the District Attorney, the Honorable E. M. Clark, did not reply to our letters of inquiry as to the merit of the application.

The representative of the applicant, former Judge M. Ward Fleming of Centre County, personally assured the Board that the applicant would lead an upright life if released, having investigated this applicant very carefully.

The applicant will live with his mother in State College, and will be employed by his step-father, Mr. John E. Bechtel, State College, Pennsylvania. The applicant will have served one year and seven months of his minimum sentence and will be under the supervision of the Board of Pardons until 1942.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Dominick Divalerio, D-1970, No. 3662, March Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Dominick Divalerio, convicted of conspiracy to commit sodomy and attempted rape, Bill No. 1086 and No. 875 concurrent, in the Court of Oyer and Terminer of Philadelphia County on February 18, 1937, be commuted on Bill No. 875 from a minimum of 3 years to a minimum of 1 year 2 months, expiring on April 18, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of conspiracy to commit sodomy and guilty to the crime of attempted rape and was sentenced by the Court of Quarter Sessions and Oyer and Terminer of Philadelphia County to the Eastern State Penitentiary for from 1 to 2 years for conspiracy to commit sodomy and for 3 to 6 years for attempted rape, sentence concurrent with sentence on Bill No. 1086.

The Board of Trustees of the Eastern State Penitentiary state that this man has no known previous criminal record and has conducted himself very satisfactorily in the institution. The applicant has attempted to improve himself by studying paper hanging and painting and has made good progress.

The trial judge, the Honorable J. M. Barnett, states that he should serve his minimum sentence. Likewise, the assistant District Attorney, James W. Tracey, Jr., was not in favor of the application.

The Board of Pardons investigated this case very carefully and the facts arising. The applicant was accused on the testimony of one, Catherine Highland, and although this girl accused this man, along with eight or nine others, she has under date of March 10, 1938, stated that the applicant had nothing to do with her. Our investigator states in his honest opinion that the story of these girls during the hearings before the magistrate and at the court trials were so inconsistent that they simply identified

anyone they saw so as to make their case complete. However, since then they have begun to see their mistakes and are now telling the truth. Neither of these girls, and particularly Catherine Highland, accuses the petitioner. The accuser, Catherine Highland, was examined by Dr. Boyer shortly after the alleged commission of this offense and the medical examination discloses that she had not been raped.

The applicant is assured of employment with a Mr. Schafer, a furniture repairman, and the applicant will reside at the home of his parents, which is a well furnished home located in the residential section of Philadelphia.

The petitioner has enjoyed a good reputation and during his school days he was regular in attendance and a good church member.

The Board of Pardons believes that this applicant was unjustly accused of this offense and was ill-advised to plead guilty to the attempted rape charge. We therefore recommend that his sentence be commuted.

The applicant will have served one year and two months of his minimum sentence and will be under the supervision of the Board of Pardons until February 18, 1943.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Henry Cianfiani, No. 3667, March Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Henry Cianfiani, convicted of unlawful possession of intoxicating liquor in the Court of Quarter Sessions of Philadelphia County, on November 20, 1929, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead nolle contendere to the unlawful possession of intoxicating liquor in the Court of Quarter Sessions of Philadelphia County and was placed on probation for two years, dating from the 20th day of November, 1929.

The applicant, prior to his conviction on this charge, had been arrested but never found guilty of any crime or misdemeanor except on a disorderly conduct charge in 1926.

The trial judge, the Honorable Eugene V. Alessandroni, states as follows: "I am informed from other sources that he has ben gainfully occupied and his general conduct is commendable." Assistant District Attorney James W. Tracey, stated that he was not opposed to the granting of this application and will be satisfied with the decision of the Board.

The Board of Pardons investigation reveals that since his release the applicant has conducted himself in an excellent manner and bears a splendid reputation in the community. He is active in the social life and he has done much to promote social welfare in his community.

At present the applicant is employed in the Department of Revenue, Commonwealth of Pennsylvania, Philadelphia, Pennsylvania, resides in a splendid home in Philadelphia with his wife and two sons. The Board of Pardons recommends the granting of this application for a pardon, believing that the applicant has fully adjusted himself to his place in society and that a pardon will in part remove the stigma of the crime from the applicant and his family and will be of material assistance in his advancement.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Harry Bayne, B-4065, No. 4044, March Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Harry Bayne, convicted of statutory rape in the Court of Oyer and Terminer of Allegheny County on May 11, 1934, to begin January 23, 1934 be commuted from 5 years to 4 years, 3 months expiring on April 23, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of statutory rape and was sentenced to the Western State Penitentiary for from five to ten years on the 13th day of March, 1934, sentence to be effective as of January 23, 1934.

The Board of Trustees of the Western State Penitentiary state that if this inmate were eligible for parole, "we would probably recommend him, (1) first conviction, (2) a very good institutional record."

The trial judge, the Honorable Norman T. Boose, states: "In view of the fact that he has already served over four years of his minimum sentence and he has no previous criminal record, I think his application is eligible for favorable consideration by the Board and I would join in the recommendation that he be paroled at this time."

Assistant District Attorney, Russell Adams, was not opposed to the granting of this application.

The investigation by the Board of Pardons reveals that the applicant will be given employment with the Goodwill Industries in Pittsburgh and he will reside with his mother in Pittsburgh.

The applicant will have served four years and three months of his minimum sentence and will be under the supervision of the Board of Pardons until January 23, 1944.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Edward Conn, B-4513, No. 4091-A, March Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum on Bill No. 7/18, and minimum on Bill No. 55/170, of

Edward Conn, convicted of breaking and entering with intent to commit a felony, larceny, receiving stolen goods, in the Court of Oyer and Terminer of Fayette County on April 2, 1935, be commuted on Bill No. 7/18 from a maximum of 3 years to a maximum of 2 years 11 months, 29 days, expiring April 1, 1938; and on Bill No. 55/170, from a minimum of 1½ years to a minimum of 1 day, expiring April 2, 1938.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of James Daniel Stafford, B-809, No. 90A, April Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence on Bill No. 5 of James Daniel Stafford convicted of burglary in the Court of Oyer and Terminer of Washington County on May 14, 1928, be commuted on Bill No. 5 from a minimum of 5 years to a minimum of 1 day, expiring on May 14, 1938.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Joseph Prescott, B-3745, No. 91A, April Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Joseph Prescott, convicted of larceny of an

automobile and larceny by bailee in the Court of Quarter Sessions of Allegheny County on June 15, 1933, be commuted from a minimum of 1 year on Bill No. 84 to a minimum of 1 day, expiring May 15, 1938.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Charles Castleman, C-4244, No. 93A, April Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Charles Castleman, convicted of larceny of an automobile in the Court of Oyer and Terminer of Philadelphia County on December 1, 1927, be commuted on Bill No. 1526 from a minimum of 5 years to a minimum of 1 day, expiring June 2, 1938.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Joseph Walser, C-6266, No. 564, April Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Joseph Walser, convicted of feloniously stealing a motor vehicle in the Court of Oyer and Terminer of Lackawanna County on June 14, 1930, be commuted on Bill No. 62 from a minimum of 4 years to a minimum of 1 day, expiring June 15, 1938.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words. a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Raymond Van Fossen, B-3291, No. 828, April Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Raymond Van Fossen, convicted of breaking and escaping penitentiary in the Court of Quarter Sessions of Centre County on May 9, 1932, be commuted from 4 years to 10 months, expiring on May 26, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of voluntary manslaughter in the Oyer and Terminer Court of Beave County and was sentenced to a term of from four to eigh years in the Western State Penitentiary on the 22nd da of July, 1929. He escaped from the penitentiary and wa apprehended and sentenced for the crime of escape fo from four to eight years on the 9th day of July, 1932.

The Board of Trustees of the Western State Penitentiar state that they would recommend him for parole, "(1) h has completed his maximum term of the sentence fo which he was originally confined, (2) good institutiona record, (3) has assurance of employment."

The District Attorney, the Honorable Musser W. Getti of Centre County, stated that he would rely upon th Board in any action that they would take. The tria judge, the Honorable M. Ward Fleming, stated that h had no desire to oppose the application if the prison of ficials felt that the release would not disturb their morale

The investigation by the Board of Pardons reveals tha the position of the applicant in his statement that he sho in self-defense has some merit as an investigation by th Pennsylvania Motor Police gives some basis for the ap plicant's allegations in his petition. Further, the applican has served almost nine years, completing his maximun sentence for the original indictment, and that the cour authorities on the escape charge are not opposed to hi release.

Employment is guaranteed the applicant at a satisfactor weekly wage. He will live in a rented room near th place of his employment in Pittsburgh, Pennsylvania.

The applicant will have served 10 months of his mini mum sentence of 4 years on the escape charge and wil be under the supervision of the Board of Pardons unti July 26, 1945.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Jess Neff, B-4542, No. 1067, Apri Session, 1938.

To His Excellency, the Governor of the Commonwealth o Pennsylvania:

Sir: The above application having been heard, upon du public notice, in open session, the undersigned member of the Board of Pardons recommend that the minimun sentence of Jess Neff, convicted of breaking and escapin penitentiary in the Court of Quarter Sessions of Centr County on May 9, 1935, be commuted from 2½ years t 1 month, expiring on May 8, 1938.

Our reasons for making this recommendation are a follows:

The applicant plead not guilty to the crime of robber and receiving stolen goods and was sentenced by th Oyer and Terminer Court of Allegheny County to th Western State Penitentiary for from four to five years o the 18th day of May, 1921. He escape from the peni tentiary on the 19th day of June, 1923. On August 2 1928, he was sentenced to ten years imprisonment in th West Virginia penitentiary for robbery. He was returne to the Western State Penitentiary and sentenced fo escape on the 9th day of May, 1935, for from 2½ t 5 years, to begin at the expiration of the unexpired por tion of his original sentence.

The Board of Trustees of the Western State Penitentiar recommend that they would release him subject to proper sponsor and a definite assurance of employment. (1) he has completed the maximum term of the sentenc he was serving at the time of his escape, namely 5 years (2) he has an excellent institutional record."

The trial judge on the original sentence, Honorabl Ambrose B. Reid, stated that he would rely on the Boar

s hey were conversant with the facts and had a report
n the penitentiary before them.
he trial judge for the escape charge, Honorable M.
'd Fleming, stated that he had no desire to oppose
application as the prison officials felt that the appli-
a has merited consideration.
he assistant District Attorney, Russell Adams, stated
he was not opposed to the application.
he prison authorities of the Western State Penitentiary
e that they feel that Jess Neff will satisfactorily adjust
self upon release. Likewise the Chaplain of the
stern State Penitentiary believes that he will adjust
self to society.
n investigation by the Board of Pardons reveals that
nas served the maximum sentence of his original sen-
e and has been imprisoned continuously for over ten
rs.
he applicant has been assured of employment in Ever-
ville, West Virginia on the written promise of the
iff, Honorable Thomas A. O'Hara, of Monongalia
nty, West Virginia. His sponsor is the sheriff of
nongalia County and the applicant will reside with his
ily, consisting of a wife and two sons in Everettsville.
he Board of Pardons recommends the release of this
n due to the fact that he has served full time for his
tence.
he applicant will have served one month of the sen-
e of 2½ to 5 years for escape and will be under the
ervision of the Board of Pardons until April 8, 1943.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

he above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

n re application of Paul Miller, B-3182, No. 1457, April
sion, 1938.

His Excellency, the Governor of the Commonwealth of
Pennsylvania:

ir: The above application having been heard, upon due
lic notice, in open session, the undersigned members
the Board of Pardons recommend that the minimum
tence on Bill No. 18 of Paul Miller, convicted of larceny
n the person in the Court of Quarter Sessions of
egheny County on April 13, 1932, be commuted from
inimum of 2½ years to a minimum of 1 year and 3
nths, expiring July 13, 1938.

ur reasons for making this recommendation are as
ows:

he applicant is one of many prisoners whose release
parole has been affected by the opinion of the Supreme
rt in the case of Commonwealth of Pennsylvania ex rel.
mas Lynch v. Stanley P. Ashe, Warden of the Western
te Penitentiary, 320 Pa. 341. In this opinion it was held
t unless a prisoner, who was serving sentences im-
ed to run consecutively, was recommended and ap-
ved for parole at the expiration of the first minimum
tence, he would be serving the maximum of that sen-
ce, and if no recommendation for parole was made at
expiration of the second and subsequent minimum
sentences imposed to run consecutively, the prisoner
uld be serving the maximum of the second and subse-
nt sentences. In other words, a prisoner serving an
eterminate sentence is not automatically paroled at
expiration of the minimum term but is merely eligible
parole at that time, and if not favorably considered
the Prison Board at any time thereafter, the prisoner
equired to serve the full sentence.
; was the custom for a long period of time for the
ials of both the Eastern and Western State Peniten-
ies to lump consecutive sentences and the Boards of
Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, at most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Samuel Stolofsky, B-3539, No. 1593, April Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Samuel Stolofsky, convicted of arson in the Court of Oyer and Terminer of Allegheny County on December 23, 1932, be commuted from 6 years to 5 years, 5 months, expiring on May 23, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of arson and was sentenced by the Oyer and Terminer Court of Allegheny County for from six to twelve years in the Western State Penitentiary on the 23rd day of December, 1932.

The Board of Trustees of the Western State Penitentiary state that if the applicant were eligible for parole they would recommend him, (1) an excellent institutional record, (2) trustworthy inmate, (3) has served five years and four months, (4) has assurance of employment.

The trial judge, the Honorable Robert R. Lewis, states "if his conduct in the penitentiary has been such that the prison authorities feel that the parole is indicated I have no objection, although he does not have a savory record."

The assistant District Attorney, Russell Adams, states that he was not opposed to the granting of the application.

Investigation by the Board of Pardons reveals that he has served all but seven months of his minimum sentence and that he has been assured of employment with the Golomb Hardware Company in Pittsburgh at an adequate weekly wage. The applicant is an expert glazier. He will reside with his uncle in Pittsburgh under good home conditions. His family will be reunited, as his children are now in an orphanage.

The applicant will have served five years and five

months of his minimum sentence of six years and will be under the supervision of the Board of Pardons until the 23rd of December, 1944.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Elmer Defogie, B-3019, No. 1821, April Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Elmer Defogie, convicted of murder of the second degree, in the Court of Oyer and Terminer of Butler County on December 28, 1931, be commuted from ten years to 6 years, 5 months, expiring on May 28, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of murder and was sentenced by the Court of Oyer and Terminer of Butler County to from ten to twenty years in the Western State Penitentiary on the 28th day of December, 1931. The Board of Trustees of the Western State Penitentiary state that they would probably recommend him for parole, (1) first conviction, (2) excellent institutional record and conduct record.

The trial judge, the Honorable James A. Chambers, states "if the Board is impressed by the matters presented, the Court would not object to clemency considering the fact that the defendant has not served practiclaly one-half of his minimum sentence."

The trial District Attorney of Butler County, the Honorable Charles A. Miller, did not reply to our inquiry.

Investigation by the Board of Pardons reveals that the position of the applicant as set forth in his position has some basis of fact as the investigator stated that on the testimony of one of the Commonwealth's witnesses, which appears now to have been untrue, the applicant might not have been convicted. The witness, Marco Pinazzo and wife, have made affidavit which conflict with their court testimony.

The applicant is assured of employment with the Cleveland Dairy Products Company at a satisfactory weekly wage. He will reside with his aged mother in Cleveland, Ohio, and will be under the sponsorship of Frank DiSanto, Esquire, Cleveland, Ohio.

The applicant will have served six years and five months of his minimum sentence and will be under the supervision of the Board of Pardons until December 28, 1951.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Steve Joseph Repyneck, C-7129, No. 2425, April Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Steve Repyneck, convicted of larceny and receiving stolen goods, burglary, in the Court of Oyer and Terminer of Bucks County on June 1, 1931, be commuted on Bill No. 70 from a minimum of 4 years to a minimum of 1 day, expiring June 2, 1938.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Vincent Novak, B-1767, No. 2481, April Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members

of the Board of Pardons recommend that the maximum and minimum sentences of Vincent Novak, convicted of attempt to break and enter with felonious intent, robbery, larceny in the Court of Oyer and Terminer and Quarter Sessions of Washington County on December 23, 1929, be commuted on Bill No. 5 from a maximum of 6 years to a maximum of 2 years 5 months 28 days, expiring June 21, 1938; on Bill No. 119 from a maximum of 1 year to a maximum of 1 day, expiring June 22, 1938; and on Bill No. 123 from a minimum of 2 years to a minimum of 1 day, expiring June 23, 1938.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Robert Widdos, C-6970, No. 2649, April Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Robert Widdos, convicted of robbery, being armed with an offensive weapon, in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on April 6, 1931, be commuted on Bill No. 70 from a minimum of 10 years to a minimum of 7 years, 1 month, expiring May 6, 1938; and on Bill No. 71 from a minimum of 10 years to a minimum of 1 day, expiring May 7, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery, being armed with an offensive weapon, and was sentenced by the Oyer and Terminer Court of Philadelphia County to from twenty to forty years in the Eastern State Penitentiary on the 8th day of April, 1931.

The Board of Trustees of the Eastern State Penitentiary states that since this man is a first offender and has shown exceptional habits of industry and trustworthiness, "we feel that he will make a sincere effort to adjust upon release."

The trial judge, the Honorable Harry S. McDevitt, states: "If you think he has been sufficiently punished, I have no objection to any action you take, or if you see fit to reduce his sentence to a minimum of ten years which has my approval." The assistant District Attorney, James W. Tracey, Jr., stated that he had no objection to granting of the application.

The applicant was represented by William G. Steltz, President of the Supplee-Biddle Hardware Company, Philadelphia, Pa. He agreed to act as his sponsor and to personally see that he is employed.

The applicant is a butcher by trade and employment is guaranteed at a satisfactory weekly wage by Paul's Meat Market, 1131 Callowhill Street, Philadelphia. His home conditions are satisfactory and he will be surrounded with wholesome influences in every way.

During the prison riots at Graterford the applicant loyally cooperated with the authorities in the prevention of destruction of the penitentiary property. The Board of Pardons believes that he has been sufficiently punished and that if released he will become a useful citizen and, threfore, recommends that a commutation of his sentence be granted.

The applicant will have served 7 years and 1 month of his minimum sentence and will be under the supervision of the Board of Pardons until April 6, 1951.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Thomas M. Irwin, B-1793, No. 2897, April Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentences of Thomas M. Irwin, convicted of burglary entering a building in the Court of Oyer and Terminer of Allegheny County on January 15, 1930, be commuted from a minimum of 2 years on Bill No. 6, to a minimum of 1 day, expiring May 16, 1938; on Bill No. 7, from a minimum of 2 years to a minimum of 1 day, expiring May 17, 1938; on Bill No. 8, from a minimum of 2 years to a minimum of 1 day, expiring May 18, 1938; on Bill No.

9, from a minimum of 2 years to a minimum of 1 day, expiring May 19, 1938; on Bill No. 11, from a minimum of 2 years to a minimum of 1 day, expiring May 20, 1938; on Bill No. 12, from a minimum of 2 years to a minimum of 1 day, expiring May 21, 1938; on Bill No. 5, from a minimum of 2 years to a minimum of 1 day, expiring May 22, 1938; and on Bill No. 10, from a minimum of 2 years to a minimum of 1 day, expiring May 23, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of burglary and entering a building and was sentenced by the Oyer and Terminer Court of Allegheny County to the Western State Penitentiary for from twenty-one to forty-two years on the 15th day of January, 1930.

The Board of Trustees of the Western State Penitentiary stated that they would parole him subject to the proper sponsor, home and employment, and that his mental condition would be satisfactory.

The trial judge, the Honorable H. Rowand, did not reply to our inquiry, although the assistant District Attorney, Russell Adams, Esquire, expressed opposition to the application.

The investigation by the Board of Pardons reveals that the applicant was involved in a series of crimes with two accomplices, namely John Brodhead and Morris Cohen. They received almost similar sentences as the applicant but both have been released on parole. These accomplices were older men, the applicant being twenty-two years of age at the time of his arrest.

The report of the psychiatrist indicates that he is not psychotic but is of an unstable personality and expresses an opinion that the applicant "will have no trouble in making a go of it when he is released."

The applicant is assured of employment at a satisfactory weekly wage and his home and environment and sponsorship have been investigated and found to be excellent. The investigation of the parole agent for the Board states that the applicant was the unfortunate member of the trio, being twenty-two years of age, while the other men were thirty-four and thirty-eight years of age.

The Board believes that the release on parole of the accomplices some years ago, it is only fair and deserving that the unfortunate member of this group should be commuted.

The applicant will have served 8 years and 4 months of his minimum sentence and will be under the supervision of the Board of Pardons until the 15th of January, 1972.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Stella Sydlosky, C-7598, No. 2931, April Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Stella Sydlosky, convicted of murder in the second degree, in the Court of Oyer and Terminer of Lackawanna County on July 13, 1931, be commuted from 9 years to 6 years 10 months, expiring on May 13, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of murder and was sentenced by the Court of Oyer and Terminer of Lackawanna County to imprisonment in the Eastern State Penitentiary for from 9 to 18 years on the 13th day of July, 1931.

Investigation by the Board of Pardons indicates that Stella was an accomplice in this crime. Sella Sydlosky maintains her innocence and repeatedly has stated that the baby was handed to her by Mary Lezinsky after its death and that she only took the child to a lonely spot in Lackawanna County. Investigation by the Dective Division of the Pennsylvania Motor Police coincides with our own investigation insofar as the facts surrounding this crime have been revealed. The two participants, namely Mary Lezinsky and Stella Sydlosky, each maintain their innocence but refuse to implicate their two men companions, namely Joseph Scogla and Leo Ragnosky. The opinion of the investigator of the Board is that the child was dead when delivered to Stella Sydlosky and that the amputation of the hands and feet of the child was not performed by Stella, although it is entirely likely that she knew who performed this mutilation.

The applicant is now an inmate of the State Industrial Home for Women at Muncy, Pennsylvania, and the Superintendent of that institution states: "From my work with her, and my observation of her, I find her to be dependable and conscientious—her confinement has had a steadying influence on her and I doubt if she would ever again come into contact with the law."

The trial judge, the Honorable William R. Lewis, writes as follows: "While it is true that she was found guilty of an atrocious crime I believe that she was largely influenced in her desire to shield a friend. She is comparatively young and may yet be valuable to society. I believe she has been sufficiently punished and if her conduct since incarceration has been exemplary I see no reason why her plea should not be granted."

The District Attorney, the Honorable Michael J. Egan, stated that he had no objection to the granting of her application. The Board of Pardons believes that this woman has been sufficiently punished and that she has indicated by her work and behavior at the State Industrial Home that she has rehabilitated herself sufficiently to be restored to her place in society, and that she will never again come into conflict with the criminal laws of this Commonwealth.

The applicant has no previous criminal record and the conduct of her life prior to becoming involved in this crime was satisfactory. She will reside with her father and mother in Harford, R. D. 1, Pennsylvania, and will be under the sponsorship of the Reverend J. S. Witucki, of Scranton, Pennsylvania. She will be employed on the farm of her parents under satisfactory home and living conditions.

The Board of Pardons therefore recommends that her sentence be commuted. She will have served 6 years and 10 months of her minimum sentence and will be under the supervision of the Board of Pardons until the 13th day of July, 1949.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Walter Rausch, B-3926, No. 3004, April Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Walter Rausch, convicted of breaking and

ntering a building with intent to commit a felony, in the ourt of Quarter Sessions of Lawrence County on De- mber 21, 1933, be commuted on Bill No. 55 (Bills No. , 44, 48 and 51 and 69 concurrent) from a minimum of years to a minimum of 1 day, expiring June 21, 1938.

Our reasons for making this recommendation are as llows:

The applicant is one of many prisoners whose release n parole has been affected by the opinion of the Supreme ourt in the case of Commonwealth of Pennsylvania ex rel. homas Lynch v. Stanley P. Ashe, Warden of the Western tate Penitentiary, 320 Pa. 341. In this opinion it was held iat unless a prisoner, who was serving sentences im- osed to run consecutively, was recommended and ap- roved for parole at the expiration of the first minimum ntence, he would be serving the maximum of that sen- nce, and if no recommendation for parole was made at e expiration of the second and subsequent minimum sentences imposed to run consecutively, the prisoner ould be serving the maximum of the second and subse- ient sentences. In other words, a prisoner serving an determinate sentence is not automatically paroled at e expiration of the minimum term but is merely eligible r parole at that time, and if not favorably considered y the Prison Board at any time thereafter, the prisoner required to serve the full sentence.

It was the custom for a long period of time for the fficials of both the Eastern and Western State Peniten- aries to lump consecutive sentences and the Boards of rustees would only make recommendations for release on arole at the expiration of the period of time equal to the otal of the minimum sentences.

Since the Supreme Court held this procedure improper, ie applicant and others, whose cases were not considered or parole at the expiration of their minimum sentences, irough no fault of their own, will have to serve a much nger period of time than contemplated by the sentencing idge and the prison officials.

The failure of the Board of Trustees to make the neces- ary recommendations for parole at the expiration of the inimum sentences was an honest mistake, as most, if not ll, sentencing judges shared the same view as the prison fficials in deeming it to be unnecessary to make recom- endations for parole at the expiration of the minimum of very consecutive sentence. Sentencing judges throughout ie state have uniformly believed and taken into consider- tion in passing sentences the Prison Board practice that onsecutive sentences would be lumped making a total inimum and a total maximum.

We believe that a great injustice would be done and iat it would be most unfair to keep the applicant incar- erated for a longer period of time than recommended by ie Board of Trustees of the institution in which the pplicant is confined.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE.
CHARLES J. MARGIOTTI,
Attorney General.
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Roy Gilliland, B-3740, No. 3010, April Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Roy Gilliland, convicted of robbery, receiving stolen goods in the Court of Oyer and Terminer of Allegheny County on June 21, 1933, be commuted on Bill No. 7 from a minimum of 2½ years to a minimum of 1 day, expiring June 21, 1938.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Harry Fox, D-1460, No. 3234, April Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Harry Fox, convicted of fraudulenlty making a written instrument, uttering and publishing same, in the Court of Quarter Sessions of Philadelphia County on July

9, 1936, be commuted from 5 years to 1 year, 10 months, expiring on May 9, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of fraudulently making a written instrument, uttering and publishing and conspiracy, and was sentenced by the Quarter Sessions Court of Philadelphia County to from five to ten years in the Eastern State Penitentiary on the 9th day of June, 1936.

The Board of Trustees of the Eastern State Penitentiary state that the applicant's conduct has been satisfactory while in the institution.

The trial judge, the Honorable Harry S. McDevitt, states: "His conduct is good but I am afraid he is suffering from a superiority complex, having lived by his wits." Assistant District Attorney, James W. Tracey, Jr., expressed his opposition to the granting of this application.

Investigation by the Board of Pardons indicates that the applicant, together with three other accomplices, was indicted for these various offenses and that Michael Warren, one of the accomplices, was the ring leader in these crimes. Michael Warren received a three to seven years sentence, while the applicant received a 5 to 10 year sentence.

The Board believes that the applicant has been sufficiently punished and that upon his release he has been assured of a job with Samuel Baker, 2022 Orthodox Street, Philadelphia, at an adequate weekly wage. His home conditions are satisfactory and he will be able to support his wife and son, who are now dependent.

The Board, therefore, recommends that the commutation of his sentence be granted. The applicant will have served one year and 10 months of his minimum sentence and will be under the supervision of the Board of Pardons until July 9, 1941.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Harry Rotz, C-9356, No. 3339, April Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Harry Rotz, convicted of larceny and receiving stolen goods, robbery in the Court of Oyer and Terminer of Lehigh County on December 12, 1933, be commuted on Bill No. 133 from a minimum of 1 year to a minimum of 1 day, expiring June 13, 1938, and on Bill No. 137 from a minimum of 6 months to a minimum of 1 day, expiring June 14, 1938.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
CHARLES J. MARGIOTTI,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Edward S. Sabol, No. 3442, April Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Edward S. Sabol, convicted of fornication and bastardy in the Court of Municipal Court of Philadelphia County, on October 4, 1934, be pardoned, conditioned upon payment of the lying in expenses of $94.00 and $3.50 per week for sixteen years.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of fornication and bastardy and was sentenced to pay ninety-four dollars lying in expenses and three dollars and fifty cents per week for sixteen years for the support of the child by the Municipal Court of Philadelphia County on the 4th day of October, 1934.

The trial judge, the Honorable John E. Walsh, expressed originally his opposition to the granting of a pardon, but in his letter to the Board, dated April 22, 1938, he expressed his agreement with the Board's action in granting a pardon provided it be conditioned upon the payment of the lying in expenses and support order.

The assistant District Attorney, James W. Tracey, Jr., stated that he had no opposition to the granting of the application for a pardon if the support order for the child is paid.

The applicant is now employed by the WPA cleaning the City Hall in Philadelphia and resides with his parents and members of his family on Passayunk Avenue, in a very comfortable and cleanly kept home.

Our investigation further indicates that the reputation of this applicant is very good. The applicant has made application to the city of Philadelphia for a position as Hoseman with the Bureau of Fire and ranks No. 79 on the list of eligibles. He cannot be appointed without having his record clear.

The applicant has no previous criminal record of arrests or convictions. The Board believes that a pardon should be granted subject to the payment of the Court order of ninety-four dollars lying-in expenses and three dollars and fifty cents per week for sixteen years, dating from October, 1934.

A pardon will in part remove the stigma of the crime from the applicant and will be of material assistance in his business career.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Frederick Plantier, Jr., B-5733, D-764, No. 3351, April Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Frederick Plantier, Jr., convicted of robbery being armed with an offensive weapon, in the Court of Quarter Sessions of Philadelphia County on August 5, 1935, be commuted from 5 years to 3 years, expiring on August 5, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of assault, armed with an offensive weapon and robbery. He was sentenced to from five to twenty years in the Eastern State Penitentiary by the Court of Quarter Sessions and Oyer and Terminer of Philadelphia County on the 5th day of August, 1935.

The Board of Trustees of the Eastern State Penitentiary state that the applicant's institutional record is satisfactory and that he has made some attempts at self-improvement.

The trial judge, the Honorable Harry S. McDevitt, states: "I don't feel that this prisoner received an excessive sentence and I don't think his sentence should be distrurbed." Assistant District Attorney, James W. Tracey, Jr., stated that he would rely on the Board and would be satisfied with their decision.

An investigation by the Board of Pardons indicates that the victim of the hold-up in which the applicant was associated with three accomplices, stated under oath that Plantier had nothing to do with holding him up and that he protested against it. To quote the words of the victim, "He really did his best to prevent it and I really think that young Plantier was an innocent victim of the circumstances."

The applicant has born a fair reputation. His home to which he will return is an excellent one and he is assured of employment with the Commonwealth Automobile Association at a weekly salary that is satisfactory.

The Board of Pardons further believes that the applicant has been sufficiently punished and will not return to a career of crime. It, therefore, recommends that a commutation of his sentence be granted. The applicant will have served 3 years of his minimum sentence and will be under the supervision of the Board of Pardons until August 5, 1955.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of William E. Stine, No. 3492, April Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of William E. Stine, convicted of involuntary manslaughter in the Court of Quarter Sessions of Northampton County on August 2, 1937, be commuted from 1 year 3 months to 9 months, expiring May 2, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of involuntary manslaughter. He was sentenced by the Quarter Sessions Court of Northampton County on August 2, 1937 to pay a fine of one hundred dollars and to undergo imprisonment in the Northampton County prison for from one year and three months to two years and six months, to be computed from the 2nd day of August, 1937.

The District Attorney, the Honorable William A. Frack, states: "I believe that Mr. Stine, upon release from prison, would be a law-abiding citizen." The trial judge, the Honorable Frank P. McCluskey, states: "I find the facts set forth therein (petition) are true. As to the merits of the case I have no comments to make."

The investigation by the Board of Pardons reveals that this applicant struck a Mrs. Zussy with his automobile on the evening of December 24, 1936. He was found guilty by the jury but received their recommendations for leniency. The applicant has never been involved in any criminal act and has conducted himself always as a law-abiding citizen, being employed for many years by the Taylor-Wharton Company of Easton. He has been assured by the Superintendent of the Taylor-Wharton Company of his old position which will average him thirty-five dollars a week.

The applicant's home, which he will occupy with his wife, age 54 years, is comfortably furnished in a very respectable neighborhood. His reputation has been outstanding and he has always been considered a high class citizen. In the Civil Suit brought by the husband of the deceased the petitioner was exonerated.

The Board of Pardons believes that this man has been sufficiently punished and will not become involved in any crimes or misdeameanors in the future and therefore recommends that a commutation of his sentence be granted.

The applicant will have served 9 months of his minimum sentence and will be under the supervision of the Probation Office of Northampton County until February 2, 1940.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Mary Lezinsky, C-7280, No. 3614, April Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Mary Lezinsky, convicted of murder in the second degree in the Court of Oyer and Terminer of Lackawanna County on July 13, 1931, be commuted from 9 years to 6 years, 10 months, expiring on May 13, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of murder and was sentenced by the Oyer and Terminer Court of Lackawanna County to the Eastern State Penitentiary from 9 to 18 years on the 13th day of July, 1931.

The applicant was guilty of the murder of an illegitimate child to which she gave birth on the 10th of March, 1931, in the Hahnemann hospital in Scranton. The applicant, together with her friend and room-mate, Stella Sydlosky, planned and arranged for the death of this child. The investigation conducted by the Board of Pardons would indicate the child was dead at the time it was handed over to Stella Sydlosky. Stella then took the child to a lonely spot in Lackawanna County, after amputating the hands and feet, and disposed of the body. Involved in this crime were two men, John Scogla and Leo Ragnosky. The investigation of the Board was directed towards implicating these two men in the crime. However, both girls stated that these men were innocent, despite the suspicion of the authorities. Likewise, Mary Lezinsky, the mother of the child, under repeated examinations maintains that the child was alive when she handed it to Stella Sydlosky. Stella stated, on the other hand, that the child was dead when she came into possession of it. Mary Lezinsky is now confined at the State Industrial Home for Women, at Muncy, Pennsylvania.

The Superintendent states: "She has served 6½ years and has improved in conduct, is a trained worker, and has learned all we can teach her—we feel she is ready for parole." The woman has no known previous criminal record.

The trial judge, the Honorable William R. Lewis, states: "I am, therefore, of the opinion that she has been sufficiently punished and that her application should meet with the approval of the Board.

The District Attorney's office did not reply to our letter of inquiry as to the merits of the application. The Detective Division of the Pennsylvania Motor Police likewise conducted an investigation of this crime and they too arrived at the same conclusion as our own investigator. Each participant in this crime maintains her innocence, despite interviews separately and together.

The Board of Pardons believes that due to the rehabilitation effected in the case of Mary Lezinsky, and having no previous criminal record and the cloud of doubt which surrounds the entire crime, that she has been sufficintly punished and will not revert to a career of crime.

The applicant will reside with her parents at Hop oBttom, Pennsylvania, and the Postmaster of that village will act as her sponsor. She will live at home on the farm of her parents and will find employment there.

The Board therefore recommends that a commutation be granted in her case. The applicant will have served 6 years and 10 months of her minimum sentence and will be under the supervision of the Board of Pardons until the 13th day of July, 1949.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Frank W. Christie, B-5428, No. 3628, April Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Frank W. Christie, convicted of embezzlement by a bank officer in the Court of Quarter Sessions of Butler County on March 13, 1937, be commuted from 2½ years to 1 year, 2 months, expiring on May 13, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead guilty in a Court of Quarter Sessions and Oyer and Terminer of Butler County to the crime of embezzlement by a bank officer, and was sentenced to not less than 2½ nor more than 5 years in the Western State Penitentiary and to make restitution to the Butler Savings and Trust Company on the 13th day of March, 1937.

The Board of Trustees of the Western State Penitentiary state: "We would probably recommend the applicant for parole, (1) first conviction, (2) excellent institutional record, (3) very cooperative inmate.

The trial judge, the Honorable John H. Wilson, states: "I will have no objection to his being released on parole at such time as the members of the Board think the circumstances warrant." The District Attorney, the Honorable Leo C. McCandless, was non-committal in his reply to our inquiry.

The President of the Butler Savings and Trust Company, Mr. William B. Purvis, states that upon the authority of the Board of Directors of that institution he is authorized to notify the Board of Pardons that they (Board of Directors) have no objection to Frank W. Christie's early release.

Investigation by the Board of Pardons reveals that this man embezzled a sum of money to the amount of fifteen thousand dollars from the Butler Trust Company and destroyed, therefore, his reputation for honesty and reliability, and likewise, bringing uncalled-for grief to his wife and small daughter.

In event of his release his wife and daughter, who have remained loyal to him, will accompany the applicant to Miami, Florida, where he is assured of employment in a hotel. The law firm of McKay, Dixon and DeJarnette, Miami, Florida, assured our agent that they will act as his sponsor and assure him of employment.

The Board of Pardons believes that this man has been sufficiently punished and that any further imprisonment will not benefit either the prisoner or society. It therefore recommends that a commutation of his sentence be granted. He will have served 1 year and 2 months of his minimum sentence and will be under the supervision of the Board of Pardons until the 15th day of March, 1942.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Le Roy Kugle, C-1867, No. 3653, April Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Le Roy Kugle, convicted of felonious entry

and larceny in the Court of Quarter Sessions of Lancaster County on November 21, 1922, be commuted from a maximum of 10 years on Bill No. 1 to a minimum of 8 years, 2 months, expiring May 23, 1938, and a maximum of 10 years; on Bill No. 2 from a maximum of 10 years to a minimum of 1 day, expiring May 24, 1938, and a maximum of 10 years; on Bill No. 3 from a maximum of 10 years to a minimum of 1 day, expiring May 25, 1938, and a maximum of 10 years; and on Bill No. 4 from a maximum of 10 years to a minimum of 1 day, expiring May 26, 1938, and a maximum of 10 years.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of felonious entry and larceny and was sentenced by the Quarter Sessions and Oyer and Terminer Court of Lancaster County to from four to forty years in the Eastern State Penitentiary and a fine of ten dollars on the 21st day of November, 1922. The applicant was paroled on the first day of December, 1926, and while on parole violated his parole agreement, being sentenced to the Indiana State Prison. He was returned to the Eastern State Penitentiary on the 23rd day of March, 1934.

The Board of Trustees of the Eastern State Penitentiary state that he is a printer by trade and because of his advanced age, namely forty-five years, there is a fair possibility that he would adjust if released.

The Honorable Benjamin C. Atlee, states that the trial judge, the late Charles I. Landis, imposed the sentence and therefore he knows nothing about the case. The District Attorney, the Honorable Charles W. Eaby, states that he would rely upon the Board and has no objection to their decision.

Investigation by the Board of Pardons indicates that on the charge on which the applicant was convicted in Pennsylvania he has completed almost eight years and because of his age and trade they believe that he will not return to a life of crime. He has sufficient money from his soldiers bonus to set himself up as a printer in the city of Lancaster. His home will be with his parents under a very satisfactory environment.

The Board, therefore, recommends that a commutation of his sentence be granted.

The applicant will have served 8 years and 2 months and 10 days of his maximum sentence and will be under the control of the Board of Pardons until March 13, 1970.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of John Charles Eldred, No. 3672, April Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that John Charles Eldred, convicted of larceny by shop-lifting in the Court of Municipal Court of Philadelphia County, on September 7, 1937, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of larceny and was placed on six months probation by the Municipal Court of Philadelphia County on the 8th day of September, 1937.

The trial judge, the Honorable Thomas Bluett states: "Personally I would have no hesitancy in recommending him for your favorable consideration." The assistant District Attorney, James W. Tracey, Jr., recommended that his application be granted.

The investigation by the Board of Pardons indicates that he had no prior criminal record, that his home, where he resides with his aged father, is satisfactory and that he is now employed by the Railroad Express Agency in Philadelphia. In order for him to gain advancement in the employe of the Express Agency it is necessary for him to be bonded and a pardon is therefore necessary to acquire the bond.

Since his arrest he has conducted himself in an exemplary manner. Our investigation indicates that his reputation is excellent. The Board of Pardons feels that a pardon is entirely fitting for this man and that it will in part remove the stigma of the crime from the applicant and will be of material assistance to his business advancement.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Joseph P. Kelly, No. 3673, April Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Joseph P. Kelly, convicted of larceny of automobile in the Court of Quarter Sessions of Philadelphia County, on October 13, 1927, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of larceny of an automobile and was placed on probation for three years by the Court of Quarter Sessions of Philadelphia County on the 13th day of October, 1927.

The trial judge, the Honorable James M. Barnett, states: "I have no objection to the application." Assistant District Attorney James W. Tracey, Jr., stated that he had no objections to granting the application for pardon.

The investigation by the Board of Pardons indicates that he has been employed by M. J. Callaghan, a florist, in Philadelphia, until a recent date when a strike called out employes. Since his arrest the applicant has not been involved in any criminal practices and he has conducted himself in a very satisfactory manner.

He resides with his parents in Philadelphia and the home is locater in a better than average residential section.

The Board of Pardons recommends that a pardon be granted for this offense, for a pardon, in part, removes the stigma of the crime from the applicant and his family and will be of material assistance to his business advancement.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of William J. Falls, No. 3674, April Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that William J. Falls, convicted of extortion, bribery, malfeasance, misfeasance, nonfeasance in office and conspiracy in the Court of Quarter Sessions of Delaware County on January 16, 1931 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of extortion, bribery, malfeasance, misfeasance, nonfeasance in office and conspiracy, and was sentenced by the Court of Quarter Sessions of Delaware County to five years imprisonment in the Delaware County Prison and to pay a fine of two thousand dollars on the 16th day of January, 1931. He was released on parole on the 28th day of July, 1933.

The applicant was twenty-nine years of age at the time of his conviction and was involved in the violation of the Liquor Act, arising out of the famous trial of William J. McClure. The trial judge, the Honorable A. D. MacDade, states that he has no objection to the granting of the application as the applicant has been endeavoring to keep within the law, and only requests that the fine, now amounting to a balance of $1570.00, be paid. The assistant District Attorney, the Honorable Guy J. DeFuria, stated that he was not opposed to granting the application.

The prosecutor of the liquor cases in the Federal Court, the Honorable Chet A. Keyes, states that Mr. Falls was an important Government witness in the case of the Commonwealth vs. McClure, et al, and rendered valuable assitance in law enforcement. Likewise, a letter recommending a pardon was received from the Honorable A. S. Harsenstein, who was connected with the prosecution in the case of United States vs. McClure, et al.

Investigation by the Board of Pardons reveals that the accomplice, one Daniel A. Sykes, was granted a pardon in May, 1937. The applicant is now employed as a restaurant keeper at Twin Oaks, Delaware County, and has conducted himself in a satisfactory manner since his release. He will reside at his home in Twin Oaks with his wife and one child. The Board believes that a pardon is deserving in this case and that a pardon will in part remove the stigma of the crime from the applicant and his family and will be of assistance in his business career.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Joseph Crescitelli, B-5752, D-2251, No. 3694, April Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Joseph Crescitelli, convicted of rape in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on June 10, 1937, to begin April 22, 1937 be commuted from 2 years to 1 year 1 month, expiring on May 22, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of rape and was sentenced by the Oyer and Terminer Court of Philadelphia County to the Eastern State Penitentiary for from two to four years on the 10th day of June, 1937, sentence to begin April 22, 1937.

The Board of Trustees of the Eastern State Penitentiary state that his institutional record is satisfactory. The trial judge, the Honorable Thomas Finletter, was non-committal in his reply to our inquiry. The assistant District Attorney, the Honorable James W. Tracey, Jr., stated that he would rely on the Board, having no objection to whatever decision they reached.

The applicant has no prior criminal record. The investigation of the Board discloses that he was guilty of the crime, although the victim had led him to believe that she was older than sixteen years of age. The applicant is married and has one son, age 4 years. He will live at home in a neighborhood made up of people of Italian extraction. He is assured of employment by James Colinni, a barber, and will be paid a small salary for his work.

The Board of Pardons believes that this applicant, who was 26 years of age at the time of the crime, has been sufficiently punished. The applicant is not of a criminal type and his previous record as a citizen and husband has been very satisfactory. His wife, Mrs. Philomina Crescitelli, appeared before the Board and stated that her husband had always been considerate and law-abiding.

The applicant will have served one year and one month of his minimum sentence and will be under the supervision of the Board of Pardons until April 22, 1941.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Howard James Feist, B-5211, D-1399, No. 3695, April Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Howard James Feist, convicted of burglary, breaking and larceny, in the Court of Quarter Sessions of Luzerne County on June 9, 1936 be commuted from 2½ years to 1 year, 11 months, expiring on May 9, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of burglary, breaking and entering and larceny. He was sentenced by the Oyer and Terminer Court of Luzerne County to the Eastern State Penitentiary for from 2½ to 5 years and to pay a fine of two dollars on the 9th day of June, 1936.

The Board of Trustees of the Eastern State Penitentiary state that because of his minor previous criminal record, satisfactory institutional record, attempt at self-improvement, as reported by the Rockview authorities, they would probably recommend favorable.

The trial judge, the Honorable Clarence D. Coughlin, states "It is my opinion that he has been sufficiently punished. I believe that he will refrain from violating the law in the future." The assistant District Attorney Dando, stated that he was not opposed to the granting of the application.

Investigation by the Board of Pardons reveals that the applicant had no previous criminal record and that his present crime of burglary was in the company of one, Frank Taylor, while under the influence of liquor. He has been assured of employment by his brother at Oxon Hill, Maryland, with whom he will likewise reside. The home and sponsorship are satisfactory and the parole investigation indicates that this young man will be stepping into an ideal home where he will receive both guidance and affection. The Board of Pardons therefore recommends that a commutation of his sentence be granted.

The applicant will have served one year and eleven months of his minimum sentence and will be under the supervision of the Board of Pardons until June 9, 1941.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE.
Governor.

BOARD OF PARDONS

In re application of Tom White, D-2656, No. 3703, April Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Tom White, convicted of entering with intent to steal, larceny, in the Court of Oyer and Terminer and Quarter Sessions of Tioga County on November 29, 1937, be commuted from 1 year to six months, expiring on May 29, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of entering with intent to steal and larceny in the Court of Oyer and Terminer of Tioga County. He was sentenced to from one to two years in the Eastern State Penitentiary on the 29th day of October, 1937.

The Board of Trustees of the Eastern State Penitentiary state: "This man is an illiterate, rural type of individual who is greatly confused by the life in the institution. Judging from his behavior and attitude it is felt that his release would not jeopardize society."

The trial judge, the Honorable Thomas A. Chrichton, states: "I, therefore, do not oppose clemency, although I do not suggest it."

The investigation by the Board of Pardons reveals that the applicant was involved in a series of thefts of farm products with an accomplice, who has since been released from the Tioga county jail.

The applicant will be given employment on his own farm of one hundred and forty acres near Wellsboro, Pennsylvania. The farm is now being operated by his wife and three children and they are greatly in need of the assistance of the applicant. The home conditions are excellent and he will be under the sponsorship of Mr. Bennett, President of the First National Bank and Trust Company of Wellsboro.

The Board of Pardons believes that this applicant has been sufficiently punished for this crime and that he will return to society and prove to be a useful citizen. The Board therefore recommends that a commutation of his sentence be granted.

The applicant will have served six months of his minimum sentence and will be under the supervision of the Board of Pardons until the 29th day of November, 1939.

Respectfully submitted.

THOMAS KENNEDY.
Lieutenant Governor.
DAVID L. LAWRENCE.
Secretary of the Commonwealth.
THOMAS A. LOGUE.
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE.
Governor.

BOARD OF PARDONS

In re application of Delmas Clair Hartman, B-1704, No. 22, May Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Delmas Clair Hartman, convicted of murder of the first degree in the Court of Oyer and Terminer of Indiana County on April 8, 1929, be commuted from life imprisonment to a minimum of 9 years and 2 months and a maximum of life, expiring on June 8, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of murder and was sentenced by the Oyer and Terminer Court of Indiana County on the 8th day of April, 1929, to pay the costs of prosecution, undergo imprisonment in the Western State Penitentiary for and during the period of his natural life.

The Board of Trustees of the Western State Penitentiary state: "If this inmate were eligible to apply for parole we would probably recommend him (1) first conviction (2) very good institutional record."

The trial judge, the Honorable J. N. Langham, writes: "I am heartily in favor of this application being granted. I am convinced that Hartman, Mardis and Campbell have all been sufficiently punished to guarantee that they will not hereafter be a menace to society along any line."

The Sheriff's office of Indiana County signed by the Sheriff of Indiana, the County Detective and the Deputy Sheriff, all in office at the time the crime was committed, stated that they are satisfied that he should have a commutation for the reason "that we think he has been sufficiently punished for his part in the crime."

Investigation by the Board of Pardons reveals that Hartman, together with two accomplices, entered the premises of one, Frank Carney, the victim, and hit him over the head with a blackjack, robbed him of his money. The victim later succumbed from the beating. The applicant, although with this group, did not participate in the assault upon the victim. The group had been drinking and the suggestion was made that they visit the victim in order to get more illicit liquor. The applicant was on the other side of the barn, out of view and sight of his accomplices, when they assaulted the victim. The applicant states that their visit, as he understood it, was for the sole purpose of purchasing moonshine liquor and there was no suggestion that a robbery was intended. It is felt that the applicant is a victim of circumstances arising from liquor and bad companions. The Board believes that he has been sufficiently punished, having had no previous criminal record and no tendencies of a criminal nature.

The applicant is assured of employment by the Commercial Coal Mining Company, Twin Rocks, Pa., and will reside with his mother at Nantyglo.

The applicant will have served 9 years and 2 months of his sentence and will be under the supervision of the Board of Pardons for the rest of his natural life.

Respectfully submitted.

THOMAS KENNEDY.
Lieutenant Governor.
DAVID L. LAWRENCE.
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE.
Governor.

BOARD OF PARDONS

In re application of Peter Klefsic, B-4433, No. 92A, May Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Peter Klefsic, convicted of entering a railroad car with intent to commit a felony, in the Court of Quarter Sessions of Allegheny County on January 16, 1935, be commuted on Bill No. 63 from 1½ years to 6 months, (Bill No. 64 concurrent) expiring on July 16, 1938.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Harvey Hetrick, B-2447, No. 94A, May Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of Harvey Hetrick, convicted of felonious entry, larceny and receiving stolen goods in the Court of Quarter Sessions of Clearfield County on January 26, 1931, be commuted on Bill No. 74c from a maximum of 3 years to a maximum of 1 year 5 months and 28 days, expiring July 24, 1938; on Bill No. 74d from a maximum of 3 years to a maximum of 1 day, expiring July 25, 1938; and on Bill No. 74e from a minimum of 1½ years to a minimum of 1 day, expiring July 26, 1938.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Fred Wharton, C-8539, No. 95A, May Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Fred Wharton, convicted of larceny from person in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on January 5, 1933, be commuted on Bill No. 15 from a minimum of 2½ years to a minimum of 1 day, expiring January 5, 1938.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake on most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of John Harwitz, C-6859, No. 96A, May Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of John Harwitz, convicted of feloniously stealing a motor vehicle and larceny in the Court of Oyer and Terminer and Quarter Sessions of Lackawanna County on February 27, 1931, be commuted on Bill No. 5 from a minimum of 2½ years to a minimum of 1 day, expiring on August 28, 1938.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Henry D. Whittingham, C-1414, No. 1101, May Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members

of the Board of Pardons recommend that the life sentence of Henry D. Whittingham, convicted of murder of the first degree in the Court of Oyer and Terminer of Philadelphia County on January 3, 1922, and commuted to life imprisonment on February 28, 1922, be commuted from life imprisonment to a minimum of 16 years and 4 months, and a maximum of life imprisonment, expiring on June 28, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of murder and was sentenced by the Oyer and Terminer Court of Philadelphia County on the 3rd day of January, 1922, to death. The said sentence was commuted by Governor Sproul on the 28th day of February, 1922, to life imprisonment in the Eastern State Penitentiary.

The Board of Trustees of the Eastern State Penitentiary state that "judging on the basis of this man's record in the institution, and his attitude towards his sister, it is our thought that due to his age the best possible solution would be his deportation to Jamaica, British West Indies.

The Honorable Harry S. McDevitt, states as follows: "I am sure that he has benefited from his sixteen year stay and as far as I can ascertain there is no objection here to his being deported." The assistant District Attorney, James W. Tracey, Jr., states that the crime was one of impulse and that he would be satisfied to rely upon the Board for any action they might recommend.

Investigation by the Board of Pardons reveals that the applicant was born in Jamaica and came to the United States in 1919 but was never naturalized. This crime in killing one, Dora Miller, was that of impulse and not of premeditation. The applicant is now 61 years of age and there is lodged with the penitentiary authorities his deportation warrant to Jamaica.

The Board of Pardons recommend that the applicant be commuted, subject to his immediate deportation and that the Immigration authorities of the U. S. Dept. of Labor be notified of the action of the Commonwealth in this case. He will have served 16 years and 4 months of his sentence.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Eli Logan, B-1965, No. 1246, May Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Eli Logan, convicted of murder of the second degree in the Court of Oyer and Terminer of Blair County on April 7, 1930 be commuted from 9½ years to 8 years 2 months expiring on June 7, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of murder and was sentenced by the Oyer and Terminer Court of Blair County to pay a fine of fifty dollars, costs of prosecution and iprisonment in the Western State Penitentiary for from 9½ to 19 years.

The Board of Trustees of the Western State Peniteniary state: "If this inmate were eligible to apply for parole, we would probably recommend him, (1) first conviction (2) excellent institutional record, (3) cooperative inmate (4) has served over 8 years of his sentence."

The trial judge, the Honorable Marion D. Patterson, did not reply to our letter of inquiry as to the merits of this application. The trial District Attorney, Richard H. Gilbert writes: "I have no objections to your release."

The investigation by the Board of Pardons indicates that the shooting of Mrs. Logan, his wife, was a crime springing from jealousy as it was a current rumor at the time of the trial that Mrs. Logan was friendly with men other than her husband. This rumor was confirmed by the Pastor, Rev. Pait, who stated that as soon as he came to Altoona he learned that one George Francis and F. Anderson, both colored, were lovers of Mrs. Logan.

The applicant had enjoyed a good reputation prior to his arrest and was found to be a steady and reliable employee of the Pennsylvania Railroad Company. Close neighbors advised that he appeared to be attentive and loyal to his wife. However, there was an apparent difference of between ten and fifteen yars in the ages of Mr. and Mrs. Logan. The applicant is not assured of employment upon his release, although he may secure a job as a laborer. His sponsor is the Rev. J. G. Johnson, Sharon, Pennsylvania, and the applicant intends to reside in Sharon.

The Board of Pardons recommend that the sentence of the applicant be commuted. He will have served 8 years and 2 months of his minimum sentence and will be under the supervision of the Board of Pardons until April 7, 1949.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE.
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of William Fowler, B-3081, No. 1868, May Sessions, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of William Fowler, convicted of entering a building and larceny in the Court of Quarter Sessions of Allegheny County on January 18, 1932, be commuted on Bill No. 28 from a minimum of 2 years to a minimum of 1 day, expiring on July 18, 1938.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Alfonso William Puskuing, C-7472, No. 2123, May Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardsons recommend that Alfonso William Puskuing, convicted of robbery in the Court of Oyer and Terminer of Philadelphia County on October 29, 1931, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery and was sentenced by the Oyer and Terminer Court of Philadelphia County to the Eastern State Penitentiary for from five to ten years on the 29th day of October, 1931. He was released on parole by the commutation of his sentence on the 29th day of March, 1935, and he has been under the supervision of the Board of Pardons since that date.

The Board of Trustees of the Eastern State Penitentiary state that the applicant has no known previous criminal record and the Supervisor of Paroles states that the applicant is residing with his parents in Philadelphia in a good home envronment and has been employed in the Linton Restaurant Company for the past several years. He has steadily advanced himself in his employment to where he is now earning a weekly wage of twenty-six dollars. His parole record has been excellent and he has shown a marked adherence to the rules and regulations of the Board of Pardons. His splendid employment record, his loyalty to his family, an his engagement to a young lady of splendid character are all indications of his determination to live a law-abiding life.

The applicant is in line for a managership of one of the restaurants owned by the Linton Restaurant Company and he will require a bond in order to qualify for the advanced position.

The Board of Pardons feels that this young man is deserving of this encouragement and has no hesitation in recommending that a pardon be granted.

A pardon will in part remove the stigma of the crime from the applicant and his family and will be of material assistance to his business advancement.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth
GUY K. BARD.
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Elmer Charles Winters, B-2046, No. 2547, May Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentences on Bills 9, 10, 12 and 13, and minimum sentence on Bill 16, of Elmer Charles Winters, convicted of robbery in the Court of Oyer and Terminer of Allegheny County on May 16, 1930, be commuted on Bill No. 9 from a maximum of 4 years to a maximum of 1 month, expiring June 16, 1938; on Bill No. 10 from a maximum of 4 years to a maximum of 1 day, expiring June 17, 1938; on Bill No. 12 from a maximum of 4 years to a maximum of 1 day, expiring June 18, 1938; on Bill No. 13 from a maximum of 4 years to a maximum of 1 day, expiring June 19, 1938; and on Bill No. 16 from a minimum of 2 years to a minimum of 1 day, expiring June 20, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery and was sentenced by the Oyer and Terminer Court of Allegheny County to the Western State Penitentiary for a term of from fourteen to thirty-four years.

The Board of Trustees of the Western State Penitentiary state: "If this inmate were eligible to apply for parole we would probably recommend him (1) he has served 8 years, (2) excellent institutional record.

The trial judge, the Honorable Harry Rowand, did not reply to our letter of inquiry as to the merits of this application. The assistant District Attorney, Russell Adams, stated that the application merits consideration and that he does not oppose it.

Investigation by the Board of Pardons reveals that the applicant had a previous criminal record of a minor nature and that he became involved in a series of burglaries, with six accomplices, involving about 29 charges of robbery and 7 charges of larceny. These burglaries were perpetrated upon business establishments located in Allegheny and Westmoreland Counties. The applicant was the youngest member of this gang and the other members, except one, have all been released on parole.

Employment is assured the applicant by Mr. John A. Stackhouse, Pittsburgh, as a parking lot attendant. He will reside with his parents in East Liberty, Pittsburgh, Pa. The Board recommends that a commutation be granted this applicant. He will have served 8 years and 1 month of his minimum sentence and will be on parole until June 20, 1948.

Respectfully submitted.
THOMAS KENNEDY,
Lieutenant Governor.

DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Charles Carmen Flocco, C-6220, No. 2827, May Sessions, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum on Bill No. 423 and minimum on Bills No. 424 and No. 425 of Charles Carmen Flocco, convicted of robbery, being armed with an offensive weapon, in the Court of Quarter Sessions of Philadelphia County on June 10, 1930, be commuted on Bill No. 423 from a maximum of 20 years to a maximum of 8 years, expiring June 10, 1938; on Bill No. 424 from a minimum of 2½ years to a minimum of 1 day, expiring June 11, 1938; and on Bill No. 425 from a minimum of 2½ years to a minimum of 1 day, expiring June 12, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of robbery, being armed with an offensive weapon and was sentenced by the Quarter Sessions Court of Philadelphia County on the 10th day of June, 1930, to the Eastern State Penitentiary for from ten to thirty years.

The Board of Trustees of the Eastern State Penitentiary state: "Improvement in the attitude along with a good work record should be considered with his previous criminal record when deciding this case. He is employed as a barber for the past six years and has sent home practically all of his earnings to his mother."

The trial judge, the Honorable Harry S. McDevitt, writes: "If rehabilitation is possible among such characters he has enjoyed it." The assistant District Attorney, James W. Tracey, Jr., states that if in the opinion of the Board of Pardons and the Trustees of the Eastern State Penitentiary the applicant has been rehabilitated he would not be opposed to the application.

Investigation by the Board of Pardons reveals that the applicant was involved in a series of larcenies prior to his present incarceration and that his previous record was not enviable. However, he was only twenty years of age when sentenced to the Eastern State Penitentiary and it is felt that the eight years he has spent in that institution, where he has learned a trade, and has saved a sufficient amount of money to open a barber shop when released, indicates that he has made an effort to rehabilitate himself. He will reside with his mother and sister in Philadelphia and has made arrangements to open a barber shop, having $400.00 in bank.

The applicant will have served eight years of his minimum sentence and will be under the supervision of the Board of Pardons until June 10, 1943.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Edward Skoritowski, C-6858, N 2840, May Session, 1938.

To His Excellency, the Governor of the Commonwealth Pennsylvania:

Sir: The above application having been heard, upon d public notice, in open session, the undersigned membe of the Board of Pardons recommend that the minimu sentence of Edward Skoritowski, convicted of felonious stealing a motor vehicle and robbery in the Court of Oy and Terminer and Quarter Sessions of Lackawanna Coun on February 27, 1931, be commuted on Bill No. 5 from minimum of 2½ years to a minimum of 1 day, expiri on August 28, 1938.

Our reasons for making this recommendation are follows:

The applicant is one of many prisoners whose relea on parole has been affected by the opinion of the Supren Court in the case of Commonwealth of Pennsylvania ex re Thomas Lynch v. Stanley P. Ashe, Warden of the Weste State Penitentiary, 320 Pa. 341. In this opinion it was he that unless a prisoner, who was serving sentences in posed to run consecutively, was recommended and a proved for parole at the expiration of the first minimu sentence, he would be serving the maximum of that se tence, and if no recommendation for parole was made the expiration of the second and subsequent minimu of sentences imposed to run consecutively, the prisone would be serving the maximum of the second and subs quent sentences. In other words, a prisoner serving a indeterminate sentence is not automatically paroled the expiration of the minimum term but is merely eligib for parole at that time, and if not favorably considere by the Prison Board at any time thereafter, the prisone is required to serve the full sentence.

It was the custom for a long period of time for th officials of both the Eastern and Western State Peniten tiaries to lump consecutive sentences and the Boards Trustees would only make recommendations for release parole at the expiration of the period of time equal to th total of the minimum sentences.

Since the Supreme Court held this procedure impropе the applicant and others, whose cases were not considere for parole at the expiration of their minimum sentence through no fault of their own, will have to serve a muc longer period of time than contemplated by the sentencin judge and the prison officials.

The failure of the Board of Trustees to make the nece sary recommendations for parole at the expiration of th minimum sentences was an honest mistake, as most, if no all, sentencing judges shared the same view as the priso officials in deeming it to be unnecessary to make recom mendations for parole at the expiration of the minimum every consecutive sentence. Sentencing judges throughou the state have uniformly believed and taken into consider ation in passing sentences the Prison Board practice tha consecutive sentences would be lumped making a tot minimum and a total maximum.

We believe that a great injustice would be done an that it would be most unfair to keep the applicant inca cerated for a longer period of time than recommended b the Board of Trustees of the institution in which th applicant is confined.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor

BOARD OF PARDONS

In re application of Frank Yoho, B-3786, No. 2899, May ession, 1938.

o His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due ıblic notice, in open session, the undersigned members the Board of Pardons recommend that the minimum ntence on Bill No. 64 of Frank Yoho, convicted of assault ıd battery with intent to ravish, assault and battery, in e Court of Quarter Sessions of Beaver County on August , 1933, be commuted from 2½ years to 1 day, expiring ugust 19, 1938.

Our reasons for making this recommendation are as llows:

The applicant is one of many prisoners whose release ı parole has been affected by the opinion of the Supreme ourt in the case of Commonwealth of Pennsylvania ex rel. ıomas Lynch v. Stanley P. Ashe, Warden of the Western ate Penitentiary, 320 Pa. 341. In this opinion it was held at unless a prisoner, who was serving sentences im-ısed to run consecutively, was recommended and ap-oved for parole at the expiration of the first minimum ntence, he would be serving the maximum of that sen-nce, and if no recommendation for parole was made at e expiration of the second and subsequent minimum sentences imposed to run consecutively, the prisoner ould be serving the maximum of the second and subse-ıent sentences. In other words, a prisoner serving an determinate sentence is not automatically paroled at e expiration of the minimum term but is merely eligible r parole at that time, and if not favorably considered the Prison Board at any time thereafter, the prisoner required to serve the full sentence.

It was the custom for a long period of time for the icials of both the Eastern and Western State Peniten-ıries to lump consecutive sentences and the Boards of ustees would only make recommendations for release on role at the expiration of the period of time equal to the al of the minimum sentences.

Since the Supreme Court held this procedure improper, e applicant and others, whose cases were not considered parole at the expiration of their minimum sentences, rough no fault of their own, will have to serve a much nger period of time than contemplated by the sentencing dge and the prison officials.

The failure of the Board of Trustees to make the neces-ry recommendations for parole at the expiration of the nimum sentences was an honest mistake, as r -' if not , sentencing judges shared the same view as the prison icials in deeming it to be unnecessary to make recom-ndations for parole at the expiration of the minimum of ery consecutive sentence. Sentencing judges throughout e state have uniformly believed and taken into consider-on in passing sentences the Prison Board practice that nsecutive sentences would be lumped making a total nimum and a total maximum.

We believe that a great injustice would be done and at it would be most unfair to keep the applicant incar-rated for a longer period of time than recommended by e Board of Trustees of the institution in which the plicant is confined.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of John Milaccio, C-8144, No. 2962, May Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of John Milaccio, convicted of robbery and conspiracy to rob in the Court of Quarter Sessions of Philadelphia County on July 21, 1932, to begin 6-2-32 be commuted from ten years to 6 years, 1 month, expiring on July 2, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of robbery and was sentenced to the Eastern State Penitentiary for from ten to twenty years by the Oyer and Terminer and Quarter Sessions Court of Philadelphia County on the 21st day of July, 1932.

The Board of Trustees of the Eastern State Penitentiary state that he has a good conduct record and employment record, although no exceptional factors can be found to base a prediction on.

The trial judge, the Honorable Forrest R. Shanaman, Jr., stated that he would be content with the determination of the Board in this application. The assistant District Attorney, James W. Tracey, Jr., states that if the applicant was rehabilitated he would not oppose the application.

Investigation by the Board of Pardons reveals that this applicant had been arrested in five previous occasions for minor offenses but never convicted. However, for the crime for which he is now serving a sentence, he, with two accomplices, robbed a barber shop at the point of a gun. One of his accomplices was Russell Raneri, who received a sentence of ten to twenty years in the Eastern State Penitentiary. Raneri's sentence was commuted on the 20th of December, 1937. The facts would indicate that the applicant's participation in the crime was similar to that of Raneri, namely ransacking the barber shop, while the third accomplice held the gun.

The Board of Pardons believes that the applicant is not of a criminal type and that by his efforts at self-improvement he has indicated his intention to live a law-abiding life upon his release. The applicant is unmarried and will reside with his parents in Philadelphia. He will be employed by Mr. Anthony Grassi, Philadelphia in the garage and automobile repair business. Mr. Grassi will act as his guide and counselor and the Reverend Eugenio Cassago will be his sponsor.

The applicant will have served six years and one month of his minimum sentence and will be under the supervision of the Board of Pardons until June 2, 1952.

Respectfully submitted.

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Claude Haas, C-6980, No. 3018, May Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence on Bill No. 23 and minimum on Bill No. 24 of Claude Haas, convicted of robbery and burglary in the

Court of Oyer and Terminer of Berks County on April 8, 1931, be commuted on Bill No. 23 from a maximum of 20 years to a maximum of 7 years 2 months, expiring on June 8, 1938; and on Bill No. 24 from a minimum of 5 years to a minimum of 1 day, expiring June 9, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery and burglary and was sentenced by the Oyer and Terminer Court of Berks County on the 8th day of April, 1931, to the Eastern State Penitentiary for from 15 to 30 years.

The Board of Trustees of the Eastern State Penitentiary state: "The exceptional institutional record, industrial stability, unusual employment record, should react in his favor." However, his previous criminal record causes them to hesitate in predicting his future, unless he is guaranteed steady employment and strict sponsorship.

The trial judge, the Honorable Paul N. Schaeffer, states: "If Haas' present attitude warrants confidence in his future conduct, I see nothing in his past record to definitely require that he be subject to further imprisonment at this time."

The District Attorney, Honorable Thomas F. Marx, recommends that the application be approved.

Investigation by the Board of Pardons reveals that although this man has had four arrests and three convictions, which would indicate that he was an incorrigible youth, since imprisonment he has made definite improvement and has conducted himself in a very satisfactory manner. His two accomplices, Thomas Speight and Theodore Miller, have had their sentences commuted.

The applicant will live with his sister in Reading, Pa., and will be under the sponsorship of Mr. James G. Fenstermacher, Reading, Pa. He has been assured of employment by Wm. B. Sheidy, general contractor, as a truck mechanic at a weekly wage of approximately twenty-five dollars.

The Board recommends that this applicant's application for a commutation be granted.

The applicant will have served 7 years and 2 months of his minimum sentence and will be under the supervision of the Board of Pardons until June 9, 1958.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Michael Tellip, C-5323, No. 3019, May Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Michael Tellip, convicted of breaking and entering and larceny in the Court of Quarter Sessions of Lackawanna County on May 25, 1935, be commuted from 1½ years to 1 month, expiring on June 25, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of larceny of an automobile and was sentenced on April 9, 1929, by the Court of Quarter Sessions of Lackawanna County to pay a fine of one dollar, costs of prosecution and imprisonment in the Eastern State Penitentiary for from 3 to 6 years. The applicant was released on parole at the expiration of his minimum sentence on April 9, 1932. On May 25, 1935, he was sentenced for the crime of breaking and entering and larceny by the Court of Oyer and Terminer of Lackawanna County to pay the costs of prosecution and to imprisonment in the Eastern State Penitentiary for from 1½ to 3 years, to begin at the expiration of the original sentence.

The Board of Trustees of the Eastern State Penitentiary state that the applicant's record in the institution is satisfactory. He is employed as a carpenter outside the walls and also cares for the poultry as part of his duties. He obtained a diploma from the Pennsylvania State College and the International Correspondence School in Agriculture and he is teaching these subjects in the prison school. The trial judge, the Honorable Will Leach, did not reply to our letter of inquiry as to the merits of the application.

The District Attorney, the Honorable Michael J. Eagen, writes: "The application is recommended for serious consideration. Our investigation of the case would indicate that he has a chance to redeem himself and we would help him in any way we can to this end."

Investigation by the Supervisor of Paroles indicates that this applicant has served the full maximum sentence of his original imprisonment and done a few days on the new sentence. The crime for which he was returned to the penitentiary as a parole violator was for stealing one game rooster valued at fifty dollars.

The Board believes that this young man, during his present imprisonment has made a serious attempt to rehabilitate himself by studying for a useful life in the community. The Board therefore recommends a commutation of his sentence.

The applicant is assured of employment on his farm in Scott Township, Lackawanna County, and will reside with his wife and children on the farm.

The applicant will have served one month of his minimum sentence and will be under the supervision of the Board of Pardons until May 25, 1941.

Respectfully submitted,

THOMAS KENNEDY.
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Joseph Vargo, B-3713, No. 3078, May Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentences of Joseph Vargo, convicted of burglary in the Court of Oyer and Terminer of Allegheny County on May 19, 1934, be commuted on Bill No. 76 from a minimum of 5 years to a minimum of 1 month, expiring June 19, 1938; and on Bill No. 77 from a minimum of 5 years to a minimum of 1 day, expiring June 20, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of burglary and was sentenced by the Oyer and Terminer Court of Allegheny County on the 19th day of May, 1933, to the Western State Penitentiary for a term of from 15 to 30 years.

The Board of Trustees of the Western State Penitentiary state: "If this inmate were eligible to apply for parole at the expiration of his minimum sentence, we would probably recommend him for parole, (1) first conviction, (2) excellent institutional record, (3) sentence of accomplice has been commuted.

The trial judge, the Honorable Samuel H. Gardner did not reply to our letter of inquiry as to the merits of this application. The assistant District Attorney, Russell Adams

stated that he was not opposed to the granting of the application.

The investigation of the Board of Pardons reveals that due to the pressure of economic conditions he stole food both for himself and his hungry brothers and sisters. His accomplice, one John Tomasic, was likewise living on the borderline of starvation. They participated in a series of robberies that resulted finally in their arrest and imprisonment.

The applicant had no previous criminal record and his accomplice John Tomasic, who received a similar sentence as the applicant, was paroled by commutation of his sentence on August 1, 1936. The applicant, if released, will reside with his father in Homestead, Pa., and has been assured of employment by one, John Chalfa, who conducts a barber shop in Homestead.

The applicant will have served five years and one month of his minimum sentence and will be under the supervision of the Board of Pardons until June 20, 1948.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Frank Calello, B-5054, No. 3133, May Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Frank Calello, convicted of larceny and receiving stolen goods in the Court of Oyed and Terminer of Luzerne County on January 28, 1936, be commuted from five years to two years and five months, expiring June 28, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of larceny and receiving stolen goods and was sentenced by the Oyer and Terminer Court of Luzerne County on the 28th day of January, 1936, for from five to ten years in the Eastern State Penitentiary.

The Board of Trustees of the Eastern State Penitentiary state that this man has a good institutional record and has demonstrated definite habits of industry. The applicant's previous criminal record consists of two arrests for suspicion. He was discharged on both arrests. According to the officials of the institution, he is neat and clean about his person and cooperates with the officials.

The trial judge, the Honorable John S. Fine, did not reply to our letter of inquiry as to the merits of the application. The assistant District Attorney, John H. Dando, stated that he had no objection to the granting of the application.

The investigation of the Board of Pardons reveals that this co-defendant, one Sam Stramaro, was tried in Schuylkill County on the same charges and was paroled. The applicant is assured of employment by one, Peter Albano, Hazleton, Pa., as a laborer with the Dick Construction Company. The applicant will reside with his wife and two children in Drifton, Pennsylvania.

The Board recommends that a commutation be granted to the applicant. He will have served two years and five months of his minimum sentence and will be under the supervision of the Board of Pardons until January 28, 1946.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Benjamin Cohen, No. 3282, May Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of Benjamin Cohen, convicted of conspiracy and false pretenses in the Court of Quarter Sessions of Philadelphia County on June 14, 1935, be commuted from 2 years on Bill No. 287 to 1 day, expiring June 15, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to two indictments for conspiracy and false pretenses and was sentenced by the Court of Quarter Sessions of Philadelphia County to the Philadelphia County Prison for a term of five years, on June 14, 1935.

The trial judge, the Honorable Harry S. McDevitt, expresses the opinion that his sentence was too short. Likewise, the assistant District Attorney, James W. Tracey, Jr., was opposed to the application.

The investigation by the Board of Pardons reveals that the applicant, together with a group of nine accomplices, was sentenced to various terms in the Philadelphia County Prison. The alleged ring leader, one Joseph Sweet, received a sentence of four years in the Philadelphia County Prison, while Benjamin Cohen, an accomplice, received a greater sentence. Joseph Sweet was an Insurance Adjuster who conceived and carried through the plan of presenting fake insurance claims. The Board is of the opinion that one of the accomplices, namely the applicant, should not serve a longer term than the originator and ring leader of the crime.

The applicant is married, has two children, and resides in a comfortably furnished home in Southwest Philadelphia. He is assured of employment upon his release with his brother, who is a sheet metal worker and will be employed at a weekly wage of twenty-five dollars.

The applicant will have served three years of his minimum sentence of five years and will be under the supervision of the probation officer of Philadelphia County until June 14, 1940.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Walter Gilbert Trent, B-211, No. 3417, May Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Walter Gilbert Trent, convicted of murder of the second degree in the Court of Oyer and Terminer of Westmoreland County on June 14, 1927, be commuted to a minimum of 11 years, expiring June 14, 1938, and a maximum of 20 years; and that the minimum sentence of Walter Gilbert Trent, convicted of attempted escape in the Court of Quarter Sessions of Center County on Sept. 8, 1930, be commuted from 1 year to 1 day, expiring June 15, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of murder and was sentenced to the Western State Penitentiary by the Oyer and Terminer Court of Westmoreland County on the 14th day of June, 1927, to from ten to twenty years.

On the 8th day of September, 1930, he was sentenced by the Quarter Sessions Court of Center County for the crime of attempted escape, for from 1 to 20 years to begin at the expiration of his original sentence.

The Board of Trustees of the Western State Penitentiary state: "If this inmate were eligible to apply for parole we would probably recommend him, (1) he has now served one year over his ten year minimum of his original sentence, (2) excellent institutional record.

The trial judge, the Honorable Ward M. Fleming, who sentenced him on the escape charge writes that he was not opposed to this application provided the prison authorities are of the opinion that the granting of the same will not affect the morale of their prison. The District Attorney, Honorable Charles D. Copeland, states that "in view of the fact that the applicant has served his minimum sentence of ten years for the offense committed in this county, we therefore have no reason to comment on that sentence which has already been served."

The investigation by the Board of Pardons indicates that the escape which arose from the fact that when the prison roll call was made the applicant was missing, and they found him a little later asleep under a wood pile. His escape was purely technical, as he was never outside the prison walls.

The Board of Pardons believes that in view of the fact that he has served one year over his minimum sentence that he should receive a commutation. The applicant will have served 11 years of his maximum sentence and will be under the supervision of the Board of Pardons until 1958.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Saverio Beninato, C-4586, No. 3505, May Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Saverio Beninato, convicted of voluntary manslaughter in the Court of Oyer and Terminer of Luzerne County on April 18, 1928 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of voluntary manslaughter and was sentenced by the Oyer and Terminer Court of Luzerne County on the 18th day of April, 1928, to pay a fine of one thousand dollars and costs of prosecution and to undergo imprisonment in the Eastern State Penitentiary for from six to twelve years. The applicant was released on parole on the 18th day of April, 1934, at the expiration of his minimum sentence.

The Board of Trustees of the Eastern State Penitentiary state this man's institutional record was satisfactory and that he had no known previous criminal record, and since he has been on parole for over four years his case should be based upon the report furnished by the Supervisor of Paroles. The trial judge, the Honorable Wm. S. McLean, states: "The applicant was justly convicted after a fair trial." The assistant District Attorney, the Honorable John H. Dando, stated that his office had no objection to the granting of the application.

Investigation by the Board of Pardons indicates that the applicant is conducting a restaurant in partnership with his brother in Olyphant, Pa. This man was not only a good prisoner but also has been a good subject on parole and for four years has maintained an excellent parole record. He is asking for a full pardon for the reason that his friends have encouraged him to aspire to some public office and he wishes to clear his record.

Since this crime was his first criminal offense and because of his splendid record on parole he is worthy of consideration. The applicant will be employed as part owner of a restaurant and resides in a comfortably furnished home with his wife and two children. His reputation is excellent and he enjoys the confidence of his friends and neighbors.

The Board, therefore, recommends that a pardon be granted to the applicant, believing that a pardon will in part remove the stigma of the crime from the applicant and will be of material assistance to his advancement.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Edward Berkowski, D-1005, No. 3507, May Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the board of Pardons recommend that the minimum sentence of Edward Berkowski, convicted of robbery in the Court of Oyer and Terminer of Luzerne County on September 26, 1935, be commuted from 8 years to 3 years, expiring on September 26, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of robbery and was sentenced by the Oyer and Terminer Court of Luzerne County on the 26th day of September, 1935, to imprisonment in the Eastern State Penitentiary for from 8 to 20 years.

The Board of Trustees of the Eastern State Penitentiary state: "The applicant's previous criminal record is of a minor type and includes two juvenile charges. His institutional record is satisfactory and he spends the majority of his time in study. He has made good progress in the trade of brick laying, painting, and paper hanging."

The trial judge, the Honorable W. A. Valentine, writes: "I do not recommend clemency, but do not object to the granting of it if the Board members deem such action proper."

Assistant District Attorney Dando stated that the office objected to the granting of a commutation, although there was some doubt as to the guilt of the applicant.

The Board of Pardons investigation reveals that the applicant and one accomplice broke into the office of the Scranton Spring Brook Water Company and stole about two hundred and eighty-five dollars. Two years later they were indicted and tried for this offense. The accomplice, Joseph Rominski, was granted a commutation by the Board of Pardons in March of 1937. The Board believes, in view of the fact that the accomplice is now on parole, the question as to the guilt of the applicant, and further, that, he has made a sincere endeavor to equip himself for useful life, we recommend a commutation of his sentence.

The applicant is assured of employment with the D & H Coal Company as a mine laborer. He will reside with his parents in Hanover Township, Pennsylvania.

The applicant will have served three years of his minimum sentence and will be under the supervision of the Board of Pardons until the 26th day of September, 1935.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Joseph Williamson, B-2088, No. 513, May Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Joseph Williamson, convicted of robbery in the Court of Oyer and Terminer of Allegheny County on June 10, 1930 be commuted from 4 years on Bill No. 3 to 1 year and 1 month expiring on June 6, 1938, and a maximum of 4 years.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery and was sentenced by the Oyer and Terminer Court of Allegheny County on the 10th day of June, 1930, to from four to eight years in the Western State Penitentiary. He was released on parole at the expiration of his minimum sentence on August 10, 1934. He was returned to the Western State Penitentiary for the violation of his parole on the 6th day of July, 1937, for driving an automobile while under the influence of intoxicating liquor.

The Board of Trustees of the Western State Penitentiary state: "If this inmate were eligible to apply for reparole, we would probably recommend him (1) he has now served over ten months as a parole violator, (2) excellent institutional record."

The trial judge, the Honorable Harry H. Rowand, did not reply to our letter of inquiry as to the merits of this application. However, the Honorable E. E. Creps, president judge, Indiana, Pa., states: "While I am not making any recommendations to your Board to influence your decision in the matter, nevertheless, it does seem to me that it could well be looked upon that this defendant has paid his debt to society, not only for the first offense, but, as indicated above, for the more recent offense which was committed in Indiana County."

The assistant District Attorney, Russell Adams, stated he had no objection to the application.

Investigation by the Board of Pardons reveals that he maintained good parole record until he was arrested for driving an automobile while under the influence of liquor. Because of this offense he was ordered returned to the Western State Penitentiary to complete approximately four years of his unexpired maximum term. He received no additional punishment for operating a motor vehicle while intoxicated and in view of the fact that he will have completed almost a year in the Western State Penitentiary for this motor offense, it is felt by the Board of Pardons that a commutation could well be granted.

The applicant will have served five years and one month of his maximum term and will be under the control of the Board of Pardons until May 6, 1941.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Joseph Blackman, No. 3638, May Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Joseph Blackman, convicted of larceny in the Court of Quarter Sessions of Philadelphia County, on May 21, 1936, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of larceny and was sentenced by the Court of Quarter Sessions of Philadelphia County on the 21st day of May, 1936, on four separate bills, each for 1½ to 3 years in the Eastern State Penitentiary. The same day the sentence was reconsidered and the applicant was sentenced to the Philadelphia County Prison, whereupon he was paroled from the County Prison on the 17th day of December, 1936.

The trial judge, the Honorable James M. Barnett, states: "I know of no objection to granting of his petition." The assistant District Attorney, James W. Tracey, Jr., stated that he was in favor of the granting of the petition.

Investigation by the Board of Pardons reveals that the applicant is subject to deportation to Russia. His wife is of Russian nationality, although their two living children are native born, the youngest being an epileptic. The applicant lives with his family in Philadelphia in a moderately furnished home and is employed by the Chestnut Auto Painting Company of Philadelphia, and has been so employed as a painter for some time. Since his release on parole he has maintained a law-abiding life and enjoys an excellent reputation among the business associates and his neighborhood friends.

A pardon will in part remove the stigma of the crime from the applicant, prevent his deportation to Russia, which would place upon the public the care and maintenance of the epileptic son, and will be of material assistance to his advancement.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Stanley L. Webb, No. 3649, May Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Stanley L. Webb, convicted of attempted larceny of auto, attempted operating without consent of owner; attempted entering with intent to steal in the Court of Quarter Sessions of Philadelphia County, on May 7, 1930, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to attempted larceny of an automobile, attempted operating an auto without consent of the owner and attempted entering with intent to steal, and was sentenced by the Quarter Sessions Court of Philadelphia County on the 7th day of May, 1930, and placed on probation for 1 year.

The trial judge, the Honorable Frank Smith, states: "If he has conducted himself since 1930 as a good citizen and has not been in any trouble, I am of the opinion that no harm will be done in granting him a pardon and so clear his record." The assistant District Attorney, James W. Tracey, Jr., stated that he had no objection to the granting of the pardon.

Investigation by the Board of Pardons reveals that although this applicant has had two prior arrests and one conviction, that since his release on probation, he has conducted himself in a very satisfactory manner. Our reports indicate that from 1930 to May, 1937, he was continuously employed by the city of Philadelphia at the Byberry Hospital, and since that date by the Crown Can Company of Philadelphia. He is married and resides with his family on North 19th Street, Philadelphia.

The Board of Pardons recommends that a pardon be granted this applicant, believing that his conduct for the past eight years merits confidence in his future behavior and that a pardon will in part remove the stigma of the crime from the applicant and his family and will be of material assistance to his business advancement.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Varcy Attarian, No. 3654, May Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Varcy Attarian, convicted of adultery in the Court of Quarter Sessions of Philadelphia County, on June 2, 1937, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of adultery and was sentenced by the Court of Quarter Sessions of Philadelphia County on the 2nd day of June, 1937, to pay a fine of one hundred dollars and the costs of prosecution.

The trial judge, the Honorable Curtis C. Lesher, stated: "The court took into consideration the fact that the testimony against the applicant was not particularly strong, and gave them what we considered to be a very light sentence at the time." The assistant District Attorney, James W. Tracey, Jr., stated that he had no objection to granting the application for pardon.

The investigation by the Board of Pardons reveals that the charges arose in this case from misunderstanding and jealousy springing from varying nationalities involved in the affair. The applicant bears a very excellent reputation and is a woman of culture and education. She is an electrologist by profession and has her offices at 12 South 12th Street, Philadelphia. Her reputation among her business associates is of the very highest. She has two sons, ages 12 and 16, whom she has sent away to boarding school, and their home is attractive and modern.

The Board feels that a pardon will in part remove the stigma of the crime from the applicant and her family and will be of material assistance to her advancement.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Leon Tashjian, No. 3655, May Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Leon Tashjian, convicted of adultery in the Court of Oyer and Terminer of Philadelphia County on June 2, 1937, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of adultery and was sentenced on June 2, 1937, by the Oyer and Terminer Court of Philadelphia County to pay a fine of one hundred dollars and the costs of prosecution.

The applicant was never in prison and the Board has been assured by the counsel for the applicant that the fine and costs has been paid.

The trial judge, the Honorable Curtis C. Lesher, states as follows: "The Court took into consideration the fact that the testimony against them was not particularly strong and gave them what we considered a light sentence at the time."

The testimony as to the guilt of the defendant was upon the uncorroborated testimony of a private detective employed by the wife of the applicant. The investigation by the Board of Pardons reveals that it is doubtful if the private detective could have discerned the conduct of the applicant because of the night in question was rainy and foggy. Mrs. Attarian, co-respondent, is a woman of splendid reputation and character and holds a position in the scientific world in Philadelphia, and her testimony indicated that the hours which the private detective alleged that she was in the company with Mr. Tashjian she was engaged in business affairs.

The applicant is employed in the glove cleaning business and has conducted himself in a reputable manner prior to and since his conviction. He resides at Primos, Pennsylvania, and has been separated from his wife since 1935, there being no children by the marriage.

The Board of Pardons recommends that a pardon be granted this applicant as it will in part remove the stigma of the crime from the applicant and will be of material assistance to his business advancement.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.

DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Daniel Westbrook, D-2386, No. 3688, May Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Daniel Westbrook, convicted of burglary and larceny in the Court of Oyer and Terminer of Bradford County on August 23, 1937, be commuted from 5 years to 10 months expiring June 23, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of burglary and larceny in the Oyer and Terminer Court of Bradford County on the 23rd day of August, 1937, and was sentenced to the Eastern State Penitentiary for from five to ten years.

The Board of Trustees of the Eastern State Penitentiary state: "Since this man does not have any previous criminal record and has demonstrated constructive habits and attitudes in the institution, we feel that his release would probably not jeopardize society."

The trial judge, the Honorable Charles W. Culver, writes that the applicant should serve his minimum sentence.

The former District Attorney, the Honorable Edwin P. Young, is likewise opposed to granting of the application.

Investigation by the Board of Pardons reveals that the applicant, together with his son, was fishing along the Chemung River and during a rain storm they broke into a cottage and took two blankets to protect themselves. The blankets becoming rainsoaked, they broke into another cottage and took two dry blankets. Again these dry blankets becoming rainsoaked, they broke into a third cottage and took two dry blankets, leaving the wet blankets. They likewise took some chinaware. Upon being arrested the stolen property was returned to the owner. The applicant is a man 63 years of age with no previous criminal record and the experience he is undergoing in the institution is bewildering. It was pointed out by counsel for the applicant that Westbrook and a son were fishing in order to acquire food for the family.

The applicant will receive employment from one, Chris Parmer, Athens, Pa., upon his release and will reside in his home in Athens. The Board recommends a commutation of his sentence, believing that almost a year's imprisonment for the theft of two blankets and a few dishes is sufficient.

The applicant will have served ten months of his minimum sentence of five years and will be under the supervision of the Board of Pardons until June 23, 1948.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of John Popp, Jr., No. 3705, May Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that John Popp, Jr., convicted of conspiracy to cheat and defraud in the Court of Quarter Sessions of Allegheny County, on January 15, 1929, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of conspiracy to cheat and defraud and was sentenced by the Quarter Sessions Court of Allegheny County on the 15th day of January, 1929, to the Allegheny County Prison for from 9 months to 2 years.

The trial judge, the Honorable James H. Gay, states: "He has recovered from his punishment better than most any man I have ever sentenced. I believe he is a good citizen and deserves to have his record clear."

Judge M. A. Musmanno, writes as follows: "Up until the time he (Popp) got into trouble he enjoyed a splendid reputation for honesty and integrity. Since the expiation of his offense he has been leading a life free from blame or criticism." The assistant District Attorney, Russell Adams, stated that he had no objection to the application for a pardon.

The Board of Pardons investigation reveals that since his release he had lead an exemplary life and has operated his own detective agency since 1931. He is married and lives in a comfortable home with his wife and children. The Board has received letters in his behalf from the minister of the St. Anne Church, Emmanuel's Evangelical Lutheran Church, the office of the United Mine Workers of America, and other interested citizens.

The Board, therefore, has no hesitation in recommending a pardon for the applicant, believing that a pardon will in part remove the stigma of the crime from the applicant and his family and will be of material assistance to his business advancement.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Anthony J. Mocarsky, No. 3708, May Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Anthony J. Mocarsky, convicted of adultery, fornication and bastardy in the Court of Quarter Sessions of Northumberland County on April 13, 1936, be pardoned, conditioned upon the payment of the lying in expenses and $2.50 per week until child is 14 years of age.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of adultery, fornication and bastardy and was sentenced by the Court of Quarter Sessions of Northumberland County to pay a fine of twenty dollars and one hundred and five dollars lying in expenses and two dollars and fifty cents per week until the child is fourteen years of age, the sentence

on adultery being suspended, and to pay the costs of the trial.

The applicant is a business man in Northumberland County and has been engaged in the grocery business for over a period of twenty years.

Investigation by the Board of Pardons reveals that the prosecutrix did not bear a very excellent reputation and that she had originally accused another person of being the father of the child. There is also some evidence to indicate that at the time the applicant was supposed to be in the car with the prosecutrix, the applicant's car was in the garage of the Remo Packard Company, Shamokin, Pennsylvania.

Innumerable letters from citizens of Northumberland County, including ministers, educators, public officials, and other private citizens, attest to the good character of the applicant and many express their doubts as to his guilt.

The applicant has no previous criminal record of arrests or convictions. He is married and has one daughter. The Board believes that a pardon should be granted, subject to the payment of the Court order for $2.50 per week for the up-keep and maintenance of the child and the payment of the lying in expenses and costs of the trial.

A pardon will in part remove the stigma of the crime from the applicant and will be of material assistance in his business career.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Harry F. Allen, B-4731, No. 3720, May Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Harry F. Allen, convicted of rape, fornication in the Court of Oyer and Terminer of Beaver County on October 1, 1935, be commuted from 7 years to 2 years 9 months, expiring on July 1, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of rape and fornication. He was sentenced by the Oyer and Terminer Court of Beaver County on the 1st day of October, 1935, to from seven to fourteen years in the Western State Penitentiary.

The Trustees of the Western State Penitentiary state: "If this inmate were eligible to apply for parole we would probably recommend him (1) first conviction (2) excellent institutional record (3) skilled electrician (4) is very cooperative inmate."

The trial judge, the Honorable Charles C. Greer, stated that the application, in his opinion, should be dismissed.

The assistant District Attorney, William Coghlan, writes that the district attorney's office does not oppose clemency in this particular case. It was further stated by the assistant District Attorney of Beaver County that "the victim, Catherine Brown stated that none of her clothing were torn and that Allen had helped her to take off her slip. It developed during the trial of the case that Allen had fled the jurisdiction of this Court and that fact, I think, bore great weight with the jury. I did not think then, and I do not think now, that this was a case of rape and I so stated after the jury had retired. I am more convinced now than I was at the time of the trial, since I have learned that the girl's reputation was far from being what the reputation of a prosecutrix in a rape case should be."

The Board of Pardons investigation reveals that the applicant fled the jurisdiction of the Court upon the suggestion of an ex-police officer and further that the reputation of the prosecutrix was far from enviable. The Board has a statement from Mrs. Catherine Dickson who rented a room to the prosecutrix, Catherine Brown, that the prosecutrix conducted herself in such a manner that she was compelled to order her from the residence.

The Warden of the Western State Penitentiary, Stanley P. Ashe, Esquire, writes: "Considering the record of Harry F. Allen in the institution, and the fact that this is his first conviction I feel that he would be able to live a law-abiding life."

The applicant has been assured of steady employment as an armature winder with the A. M. Byers Company of Ambridge, Pa., at the prevailing union wage for this type of expert electrical work. He will reside with his wife and children in Pittsburgh. The Board therefore recommends that a commutation be granted.

The applicant will have served two years and nine months of his minimum sentence and will be under the supervision of the Board of Pardons until October 1, 1949.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Charles Repman, D-2191, No. 3722, May Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Charles Repman, convicted of larceny and receiving stolen goods in the Court of Quarter Sessions of York County on April 19, 1937, be commuted from 1½ years to 1 year 2 months, expiring on June 19, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of larceny and receiving stolen goods. He was sentenced by the Court of Quarter Sessions of York County on April 19, 1937, to the Eastern State Penitentiary for from 1½ to 3 years, and to pay a fine of one hundred dollars.

The Board of Trustees of the Eastern State Penitentiary state that the applicant is now serving his sentence in the York County Prison and that their recommendation depends upon the reaction of the Warden of the York County Prison. Mr. J. Harry Cromwell, Warden of the York County Prison states: "I personally feel that he has been sufficiently punished for his crime and I beg of you to consider his petition for commutation so that he may again take his place in society and provide for and be with his family."

The trial judge, the Honorable Henry C. Niles, states that in his opinion the interests of the public will be served by favorable consideration of the convict's petition for commutation.

The District Attorney, the Honorable John E. Brenneman, writes: "As not being familiar with the facts I am not in the position to express an opinion either way."

Investigation by the Board of Pardons reveals that the applicant was arrested for stealing merchandise from the

right-of-way of the Pennsylvania Railroad Company. It appears that the goods were taken from box cars and placed along the tracks and this applicant, with an accomplice, took the merchandise. It did not appear that the applicant or his accomplice broke into the box cars to get this merchandise. The applicant is assured of employment with McKready and Trout, Coal Dredgers, York Haven, Pa., and will reside with his family and father in York Haven. He will be under the sponsorship of Harry Busser, York Haven, Pa.

The applicant will have served 1 year and 2 months of his minimum sentence and will be under the supervision of the Board of Pardons until April 19, 1940.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Eugene Lawrence, D-2192, No. 3723, May Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Eugene Lawrence, convicted of larceny and receiving stolen goods in the Court of Quarter Sessions of York County on April 19, 1937, be commuted from 1½ years to 1 year and 2 months, expiring on June 19, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of larceny and receiving stolen goods. He was sentenced by the Court of Quarter Sessions of York County on April 19, 1937, to the Eastern State Penitentiary for from 1½ to 3 years, and to pay a fine of one hundred dollars.

The Board of Trustees of the Eastern State Penitentiary state that the applicant is now serving his sentence in the York County Prison and that their recommendation depends upon the reaction of the Warden of the York County Prison. Mr. J. Harry Cromwell, Warden of the York County Prison, states: "Personally, I feel that he has served sufficient time for his crime and that his outlook for the future and his background warrants consideration for a commutation by your board."

The trial judge, the Honorable Henry C. Niles, states that in his opinion the interests of the public will be served by favorable consideration of the convict's petition for commutation. The District Attorney Honorable John E. Brenneman, write "as not being familiar with the facts I am not in the position to express an opinion in either way."

Investigation by the Board of Pardons reveals that the applicant was arrested for stealing merchandise from the right-of-way of the Pennsylvania Railroad Company. It appears that the goods were taken from box cars and placed along the tracks and this applicant, with an accomplice, took the merchandise. It did not appear that the applicant or his accomplice broke into the box cars to get this merchandise. The applicant is assured of employment by the Frank A. Duff, Electrical Repair Shop, York, Pa., and will reside with his wife and two children at Hellam, Pa. He will be under the sponsorship of Rev. Carl Brady, St. Patricks Church, York, Pa.

The applicant will have served 1 year and 2 months of his minimum sentence and will be under the supervision of the Board of Pardons until April 19, 1940.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Paul B. Cousins, B-5844, No. 3725, May Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons, recommend that the minimum sentence of Paul B. Cousins, convicted of larceny in the Court of Quarter Sessions of Butler County on November 27, 1937, be commuted from 1 year to 7 months, expiring on June 27, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of larceny and was sentenced by the Quarter Sessions Court of Butler County on the 27th day of November, 1937, to from one to two years in the Western State Penitentiary.

The Board of Trustees of the Western State Penitentiary states: "If this inmate were eligible to apply for parole we would probably recommend him (1) first conviction (2) excellent institutional record."

The trial judge, the Honorable John H. Wilson, stated that he felt that under the circumstances his sentence was lenient. The District Attorney, the Honorable Lee C. McCandless, states: "This office has no objection to any clemency shown the defendant."

Investigation by the Board of Pardons reveals that this man had been arrested but not convicted on a minor charge and for the present crime involving the theft of old iron rails, there was some doubt as to whether the owner had not abandoned them. The facts of the commission of this crime are involved, as it was testified that the watchman of the Consolidated Coal Company, from which these rails were taken, gave his tacit consent to the hauling away of this old iron during the daylight hours.

The applicant is married, having three children, and bears a splendid reputation in his community. Unquestionably the applicant is not of a criminal type and the Board recommends a commutation of his sentence.

The applicant will have served 7 months of his minimum sentence and will be under the supervision of the Board of Pardons until November 27, 1939.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of David Powell, B-4734, No. 3729, May Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of David Powell, convicted of voluntary manslaughter in the Court of Oyer and Terminer of Mercer County on September 20, 1935, to begin September 16, 1935 be commuted from 5 years to 2 years 9 months, expiring on June 16, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead nolle contendere to the crime of voluntary manslaughter and was sentenced by the Oyer and Terminer Court of Mercer County on the 20th day of September, 1935, to the Western State Penitentiary for from five to ten years.

The Board of Trustees of the Western State Penitentiary state: "If this inmate were eligible to apply for parole we would probably recommend him (1) first conviction (2) excellent institutional record."

The trial judge, the Honorable A. J. McLaughry states: "I am now of the opinion that in view of all the circumstances connected with the case and taking into consideration the nature of the case as shown by the evidence and the length of time already served, that your board would be justified in recommending that he be placed on parole provided he returns to his mother and gives her proper support."

The District Attorney, Honorable Edwin C. Moon, states: "We are informed by Mr. Nelson, trial district attorney, that the application warrants consideration and for these reasons we have no objection to granting clemency."

Investigation by the Board of Pardons reveals that this crime arose from a drinking party winding up in a fight in which the victim subsequently died. The Board of Pardons has received numerous letters from responsible citizens residing in Farrell and Sharon, Pennsylvania, setting forth the good reputation enjoyed by the applicant and his family.

The George W. Wright Students Aid Fund, Mercer, Pa., have taken a deep interest in this application and will undoubtedly guide him in the proper channels so that he may become a useful citizen. The applicant is assured of employment by his aunt, Miss Louise Gray, Middlesex, Pa., who operates a fruit farm. He will reside with his aunt on the farm and agrees to help support his mother.

The applicant will have served two years and nine months of his minimum sentence and will be under the supervision of the Board of Pardons until September 20, 1945.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Christian Wittenberg, B-5615, D-2050, No. 3733, May Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Christian Wittenberg, convicted of robbery in the Court of Quarter Sessions of Philadelphia County on March 19, 1937 be commuted from 2 years to 1 year, 3 months expiring on June 19, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of robbery and was sentenced by the Oyer and Terminer Court of Philadelphia County on the 19th day of March, 1937, to the Eastern State Penitentiary for from two to four years.

The Board of Trustees of the Eastern State Penitentiary state: "To date this man has a good record in the Rockview institution. However, no unusual habits of industry or behavior can be cited that would permit us to predict his future behavior."

The trial judge, the Honorable George Gowen Parry, expresses the opinion that "This is not a matter for executive clemency."

The assistant District Attorney, James W. Tracey, Jr., submitted a police report covering this crime and it would indicate that the petitioner and his companion, the victim, were together eating and drinking in a restaurant. The victim was followed by two men, his trousers were torn off of him and twenty-three dollars was taken from the pocket of the trousers. The victim recognized the petitioner as one who had taken the money. The following day the prosecutor went to the petitioner's home and demanded the return of the money. Several days following the petitioner was arrested, upon information given by the victim. One of the men was not identified by the victim, while the petitioner denied having committed the crime.

The opinion was expressed that the act of the victim in requesting the return of the money the day following its loss would indicate that it was not a highway robbery as there is some indication that before the arrest of the petitioner there was a street quarrel relative as to who actually took this money, which undoubtedly resulted in the arrest as stated in the foregoing paragraph.

The Board of Pardons recommends that a commutation be granted, believing that the petitioner was not involved in this robbery. The applicant will reside with his parents in a small home in Philadelphia and will be employed as a trucker by George Dubits of Philadelphia at a weekly wage of about 18 dollars a week.

The applicant will have served one year and three months of his minimum sentence and will be under the supervision of the Board of Pardons until the 19th day of March, 1941.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Robert J. Crawford, No. 3734, May Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Robert J. Crawford, convicted of breaking and entering to steal in the Court of Quarter Sessions of Philadelphia County, on June 1, 1920, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of breaking and entering and larceny and was sentenced by the Court of Quarter Sessions of Philadelphia County on the 1st day of June, 1920, to five years probation.

The assistant District Attorney, James W. Tracey, Jr., was not opposed to the granting of the application.

The investigation by the Board of Pardons reveals that the applicant resides with his wife and mother and two children in a comfortably furnished home in Philadelphia and that he has been employed by the Peter Hernig Company, milk distributors, for the past six or seven years at a weekly wage of about twenty-six dollars.

The petitioner has had a bad reputation, all of which has been traced to his drinking habits, but for the past seven years he has abstained from all liquor and has changed his mode of living to the entire satisfaction of his family and employer. Magistrate Edward J. Holland has taken a real interest in the applicant and assures the Board that he will continue to look after him and help to guide him in the right path. It is indicated that his marriage contributed greatly to his law-abiding conduct and excellent behavior.

The Board of Pardons has no hesitation in recommending a pardon, believing that it will in part remove the stigma of the crime from the applicant and his family and will be of material assistance to his advancement.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of George F. Weaver, No. 3737, May Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that George F. Weaver, convicted of false impersonation in the Court of Quarter Sessions of Philadelphia County, on May 20, 1935, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of false impersonation and was sentenced on May 20, 1935, by the Court of Quarter Sessions of Philadelphia County to pay a fine of one hundred dollars and placed on probation for six months.

The trial judge, the Honorable Joseph L. Kun, stated that in his estimation his application was rather premature. However, the assistant District Attorney, James W. Tracey, Jr., stated that he had no objection to the granting of the application.

Investigation by the Board of Pardons reveals that the applicant impersonated a constable in an attempt to collect a claim against the Hooven Typewriter Company for $26.50. The petitioner has no previous criminal record and for the past sixteen years he has conducted a collecting agency at 1328 Chestnut Street, Philadelphia, in which he takes care of delinquent accounts and the collection of rents for individuals and trust companies. He resides with his wife in the Alden Park Manor, Philadelphia.

The Board of Pardons has received letters in behalf of the applicant from the Real Estate Trust Company of Philadelphia, the Phila. Rapid Transit Company, the Girard Trust Company, and other reputable business men of the city of Philadelphia, all attesting that Mr. Weaver is a man of ability and integrity.

The Board of Pardons recommends that a pardon be granted the applicant, believing that his conduct in this instance was one of impulse and not of premeditation. The number of reputable institutions in Philadelphia which he serves would indicate that he enjoys a splendid business reputation.

A pardon will in part remove the stigma of the crime from the applicant and his family and will be of material assistance to his advancement.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Howard T. Pontius, B-5327, No. 3738, May Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Howard T. Pontius, convicted of statutory rape in the Court of Oyer and Terminer of Butler County on December 12, 1936 be commuted from 3 years to 1 year 6 months expiring on June 12, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of statutory rape and was sentenced on December 12, 1936, by the Oyer and Terminer Court of Butler County to the Western State Penitentiary for from three to six years and to pay a fine of two hundred dollars.

The Board of Trustees of the Western State Penitentiary stated "If this inmate were eligible to apply for parole we would probably recommend him (1) first conviction (2) excellent institutional record."

The trial judge, the Honorable John H. Wilson, states as follows: "I have read the copy of his application forwarded to me and conclude that the statements therein set out are a fair and honest statement of the facts in the case. The Reverend F. W. Brecht and Mr. Roy C. Keck, mentioned in his application, are well known to me and will honestly carry out anything that they agree to do."

The District Attorney, the Honorable Lee C. McCandless, writes: "This office has no objection to any clemency shown the defendant."

Investigation by the Board of Pardons reveals that this man, age 40, had intercourse with a young girl about 13 years of age. The applicant had been helping to support the victim's family, who bear a very poor reputation in the neighborhood and their present whereabouts are now unknown. The sympathy of the community seems to be entirely with the applicant. While not of a high type intellectually, he seems to have the reputation of always having been a hard working man, honest and easy going.

The applicant is assured of a position by Mr. Keck, Foreman of the Butler Consolidated Coal Company, and his sponsor will be the Reverend F. W. Brech, Chicora, Pa. He will reside with his wife and children in Chicora.

The applicant will have served 1 year and 6 months of his minimum sentence and will be under the supervision of the Board of Pardons until the 12th day of December, 1942.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.

THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Harry Craig, al. Harold Grovan, al. John Smith, No. 3830, May Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Harry Craig, convicted of robbery in the Court of Quarter Sessions of Armstrong County on August 10, 1934 be communted from 2 years to 1 year expiring on August 10, 1935.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery and was sentenced by the Quarter Sessions Court of Armstrong County to the Western State Penitentiary on the 10th day of August, 1934, to from one to two years. On August 10, 1935, he completed his minimum term of one year and was released on parole. He proceeded to Cleveland, Ohio. On November 1, 1935, he was declared delinquent on parole and was arrested on the 6th day of September, 1937, in Portland, Oregon, in possession of a stolen car.

Under the provisions of the Pennsylvania Parole Law, because of his conviction and sentence, the applicant would be compelled to return to the Western State Penitentiary as a parole violator to serve the one year remaining of his maximum sentence.

The Board of Pardons recommends a commutation for the following reasons:

(1) If and when he is returned to the Western State Penitentiary, the state could only imprison him for a term of one year from the date of return.

(2) The expense to the Western State Penitentiary for returning this man would be heavy and the degree of violation of parole and the amount of time he could be detained in Pennsylvania, in my judgment, does not warrant this expenditure of money.

(3) This parole violator has only been convicted of a crime twice, according to his record, and all of his earlier trouble was more or less a juvenile nature.

(4) He was only seventeen years of age when he was committed to the Western State Penitentiary, and will not be twenty-one until May 10, 1938.

(5) The interest of society and the respect for the parole law of Pennsylvania will not be jeopardized in not returning this parole violator.

The applicant will have served 1 year of his maximum sentence and will be released from the supervision of the Board of Pardons.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Roy Mauder, B-3684, No. 4040, May Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon du public notice, in open session, the undersigned member of the Board of Pardons recommend that the maximur and minimum sentences of Roy Mauder, convicted o robbery in the Court of Oyer and Terminer of Alleghen County on May 1, 1933, be commuted on Bill No. 19, fror a maximum of 5 years to a maximum of 1 month, expirin June 1, 1938; on Bill No. 20 from a maximum of 5 years t a maximum of 1 month, expiring June 2, 1938; and o Bill No. 21 from a minimum of 2½ years to a minimum o 1 day, expiring June 3, 1938.

Our reasons for making this recommendation are a follows:

The applicant plead guilty to the crime of robbery and was sentenced by the Oyer and Terminer Court of Allegheny County on the first day of May, 1933, to the Western State Penitentiary for from ten to twenty years.

The Board of Trustees of the Western State Penitentiary state that "If this inmate were eligible to apply for parole at the expiration of his minimum sentence, we would probably recommend him for parole (1) first conviction (2) excellent institutional record.

The trial judge, the Honorable Samuel H. Gardner, did not reply to our inquiry as to the merits of this application. However, the assistant District Attorney, the Honorable Russell Adams, stated that he had no objection to this application because over half of the minimum term had been served and he would be under the sponsorship of Mr. George H. Knox, a responsible citizen of the city of Pittsburgh.

Investigation by the Board of Pardons reveals that this applicant had no previous criminal record. Because of lack of employment and having dependent upon him a wife and three children, he, with an accomplice, engaged in a series of petty larcenies and it resulted in his present incarceration.

The Board of Pardons believes that this young man is not of a criminal type and that his economic condition compelled him to break the law. The Board has been assured by Mr. Knox that the applicant will be looked after and employment assured while on parole. The applicant will live with Mr. Knox of Pittsburgh, and has been assured employment in the Factory Stores Co. at about $15.00 weekly wage. He will have served 5 years and 1 month of his minimum sentence and will be on parole until June 3, 1943.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Benjamin John Kominski, C-9032 No. 4042, May Session, 1938.

To His Excellency, the Governor of the Commonwealth o Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Benjamin John Kominski, convicted of robbery in the Court of Oyer and Terminer of Lackawanna County on May 27, 1933, be commuted on Bill No. 15 from a maximum of 20 years to a maximum of 5 years 1 month, expiring June 27, 1938, and on Bill No. 16 from a minimum of 10 years to a minimum of 1 day, expiring June 28, 1938.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of robbery. He was sentenced by the Oyer and Terminer Court of Lackawanna County on the 27th day of May, 1933, to pay

a fine of one dollar and to imprisonment in the Eastern State Penitentiary for from twenty to forty years.

The Board of Trustees of the Eastern State Penitentiary state: "The applicant's previous record consists of two arrests for burglary which were juvenile arrests. The man has an ordinary record in the institution, with no exceptional habits of behavior upon which to base a prediction."

The trial judge, the Honorable E. C. Newcomb, is deceased. The president judge, the Honorable Will Leach, did not reply to our letter of inquiry as to the merits of this application. The District Attorney, Honorable Michael J. Eagen, writes as follows: "I do admit, after examination of the records in the case, that sentence does appear to be a very severe one . . . Whether or not this young man has been sufficiently punished, and is now ready to become a useful citizen, is a matter for the discretion of the Board. Hence, no recommendation in the case is offered."

Investigation by the Board of Pardons reveals that the applicant was about twenty years of age at the time of the commission of the crime, and that his previous criminal activities were committed when he was a lad of 14 and 15. At the time that the applicant was sentenced, the courts of Lackawanna County were imposing extraordinarily severe sentences in the hope of breaking up the crime wave and undoubtedly this was one of the reasons for the severe sentence in this case.

The applicant has attempted to improve himself by taking a course in electricity and has made fair progress. He associates with the general type of inmates of the institution and is employed in the woodworking department.

The Board of Pardons believes that this young man has rehabilitated himself and will not become involved in any criminal practices in the future. He is assured of employment with one, Jack Steckel, Dunmore, Pa., in a grocery store, and will receive about ten dollars a week. He will reside at the home of his mother in Dunmore, Pennsylvania. He will be under the care and supervision of Rev. Andrew Zychowicz.

The applicant will have served 5 years and 1 month of his minimum sentence and will be under the supervision of the Board of Pardons until June 28, 1958.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Joseph Houston, C-723, No. 97A, June Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Joseph Houston, convicted of robbery, rape, in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on March 3, 1931, be commuted on Bill No. 637 from a minimum of 7½ years to a minimum of 1 day, expiring on September 4, 1938.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the m[illegible] sentences was an honest mistake, as most, if [illegible] all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Cephas Davis, C-7694, No. 98A, June Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Cephas Davis, convicted of statutory rape, assault to commit rape, in the Court of Oyer and Terminer and Quarter Sessions of Delaware County on January 23, 1932, to begin March 27, 1931, be commuted on Bill No. 57 from a minimum of 2½ years to a minimum of 1 day, expiring on September 28, 1938.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum

sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Arthur Wolkiewicz, C-8382, No. 99A, June Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Arthur Wolkiewicz, convicted of burglary in the Court of Oyer and Terminer and Quarter Sessions of Lackawanna County on October 15, 1932, be commuted on Bill No. 10B from a minimum of 3 years to a minimum of 1 day, expiring on October 16, 1938.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of George Pahl, C-8381, No. 100A, June Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of George Pahl, convicted of burglary in the Court of Oyer and Terminer and Quarter Sessionss of Lackawanna County on October 15, 1932, be commuted on Bill No. 10B from a minimum of 3 years to a minimum of 1 day, expiring on October 16, 1938.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner

would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout ation in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Joseph Sarr, C-8373, No. 101A, June Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of Joseph Saar on Bill No. 10B, convicted of burglary in the Court of Oyer and Terminer and Quarter Sessions of Lackawanna County on October 15, 1932, be commuted on Bill No. 10B from a minimum of 3 years to a minimum of 1 day, expiring on October 16, 1938.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout ation in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Joseph Repman, C-6024, No. 1741, June Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Joseph Repman, convicted of felonious assault, burglary, in the Court of Oyer and Terminer and Quarter Sessions of Dauphin County on March 10, 1930, be commuted on Bill No. 22 from a minimum of 5 years to a minimum of 1 day, expiring on September 11, 1938.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered

by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the State have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealth.
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

BOARD OF PARDONS

In re application of Orville Clevenger, B-2849, No. 2795, June Session, 1938.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Orville Clevenger, convicted of highway robbery, larceny from the person and carrying concealed deadly weapons in the Court of Oyer and Terminer of Somerset County of September 15, 1931, be commuted on Bill No. 1 Quarter Sessions from a minimum of 1½ years to a minimum of 1 day, expiring on September 15, 1938.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled the expiration of the minimum term but is merely elig for parole at that time, and if not favorably conside by the Prison Board at any time thereafter, the pris is required to serve the full sentence.

It was the custom for a long period of time for officials of both the Eastern and Western State Peni tiaries to lump consecutive sentences and the Board Trustees would only make recommendations for releas parole at the expiration of the period of time equal to total of the minimum sentences.

Since the Supreme Court held this procedure impro the applicant and others, whose cases were not conside for parole at the expiration of their minimum senten through no fault of their own, will have to serve a m longer period of time than contemplated by the senten judge and the prison officials.

The failure of the Board of Trustees to make the ne sary recommendations for parole at the expiration of minimum sentences was an honest mistake, as most, if all, sentencing judges shared the same view as the pr officials in deeming it to be unnecessary to make rec mendations for parole at the expiration of the minimu every consecutive sentence. Sentencing judges throug the State have uniformly believed and taken into consi ation in passing sentences the Prison Board practice consecutive sentences would be lumped making a t minimum and a total maximum.

We believe that a great injustice would be done that it would be most unfair to keep the applicant in cerated for a longer period of time than recommended the Board of Trustees of the institution in which applicant is confined.

Respectfully submitted,

THOMAS KENNEDY,
Lieutenant Governor.
DAVID L. LAWRENCE,
Secretary of the Commonwealt
GUY K. BARD,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

GEORGE H. EARLE,
Governor.

ONE HUNDRED AND SIXTY-FIFTH SEMI-ANNU REPORT OF THE DOLLAR SAVINGS BANK OF PITTSBURGH, 338-344 FOURTH AVENUE, PITTSBURGH, PA.

STATEMENT, DECEMBER 1, 1937

ASSETS

Cash on Hand and in Banks	$ 4,907.8
United States Government Bonds	13,750.8
Bonds of Municipalities of Commonwealth of Pennsylvania	13,252.9
Bonds of Railroads chartered by Commonwealth of Pennsylvania	10,371.0
Bonds of Public Utilities chartered by Commonwealth of Pennsylvania	3,952.9
Bonds of Other Corporations chartered by Commonwealth of Pennsylvania	383.4
First Mortgages on Real Estate	12,092,5
Loans to Depositors secured by their Pass Books	188,7
Collateral Loans	12,5
Banking House	100,0
Other Real Estate	934,5
Other Assets	270,7
Total Assets	$60,218,2

LIABILITIES

Due Depositors	$54,184,6
Due Christmas Club Depositors	751,4
Other Liabilities	3,6
Reserves	743,9
Surplus	4,534,6
Total Liabilities	$60,218,2

The undersigned Auditing Committee respectfully re-rt that they have examined the assets of the Bank and id them to correspond with the foregoing report.

A. MARSHALL BELL
C. H. CURRY
F. B. NIMICK
F. C. IRISH
AUGUSTUS K. OLIVER
C. E. LOTT
HORACE F. BAKER
Auditing Committee.

TTSBURGH, PA., December 14, 1937.

THE DOLLAR SAVINGS BANK,

Organized in 1855 for the purpose of encouraging thrift d the habit of saving, is a mutual savings bank and is erated solely for the benefit of its depositors. There e no stockholders. The assets and earnings belong to e depositors. Therefore, after expenses of operation e paid and suitable amounts set aside for surplus, divi-nds are paid on deposits at as high a rate as sound judg-ent and conservative policy will permit.

HE GROWTH OF THE DOLLAR SAVINGS BANK FROM 1855 TO 1935

iount due depositors	December 1, 1855	$ 7,627.28
iount due depositors	December 1, 1865	1,774,425.94
iount due depositors	December 1, 1875	4,185,326.35
iount due depositors	December 1, 1885	9,433,662.01
iount due depositors	December 1, 1895	14,871,537.53
iount due depositors	December 1, 1905	22,881,443.87
iount due depositors	December 1, 1915	33,866,689.01
iount due depositors	December 1, 1925	38,240,665.81
iount due depositors	December 1, 1935	49,027,415.04

PRESIDENT
CHARLES F. CHUBB

SENIOR VICE PRESIDENT
WM. E. Von BONNHORST

VICE-PRESIDENTS

LL BURGWIN	CHARLES L. McCUNE
AVID F. COLLINGWOOD	FRANCIS B. NIMICK
HARLES H. CURRY	HOWARD A. NOBLE
ILLIAM FREW	HENRY A. PHILLIPS
OBERT R. GORDON	ALFRED C. POLLOCK

JAMES C. REA

TRUSTEES

ORACE F. BAKER	ROBERT H. McCLINTIC
. MARSHALL BELL	DAVID W. McNAUGHER
EORGE L. COLLORD	H. LEE MASON, JR.
GREER COOLIDGE	WILLIAM L. MONRO
MES W. CREE, JR.	GEORGE B. OATES
HN C. DILWORTH	AUGUSTUS K. OLIVER
RANKLIN C. IRISH	GEORGE P. RHODES
RANCIS A. KEATING	ELMER S. STANIER
NRY H. LATSHAW	WILLIAM P. WITHEROW
LARENCE E. LOTT	C. HOLMES WOLFE
McK. LYNCH	CURTIS M. YOHE

TREASURER	SECRETARY
ELMER S. STANIER	ALFRED C. POLLOCK

ASS'T SEC'Y AND ASS'T TREAS.
HENRY H. LATSHAW

ASS'T TO THE PRESIDENT
GEORGE B. OATES

T OF DEPOSITORS OF THE DOLLAR SAVINGS BANK OF PITTSBURGH, PA., WHO HAVE NOT MADE A DEPOSIT WITHIN TWO YEARS, AND WHOSE DIVIDENDS, WHICH HAVE NOT BEEN ENTERED UPON THEIR PASS BOOKS, AMOUNT TO AT LEAST FIVE DOLLARS.

his Statement is published annually in accordance with the arter.

A

238072	Abraham, Dora V.	$ 710.34
251576	Allen, Geo. E., Jr.	668.66
361343	Abraham, Dora V., Admrx.	1,613.47
363051	Anderson, William S.	603.06
367387	Aul, M. Loretta	85.25
369453	Ayres, Robert	25.92
386552	Armstrong, William F.	18.51
290200	Aschmann, Alois F.	68.14
407596	Atkinson, Catherine	40.88
407807	Armstrong, William H.	716.53
407808	Armstrong, Stewart	784.31
435470	Aley, Paul E.	121.66
327746	Austin, Mary E.	2,296.43
343235	Alelunas, Antonas	87.67
345456	Agnew, Sarah J.	10,720.81
348819	Allan, Mabel Huff	112.16
438309	Adams, Otto J.	115.89
74453	Adams, Esther E.	24.74
391292	Anderson, Katie	111.27
391863	Allison, Rosa R.	13.21
392741	Austin, Harriet M.	179.82
393163	Allen, Jesse H.	42.62
394710	Augustine Eliz.	66.38
398062	Atkinson, Avis A.	64.67
413333	Anderson, Clara E. L.	1,625.90
413360	Armstrong, Margt.	4,628.81
414145	Adams, Wm. C.	37.89
414405	Adams, Frank E.	44.59
424589	Aber, John	411.14
296474	Appli, Chauncey D.	592.48
298123	Alexander, Robt. T.	20.80
305769	Albright, Jennie S.	78.09
375448	Aiken, Audrey K.	157.58
380863	Audet, Anna W.	353.58
420163	Anderson, Walter F.	310.69
420566	Aalborg, Herbert K.	1,270.63
423793	Acheson, Jane	343.36
429041	Anderson, Gus E.	297.64
430174	Armstrong, Adam M.	184.24

B

323047	Blair, Edward	1,259.10
327651	Boon, John A.	936.13
331525	Breeze, Emeline	1,727.51
338553	Brady, Annie R.	3,473.40
337571	Blair, Alexander C.	58.94
338094	Brenner, Simon	494.21
340494	Beschel, Christina	167.25
342463	Breckirow, William H.	23.52
344851	Beebe, Mary E.	76.22
345585	Burnside, Minnie	124.40
346519	Bertrilacchi, Italo	27.49
347691	Bechtel, William M.	37.72
349248	Brothers, Florence A.	296.58
350480	Barks, Emma	72.23
353177	Berglund, Mabel D.	54.53
353237	Burgo, Jennie F.	5,460.72
353634	Baughman, James	15.32
353682	Bloehinger, Michael	433.70
354085	Becker, Frank C.	80.34
356557	Bowie, Elizabeth W.	88.71
356974	Bloom, Alberta	2,814.17
357128	Bell, Clara I.	2,098.33
357595	Bright, Jane	4,813.21
360093	Blazsofsky, Annie	9,035.17
411344	Bolinski, Anna	342.45
411855	Boehm, Wendelin	596.73
412218	Brooks, Annie E.	1,341.69
412686	Baughman, Besse	143.35
417459	Benson, Hanshue L.	3,438.17
417595	Bovard, John J.	29.57
427853	Barrett, Bessie	1,971.03
437563	Birch, Katherine	107.96
437842	Boyd, Elizabeth C.	556.27
437918	Beistel, Erma A.	1,076.76
437953	Bates, Emily H.	457.86
325767	Blank, Herman G.	11.52
235433	Bonini, Frank	552.34
239103	Boyd, Wesley	11.87
240551	Besser, Leola H.	93.20
241847	Barton, Hugh A.	915.87
242037	Baret, Luc C.	98.28
251282	Braun, Nannie S.	464.02
261747	Berman, Chas. T.	30.47
264073	Barbelli, Martino	494.91
265583	Bachrach, Henry	1,031.87
268159	Bird, Mary J.	117.67
275578	Bulford, Harriet M.	38.01
277159	Baldwin, Ida	437.42
278161	Bonshire, Edward L.	171.43
361114	Banker, Katie B.	130.73
364240	Brady, Mary F.	1,648.94
363804	Bettinger, Bertha	3,216.74
366806	Boyd, Mabel A.	2,079.07
370295	Burgess, Jennie	31.82
382011	Bloom, Myra	498.76
382883	Barrow, Jannett	22.92
383095	Byers, Clara	67.49
384867	Burgo, Jennie F.	43.79
389124	Brennan, Margaret	237.04
407617	Berker, Gilbert M. P.	20.81
407819	Baldwin, Ida	21.29
408034	Barrett, James W.	255.69
408537	Bauer, Florence C.	211.22
408458	Behringer, Caroline	970.96
408536	Buvinger, Charles I.	103.15

408561	Beneventano George	14,060.06
408792	Bruner, David A.	21.95
408928	Butcher, Tresa	580.23
409143	Blocksidge, George L.	75.04
410100	Boltz, Laura S.	622.80
410183	Baer, Anne	204.64
415622	Blue, Elizabeth S.	83.84
415678	Black, John F.	46.01
416260	Bretsnider, John E.	1,248.39
416731	Boice, Maggie	858.48
421029	Bingler, Mary A.	1,524.18
421950	Barbour, Margaret C.	195.65
422803	Bowman, Anna H.	98.14
425375	Betts Gertrude	236.30
425144	Balla, Julius A.	335.46
425442	Balne, John W.	433.04
425549	Braunn, William	1,119.87
425940	Bell, James P.	327.21
426016	Brown, George J.	63.18
426037	Beam, Margaret	223.63
426110	Baird, V. Grace	280.35
426750	Bodek, Sam	1,145.23
426773	Baker, Agnes A.	1,005.12
431130	Barlow, Matilda B.	98.06
431186	Bruner, Joseph	998.43
436514	Blair, Harry P.	87.01
436865	Bender, Margaret	109.83
436998	Barnes, Herbert L.	1,088.04
439515	Bails, Sam	116.72
439860	Blower, Enid Elgin	399.99
440251	Brown, Robert M.	228.52
440424	Boll, Amealia	79.75
370304	Baxter, Marg't J.	17.99
409368	Bruggeman, Chas. A.	122.04
409778	Beatty, Robert A.	86.51
410382	Broida, Bella F.	72.40
71183	Becker, Charles	411.23
74223	Blair, Eliz. S.	54.70
117491	Boyer, Rachel L.	124.96
124556	Berg, Frank	19.62
136365	Bubenheim, Louis	336.45
140528	Beatty, Sarah A.	3,514.54
152015	Barclay, John, Jr.	147.42
159212	Bonini, F. W., Jr.	755.36
184632	Briglio, Glamatisto	420.37
192497	Brownlee, Janet L.	112.43
193115	Baker, M. Gertrude	36.48
193539	Baker, Sarah P.	580.96
198719	Boyce, Edgar T.	312.63
211546	Binns, Edw. H.	410.57
217682	Barry, Sarah	11.98
296286	Baird, John L.	64.30
392141	Bruckman, Marg't L. K.	34.47
393534	Baton, Eliza McA.	2,304.48
394038	Burgess, Jennie	15.26
395155	Boss, Fred R.	74.00
395566	Bornscheur, Clara	130.63
397259	Betz, Katherine A.	39.26
398236	Buss, Mary	981.25
399364	Buchlers, Geo. E.	19.92
399388	Bloom, Margaret	330.46
408201	Boyle, Harvey J.	27.83
413081	Benson, Anna Clark	993.08
414362	Bailey, Chas. E.	13,142.41
414664	Barbus, Dora	2,874.30
423462	Brown, Isaac	13,497.44
423935	Bigenwald, Anna	20,398.50
424122	Black, Pearl S.	132.58
433046	Baker, Nellie G.	423.18
433987	Brown, Isaac G.	111.71
283280	Black, Janette B.	124.99
285283	Baumann, Cath.	440.25
292096	Broadhead, Mary E.	192.15
294983	Bontempo, Tony	66.83
296332	Beall, Mary A.	475.69
297290	Brady, Ellen B.	1,491.13
298041	Bailey, Nancy J.	496.76
298438	Borovetz, Harry	2,388.95
301543	Barnes, Ernest	130.30
303958	Beahm, Ira	551.90
305500	Bernhard, John	660.67
362402	Burrows, Frank	3,300.29
312966	Busler, Wm. M.	102.32
312484	Burnell, Tula L. T.	770.88
313294	Bartley, Marg't E.	1,956.85
371622	Brett, Martin J.	891.18
372102	Benney, G. A.	26.65
375115	Biurstrom, Carl F.	104.18
378325	Boggs, Martha A.	785.48
520773	Beam, Charlotte F.	30.69
402349	Butler, Abe	34.03
402677	Breinig, Peter L.	723.19
402378	Breinig, Estella	3,203.59
402854	Brennan, Anna P.	25.23
402946	Bowman, Rebecca	24.37
404433	Ballinger, Edwin R.	263.43
404660	Bender, August E.	82.44
405527	Bornscheur, Edward F.	31.94
419044	Barabas, Emilia P.	2,531.10
419271	Bert, Florence I.	901.65
419395	Bright, Janet F.	1,755.40
430042	Baker, Bertha	9,631.55
430049	Bock, Wm. M., Jr.	160.15
430368	Berolzheimer, Philip	1,150.50
430803	Brown, Emmaline B.	537.94
430968	Bailey, Wilhelmina	1,454.74
465228	Burton, Marg't	108.32

C

223202	Christy, Blanche M.	992.89
233827	Costello, Nellie	193.36
233934	Connelly, S. Agnes	63.60
233548	Callaghan, Bridget	945.12
247860	Cameron, Jennie C.	603.03
250329	Crane, Joseph, Jr.	20.52
263467	Carson, Anna B.	2,844.25
273857	Carr, Mollie K.	47.62
275931	Condren, Bridget	134.42
361012	Crowley, Catherine	17.69
361554	Carson, Annie E.	1,862.71
361773	Cress, Blanche B. F.	133.84
362412	Carspecken, Henry L.	420.13
365932	Clark, Mayme A.	42.73
382967	Caveney, Margaret A.	24.74
385373	Caccavale, William	21.48
389450	Cronin, Margaret	117.81
407835	Chaney, Harry G.	233.14
408593	Clyde, Thomas	538.16
410785	Coren, Morris	66.71
416988	Carson, Margaret	69.37
422178	Commons, Ernest M.	39.25
422285	Cohen, Lazurus	126.12
422727	Conley, Mary B.	69.73
431635	Creslack, Mary J.	340.14
435106	Coleman, William E.	973.65
435586	Conley, Nellie G.	110.18
436340	Cook, William	1,421.77
439784	Coll, Mary M.	1,071.38
439866	Cawley, Mary H.	2,203.37
440341	Chalfant, Elizabeth B.	1,590.29
408148	Cavett, William B.	649.12
432511	Clarkson, Catherine	928.80
330847	Calhoun, John C.	1,513.51
330794	Clark, Margaret	59.44
332208	Chaplin, Rose M.	123.58
333258	Curtis, Joseph	3,118.15
335080	Crusan, Anna M. S.	1,209.90
335363	Clemente, Mariano	572.36
335364	Clemente, Cecelia	579.93
342273	Campbell, Thomas H.	1,247.19
342548	Curran, Mary	5,129.66
343736	Clifton, Gertrude	79.95
349047	Corey, Alice K.	56.86
350581	Coulter, Grace B.	18.11
353223	Crowley, Bridget	6,704.11
360170	Cahill, Thos. E.	999.33
411167	Chain, Frank S.	2,470.26
417029	Cosper, Clara	196.97
417246	Conway, Patrick	5,915.11
418016	Cohen, Lazarus	2,261.36
413995	Collins, James M.	176.47
427523	Campbell, Caroline	86.62
428733	Cohen, Pearl	182.26
437180	Cooper, John James	135.31
437327	Cruikshank, Florence	1,334.89
53840	Charlton, Maggie J.	192.94
76261	Cooper, Fred M.	223.38
78364	Clapp, Geo. H.	1,402.87
91482	Conner, Frank C., Jr.	111.06
112535	Clawson, Thomas S.	486.14
136861	Carroll, Edward F.	155.15
132574	Connelly, Katie	28.31
138543	Cashdollar, Mary M.	2,079.66
142816	Church, Wm. F.	27.81
176498	Campion, Kath. M.	3,551.15
191993	Cress, Robt. S.	24.49
194446	Coughenour, Chas. W.	10,218.47
204855	Cohen, Jacob	1,893.38
214838	Cassidy, Jane	202.15
393476	Csuk, Anna	1,999.43
393556	Carey, Mary	103.27
394745	Campbell, Florence	223.97
395125	Court, Mary	30.56
395449	Conover, Ina E.	895.06
395888	Caldwell, Wm. J.	194.17
396250	Crowley, James	179.24
400677	Campbell, Myrtle	329.69
413522	Corbett, Anna E.	2,111.45
422211	Coda, Adrian M.	900.00
424976	Coons, Hilda K.	120.31
433191	Christ, Henry H.	2,568.01
434298	Conley, Wm. P.	546.31
222783	Chomiaski, Mary F.	158.31
291255	Carlen, Bernard K.	980.00
294816	Cowan, Elizabeth	4,224.36
296291	Cook, Rose L.	82.20
305018	Coleman, Tillie	4,670.11
311858	Clark, Nellie D.	599.00
317781	Coady, Jno	136.00
373424	Conley, Mary B.	110.58
374577	Cadigan, Mary C.	3,357.31
278230	Chalmers, Anna O.	81.00
390449	Christofel, Kate O. R.	397.00
402277	Cain, Mary	75.00
419884	Carter, Pearl	57.30
420865	Cummings, Elsie E.	69.31
429005	Chisler, Edward E.	2,357.20

D

222624	Donaldson, Thos I.	33.00
223495	Dougherty, Isabella M.	130.92
223583	Danforth, Edith	241.28
233412	Denman, Gertrude	92.00

353429	Dibble, Rebecca	204.35
1[illegible]	Dixon, Alexander C.	26.46
4[illegible]	Dodge, William C.	14.34
2[illegible]	Donnelly, Frank A.	[illegible]
3[illegible]	Di Stefano, Caterina	279.99
376890	Dickson, Vera	15.99
387411	Dietz, Hildegard P.	244.29
388374	Deach, Anna M.	346.25
388540	Donaghy, Elizabeth	120.66
407953	DeSipio, Augusta	419.74
415591	D'Amato, Vincent W.	3 522.18
421970	Dettmer, Anna	439.54
426202	Dreyer, Paul B.	56.17
431585	Dennick, Catherine	964.77
431386	Dyllie, David	441.72
438340	Dailey, Marion Anna	389.89
440683	Durkin, Emily	147.50
440878	Dietz, John W.	152.73
442074	Dillon, Mary J.	1 955.01
442328	Dewis, Margt J.	136.39
439064	Duffy, James	909.83
441571	Dewey, George A.	87.81
436254	Denzler, Ludwina Pauline	76.37
451928	Devlin, Lillian	62.48
455917	Delaney, Alice A.	47.52
457788	Degnan, Mary L. M.	79.21
457951	Dacier, Paul	15.65
476554	Duffy, Rose A.	280.19
480449	Donovan, John	897.06
480631	Donnell, Minnie I.	333.48
413018	Dunn, Dr. Mildred Anna	223.04
477144	Deere, Myrtle J.	162.20
477988	Donchoo, Grace G.	250.46
468149	Davis, Bertha	336.91
477443	Driscoll, Sarah	1 694.77
471567	Davis, Martha C.	2 679.92
457595	Dalzell, Sara I.	74.55
479360	Dannenhein, Christ C.	2 300.05
479853	Donahoe, Wm.	19.52
4[illegible]	Dalzell, Lulu V.	5 191.89
4[illegible]	Dennan, Teresa F.	14.75
4[illegible]	Donnelly, Anna	516.32
4[illegible]	Donahue, Kate	6 458.06
4[illegible]	Donnelly, James A., Jr.	131.11
4[illegible]	Dietrich, Kathryn T.	30.69
4[illegible]	Demme, Herman P.	225.44
4[illegible]	Dunn, Marion L. B.	155.10
4[illegible]	Dunn, Jean M.	187.51
4[illegible]	Driscoll, Wm.	122.82
4[illegible]	Dreher, D. Hatfield	120.16
4[illegible]	Dow, E. Ruth	31.47
4[illegible]	Dahmer, Mary	280.39
4[illegible]	Dier, Wayne H.	293.86
4[illegible]	Dewitt, Anna B.	56.33
4[illegible]	Donovan, D. J. Jr.	1 [illegible] 12
4[illegible]	Di Benna, Maria M.	246.14
4[illegible]	Daniel, Julia	148.84
4[illegible]	Darnell, Thelma	2 70[illegible]
487500	Dinzer, Lillian F.	3 950.05
21 591	Dreis, Nathan	23.72
[illegible]	Durst, Adam L.	19.95
[illegible]	Derr, Ethel M.	294.24
[illegible]	Duffy, Anna	362.77
[illegible]	Donnelly, Katherine	284.76
[illegible]	Dodd, Nellie F.	16.93
[illegible]	Dewalt, Bertha F.	1 [illegible] 39
[illegible]	Davis, Wilbert M.	[illegible] 67
[illegible]	Dannucci, Raphael	143.39
464589	Dunlavey, Hannah R.	250.39
464731	Dempsey, Ora A.	103.66
419148	Dudt, Johanna C.	67.59
419997	Duda, John F.	215.07
420288	Doyle, Wm. F.	95.65
420602	Davis, Elmira	7 392.97

E

376580	Ehrman, Caroline	175.44
[illegible]	Easton, W. Earl	72.64
386981	Enright, Bridget	564.14
170287	Evans, Evaline	115.77
[illegible]	Ebert, Anna M.	2 568.65
407414	Enveart, Sarah J.	842.92
409861	Evans, Elizabeth B.	60.33
[illegible]	Englert, Elizabeth M.	336.68
409841	Esser, William J.	1 968.50
409819	Erickson, Hans O. J.	1,129.58
409832	Edwards, Ida May	105.35
409716	Eastland, Marie C.	63.06
386922	Eszler, Pearl	4 364.46
377161	Engle, Annie R.	2 196.79
384982	Englert, Elizabeth M.	151.74
370421	Eckardt, Elias	3 774.34
2[illegible]	Evans, Mary M.	336.[illegible]
340222	Epstein, Burford B., Admr.	866.70
390608	Enright, Thomas	2 854.06
417482	Eberleh, Charles F.	[illegible] 26
417870	Elman, Joseph E.	1 [illegible] 73
420250	Erb, Mollie	[illegible] 78
420736	Fehrl, Anna	[illegible] 14
4[illegible]	Ennish, Grace M.	897.95
[illegible]	Eisenreich, Lizzie	[illegible] 78
[illegible]	Ern, Joseph	[illegible] 52
[illegible]	Escheller, Laura A.	61.26
[illegible]	Ezak, Frank	126.04
400582	Elmore, Daniel	43.19
414116	Englert, Kathryn	89.73

424281	Eber, Herman L.	98.28
3[illegible]	Ewert, Wm. H.	399.56
426175	Fryear, Josephine	159.77

F

221651	Fry, Craig H.	19.92
228519	Fisher, William H.	26.64
247177	Fuhs, August T.	10,880.60
248004	Furstenberg, Louisa	1,172.62
250900	Findley, Jennie	3,864.42
257104	Ford, Dora G.	751.12
262140	Foxley, Jane	552.94
363184	Finkelstein, Zalmen	174.86
363759	Fenton, Bridget	426.55
364766	Fulton, Mary A.	179.69
365259	Foley, Mary	15.78
366773	Foster, Bella	3,923.28
369486	Fitz, Arabella S.	135.16
406285	Faulk, Walter D.	142.64
406371	Forrester, Sarah A.	140.83
421162	Finney, Georgeanie	877.94
421989	Fisher, John George	221.57
426711	Franklin Building & Loan Assn.	233.27
431080	Fredland, Margaret	214.24
429470	Fleming, L. Weaver	465.47
429448	Francis, James P.	1 159.97
429865	Ferrazzano, Louis	249.44
429865	Flynn, Elizabeth C.	105.85
271766	Ferraro, Nicola	736.72
410474	Friedman, Ida	301.63
452086	Fennessy, Phoebe	385.33
322665	Ferguson, Samuel J.	550.28
330902	Feibinger, Margaret	4,375.37
334590	Fleming, Mary K.	65.04
347243	Furich, Martin	585.25
357203	Fitzpatrick, Catherine	165.31
357664	Farley, John M.	667.76
359464	Fisch, Theodor	25.29
411311	Fischer, Sam	3 611.38
412456	Feller, Morris	6 8[illegible] 61
417823	Fichter, Phillip	49.32
418929	Fleming, Georgia I.	1 [illegible] 68
427.05	Flannery, Kirwan	182.89
437799	Fingeret, Rose	153.34
433582	Fry, William A.	324.83
140216	Flaherty, Patrick	1[illegible] 97
156226	Flemire, Dr. Richard K.	21 96
196186	Fagen, Michael	18.[illegible]
215954	Fanning, Cora	226.39
215998	Fennessy, Lizzie	260.15
39[illegible]	Fennell, Lillie M.	25.87
3[illegible]	Fennell, Mary M.	193.87
3[illegible]	Fennell, Mary	582.98
3[illegible]	Fuchs, Louis	2 [illegible] 65
393[illegible]	Fuchs, Carl	1 [illegible] 13
394[illegible]	Fraser, Olive C.	75.75
395105	Flynn, Thos. J.	27.37
393172	Fisher, Hyman	17.21
406638	Fandel, Maria R.	3 994.24
413381	Faux, Anna B.	274.19
414509	Formuals, Edwin B.	3,377.74
424618	Fahringer, Marion B.	60.51
394720	Fanning, Margt J.	14.85
389452	Fenton, Mary	15.74
267885	Franz, John	192.33
406089	Fisher, Cora E.	234.19
313784	Foster, Dora	15 064.76
371965	Fuhs, Mary	2,191.44
373249	Foster, Sarah	16.02
376650	Forbet, Katie	353.09
377236	Flerst, Helen A.	55.89
379036	Penney, Bridget	262.72
380820	Fibus, Fannie	1 980.33
403748	Fitzsimmons, David R.	2,358.59
408037	Flynn, Michael, Admr.	193.89
405009	Farrell, May	137.18
419803	Farrell, Ida	107.29
429015	Flocco, Elvira	1,131.64
430511	Fehr, Geo. Milton	283.93

G

234180	Goddard, Bertha A.	295.39
234785	Gillander, Jean	85.94
235962	Greiner, G. F.	4 673.64
278144	Gauley, Lizzie M.	41.04
349028	Garrigan, Jos. E.	24.48
255907	Greiner, Annie M.	46.15
266473	Gilfillan, Gertrude C.	32.50
364514	Gray, Eliza I.	68.99
364656	Glaser, Charles W.	120.28
365427	Geisler, Alice W.	881.46
365739	Grannan, Louise M.	237.95
382432	Gross, Barbara	2 [illegible] 39
397083	Gschwend, Anna	100.97
413664	Grubbs, Dixie M.	142.92
421452	Graham, Madeline M.	223.84
421568	Grimm, Louise M.	116.39
2[illegible]	Gilles, Elizabeth	671.64
2[illegible]	Goldman, Sarah	1 240.51
2[illegible]	George, Annie M.	69.85
425793	Griffiths, Thomas	1 [illegible] 36
425956	Gibbs, Jane H.	54.19
431897	Graybigle, Mary A.	1 [illegible] 08
[illegible]	Graham, Emma V.	3 215.32

439679	Gorman, Bridget	1,071.96
415915	Graham, Elmer	146.96
432144	Griffin, James	113.02
432359	Grier, Robert S.	1,105.03
323150	Green, Anna M.	62.23
324379	Galbraith, Lizzie	16.46
325020	Geagin, Mary, Extrx.	778.69
327534	Green, William H.	167.47
330756	Goehringer, Charles S.	1,842.14
333671	Grabowski, Veronika	25.51
[illegible]	Gonsowska, Sophia	552.15
337750	Goode, Robert B.	649.35
[illegible]	Gray, Eliza L.	49.37
345[illegible]	Glasman, Morris	7,803.61
34[illegible]	Ginniff, Maria G.	851.14
35[illegible]	Geselius, Julia	231.14
41[illegible]	Glick, Fannie	501.49
41[illegible]	Gallagher, Charles F.	91.16
41[illegible]	Garvey, Agnes C.	611.94
418031	Gilmore, John R.	67.17
427297	Gedra, Peter	896.72
429863	Goodman, Philip	644.36
437137	Grundman, Catherine R.	277.40
437968	Gubits, Anna	117.07
437978	Gardines, Anna A.	316.40
438388	Gray, Catherine M. K.	193.03
438457	Greenberg, Dorothy	1,120.93
438812	Geis, Sophie	491.60
355851	Gerber, Anna W	2,466.08
284085	Gerding, G. Henry	12.90
289082	Gunselmann, Anna	2,039.79
289284	Gerling, Josephine M.	809.06
292734	Graham, Marg't B.	3,651.40
289215	Gill, William	1,422.02
309074	Gray, Emma	259.76
309364	Grove, Kath. E.	34.45
315143	Gratz, Katie	178.44
315578	Garbett, Mary E.	240.53
317823	Grange, Walter T.	33.84
320371	Geinzer, Emma B.	1,289.01
371710	Gary, Clem	315.94
372037	Graham, Maria	2,964.76
373292	Grubbs, Adam M.	617.94
375636	Greve, Edgar E.	1,164.64
373811	Geer, Wm. E.	29.65
380402	Gray, Wm. H.	23.49
401865	Gabig, Theresia	1,289.03
401997	Grounds Lydia H.	1,295.22
402012	Greves, Alice	47.65
402103	Goldman, Cecelia	2,319.27
402489	Gebhardt Bertha	1,116.64
402323	Gamble, Maude A.	247.80
402886	Gill, Marg't	288.39
403323	Goetz, Arthur F.	186.39
403490	Gallagher, Anna	396.85
404800	Grimm, Helen M.	2,890.50
405210	Gies, Martha B.	71.98
405440	Garman, Sadie I.	689.77
419083	Griggs, Annitlia	220.86
419158	Grace, Anna E	410.40
429547	Glick, Sophia	2,872.69
429869	Goldman, Leonard H.	103.73
430129	Grant, Ellen A.	380.37
16[illegible]	Grant, Margaret H.	1,284.07
98[illegible]	Gamwell, Roland G.	29.69
159[illegible]	Griffiths, Emma J.	87.96
163[illegible]	Glenn, Jos. E.	292.35
182309	Greiner, Albert	15,071.29
392114	Guest, Sidney	68.11
395186	Giesey, Geo. A.	109.14
396526	Grogan, Annie	12.91
398760	Goldenson, Dora B.	103.07
398832	Gardner, Olga	839.35
400421	Grant, Loretta F.	52.14

H

227683	Hill, Eula M.	2,817.93
228934	Henry, Essie M.	38.44
239059	Harrison, Donna	60.71
248273	Howell, Helen P.	217.76
248504	Holloday, Chas. H.	626.14
251983	Hagen, Ellen	20.59
252442	Highley, Nellie	414.84
264418	Hanselman, Jennie	15.52
275812	Harmon, Ruth E.	34.64
276460	Humphries, Ida M.	1,936.61
277504	Hollis, Olive L.	92.19
277549	Heimbuecher, Simon J.	117.38
362518	Hazlett, Maud M.	32.60
364755	Hall, Rose E. Y.	3,908.45
365964	Herron, Eugene	84.62
366703	Herrman, Bessie	1,931.28
368261	Huston, William E.	3,668.92
369540	Hester, James	221.12
370098	Halley, Jean	161.73
381303	Hayes, Margaret M.	121.10
382140	Heard, Elizabeth A.	2,021.81
382190	Hughes, James	77.19
382984	Hlavsa, Annie	1,514.65
384470	Hook David J.	464.17
384605	Hamilton James C.	1,138.31
384673	Hurley, Bridget	1,[illegible]
386456	Hughes, Helene	[illegible]
389092	Havey, Mary J	1,610.96
390953	Herlehy, Allen R.	84.59
406302	Hard, William M.	3,038.45
407119	Hillyard, Franklin P.	93.52
409239	Hartley, Marcus A.	115.61
409867	Hallisey, Mary	48.73
410534	Harlun, Charles W.	2,994.56
415463	Houseberg, John W.	8,249.47
416592	Heard, Elizabeth A.	213.87
422953	Henrici, Mary McL.	450.67
426264	Hoffman, Mary J.	1,183.09
426771	Heyl, Beatrice A.	363.31
431489	Huehn, Catherine L.	191.90
436423	Haskett, Nora	981.67
436811	Hofbauer, Teresa	110.67
439095	Hall, Arthur J.	1,101.63
439648	Heckard, Ida M.	318.40
409684	Heritage, Katharyn B.	467.78
426765	Handelman, Morris	66.38
432568	Hofbauer, Frances M.	269.76
327811	Hillwig, Clyde R.	200.59
330307	Hassinger, Alfred L.	203.43
331559	Hassinger, Alice	893.97
334755	Harrison, Anna S.	270.12
335810	Hickey, Joseph	1,952.88
336370	Heath, Frances A.	84.65
337580	Howland, Esther M.	3,485.64
337846	Haggerty, Julia	1,875.58
345148	Henrici, Mary McL.	2,858.96
346174	Houlette, Patience L.	2,606.97
350562	Hays, Etta	11.98
351698	Hutchinson, Ernest E.	56.55
351899	Hieber, Katherine C.	3,252.48
352546	Herman, M. Estella	130.28
354197	Holland, Aime	1,251.24
354691	Hoffman, M. Magdaline	233.28
354692	Hoffman, Mary	518.21
411254	Hergenroeder, Willibald	2,444.49
411763	Hesh, Annie	1,655.27
411907	Haffey, William J.	157.82
417905	Haggerty, Mary	364.60
418863	Haidle, Olive	41.81
428549	Hazlett, Maude M.	542.02
428661	Hemerich, John C.	167.74
437240	Heskitt, Nora	1,575.63
438102	Haley, Richard M.	2,436.51
438156	Hanna, John W.	150.41
438234	Hays, John A.	124.91
438852	Hooper, Angus M.	210.23
328331	Hammerschmitt, Laura M.	291.06
111034	Hambright, Robt. K.	1,512.68
114232	Hamilton, Louis H.	175.22
145197	Haley Mary	12.32
145530	Hamilton, Marv E.	7,398.16
161725	Hervey, Tena C.	2,775.14
167030	Hueston, Lizzie	3,389.43
183320	Hughes, Anna A.	2,547.83
184035	Hunter, Sarah Jane	609.25
190616	Hermann, Regina	1,266.67
190790	Hoak, Warren H.	40.24
194464	Herbick, Marie K.	364.52
207145	Hite, M. Virginia	1,973.31
214332	Harshaw, Anna	854.42
215511	Hazlett, Maggie M.	1,775.26
216233	Herrmann, Emma J.	331.64
391254	Hamilton, Clarence H.	21.59
393679	Holmes, Sarah G.	83.42
394492	Hojnatska, Martha	8,373.47
395415	Halpine, Lillian	1,297.31
396721	Hares James	2,283.20
367707	Hodgson, Ray W.	23.51
397709	Holland, Mary	116.00
398291	Huchison, Mary E.	22.01
398826	Henry, La Verne	352.14
400394	Heard, Eliz. A.	796.43
414538	Hobaugh, Nellie M.	3,312.19
423589	Hartman, Odessa J.	300.59
423726	Haeckler, Stephan A.	564.77
424799	Hagan, James	762.86
433060	Hubbard, Donald E.	335.93
433199	Huckestein, Henry C.	110.74
295233	Himme, August	950.93
298412	Haase, Louis T. G.	108.84
306696	Henderson, Alice	451.91
316605	Heesom, Walter D.	18.40
371703	Hook, Lydia H.	120.95
372142	Hendrickson, Amanda	14.93
373053	Holmes, Grace C.	658.70
373288	Hartman, Regina	1,817.92
373397	Hindman, Thompson F.	96.78
374200	Hollinger, Annie	254.83
374941	Hunnstead, Wm.	31.28
375066	Haas, Geo. W.	313.82
376547	Hodeson, Florence H.	69.93
380718	Handelman, Morris	47.00
405487	Harrow, Willard J.	16.01
405556	Hilbish, Jos. M.	285.89
405816	Heesom Charlotte, A.	523.50
405633	Helm, Jno. T.	80.81
420444	Hargnett, Minnie E.	904.16
430308	Hunter, Mary M.	2,178.73
430840	Huston, Junius D.	7,718.05
430961	Hartsorn, Winifred	141.13
284051	Hard, Wm. McK., Extr.	3,031.50
373664	Hill, Martha R.	13.32

I

381337	Isgrig, Grace F.	916.63
421643	Itskoitz, Betty K.	109.37

991	Irwin, George R.	174.75
368	Ivol, Mary	19.18
126	Imblum, John M.	123.10

J

793	Jaffe, Bertha	2.384.02
760	Johnston, Agnes C.	189.53
011	Jones, Beatrice M.	473.28
984	Jones, James	1.091.74
269	Johnston, Lulu	232.07
697	Johnson, Archer A.	556.78
220	Jennings, Norah	117.81
367	Johnson, Jacob	62.26
263	Jones, Isabella A.	156.68
176	Jones, Flov C., Jr.	70.03
321	Jackson, Bettie M.	5,360.60
591	Jackson, Charles T.	356.24
314	Jordan, Charles W.	719.44
255	Junkin, Mary Elizabeth	619.70
465	Johnson, Carrie C.	212.42
053	Johnstone, Edwin F.	41.98
229	Jackson, Amanda K.	953.09
310	Jackson, Mary	710.16
142	Johnstone, Wm. T.	862.54
177	Janikowski, Helen	93.98
323	Jacobs, Helen A.	875.35
057	Jackson, Jno. W.	38.37
897	Jochumsen, John M.	138.62
809	Jozwiak, Martha	428.77
365	Judge, Anna D.	62.08
913	Janulis, Anna	57.30
703	Jones, Eliz., Admrx	1,042.42
524	Joyce, Mary	31.07
467	Jackson, Annie	2,933.94
071	Jones, Richard	63.42
350	Jarratte, Myrtle	41.62
432	Joyce, Catherine	622.22
895	Jones, Clive H.	364.03

K

468	Kaplan, Jos. A.	87.54
724	Kenna, Edward J.	18.37
798	Keller, Alfred	168.85
242	Keady, Mary	15.21
594	Kunkel, Mildred C.	1,104.36
002	Keegan, John	3,288.02
249	Kraus, Joseph F. A.	19.44
428	Korger, Anna	327.30
178	Kauline, Margaret A.	112.31
467	Kirsopp, Pernella B.	599.59
545	Kelly, Bridget	349.82
161	Kirsch, Harold G	402.37
388	Kilcullen, Patrick	151.65
161	Kessler, Tillie	1,931.93
996	Kutschbach, Katie	613.01
348	Klingensmith, Albert L.	29.56
476	Krauland, Katie	52.15
349	Kilgore, Ellen C.	199.66
518	Kohl, Bertha	60.02
012	Kinselman, Margaret H.	2,379.74
123	Kalbach, Charles J.	129.23
117	Kerr, Eliza McC.	83.60
785	Konchus, Sofie	1,033.19
516	Kaufmann, Luella H.	3,309.33
915	Kaylor, John J.	14.59
141	Kuhn, Thos. R.	97.68
190	Kranek, Elizabeth	149.40
921	Kane, Maggie	8,637.89
159	Keitz, Theodore L.	164.08
233	King, Michael	188.70
255	Keenan, Mary R.	314.81
928	Kubecker, Mary	290.07
459	Kemp, Alex B.	757.20
483	Kennedy, Francis T.	669.74
222	Keener, John D.	1,363.98
284	Kimes, Arthur W.	734.74
317	Kilcoyne, Mary A.	59.39
323	Kler, Marv M.	129.63
365	Keenan, Hetty B.	81.12
259	Kane, Ella A.	2,276.59
277	Kerr, Clyde C.	251.25
404	Krings, John C.	44.90
482	Keil, Anna	4,751.34
486	Kelly, Catherine M. V.	54.27
538	Kirk, Bessie D.	479.99
491	Kerr, Estella B.	1,992.33
495	Kenly, Samuel	69.04
756	Kaltenborn, Leonard J.	80.71
157	Kreger, Sarah	1,233.19
923	Krieger, Dorothy	704.25
607	Kelly, Henry James	257.70
567	King, Leroy L.	199.26
773	Kates, Sarah Jane	1,078.74
579	Kramer, Fred W.	1,091.01
931	Kienpner, Regina	256.75
081	Killian, Marie	21.69
935	Karkos, Julia	3,715.57
917	Kohler, Clara L.	19.14
938	Kane, Michael	99.31
750	Kiefer, Chas. R.	72.50
655	Kernan, Marg't	1,053.13
011	Kreps, Ida B.	519.31
990	Kammerer, Minnie M.	17.00
038	Kretzler, Paul	2,456.85
414	Kovacs, Karl	975.14
420224	Kreines, Moses S.	2,432.42
429151	Kean, Edward	225.17
433271	King, Annie E.	97.70
430373	Kile, Marjorie C.	57.14
116592	Kraus, Mary	3,118.91
134238	Kountz, Jos. L.	625.58
157628	Kelser, Louise	100.32
185275	Kirchner, Andrew D.	556.29
185769	Kremer, Barbara	215.99
194970	Kennedy, Anna B.	24.60
195070	Kilpatrick, Mabel	78.90
198503	Kleber, Fredericka	45.13
392376	Kalinna, Fred	2,530.25
393802	Kincaid, Florence	169.39
399646	Klein, Hanna D.	357.79
399712	Kriss, Jos. F.	343.42
400124	Kelly, Mary A.	89.02
400229	Kuras, Anni	1,191.17
413973	Kramer, Etta	192.97
414765	Kenny, Myrle	784.70
423100	Krause, Everett H.	341.77
423311	Kerr, Margaret	1,581.27
423822	Kamerous, Geo.	1,365.97
434071	Kleinschmidt, Marg't. M.	1,631.34
434226	Kline, Geo,. Sr.	377.41
434378	Knauber, Wm. A.	789.83

L

223604	Linnekin, Carrie V.	3,812.61
240502	Leitzell, Mary A.	336.29
247877	Lackey, Sylvester J.	28.97
264576	Loughrey, Jno. E.	127.02
274049	Lauth, Matilda	256.53
278153	Leventon, Frank	264.13
278533	Lauer, Mary P.	17.45
278621	Lee, Anna A.	23.37
285352	Lyle, Elizabeth T.	134.41
286368	Lloyd, Mary	798.42
370340	Lovett, Mary E.	618.56
381213	Leithoff, Katherine	1,276.29
385035	Loeffler, Kathryn M.	1,569.28
386683	Lutz, M. Catherine	77.35
388532	Lowman, Anna R.	68.99
389439	Lowe, Eleanor C.	2,115.56
389466	Lenk, Lena	3,187.74
390794	Lowmiller, Anna P.	82.16
406667	Lippert, Viola V.	123.01
407562	Liffert, George	116.00
409830	Lowery, Mary B.	3,222.98
410382	Laugnese, Peter	1,053.98
410421	Leventon, Morris	521.33
410846	Leonberg, Henry	496.88
415031	Levingston, Annie L.	5,038.88
415153	Liebschner, William A.	1,097.75
415230	Luley, Edna S.	474.91
416346	Langnese, Marie	1,071.97
421274	Leitch, Albert S.	1,284.37
421386	Leech, William H.	473.35
425091	Lenk, Carilore W.	2,051.23
425358	Langhurst, Maggie A.	3,360.41
431346	Lytle, John E.	515.34
438046	Lapp, Mary A.	457.54
438218	Lampus, Lena	212.78
440442	Lloyd, Marion	194.72
370228	Lewis, Annie	17.95
431930	Lefkofsky, Lillian C.	52.82
432196	Lewis, Bertha E.	224.65
432275	Luckhardt, Jennie M.	100.57
432996	Laffey, Helen	222.38
322478	Leahy, Joseph M.	231.87
324475	Lackey, Irola E.	54.37
327073	Leyton, Dora	1,146.49
335352	La Fianza, Giovanni	4,562.23
340992	Lowers, Matilda	2,387.10
341596	Lewis, Wilhelmina	1,094.23
342007	Lambert, Jennie M.	214.13
343299	Lechner, Anna M.	66.62
348177	Levier, Elizabeth W.	276.42
351595	Littman, Bessie	76.16
352019	Lipsitz, Sere	944.26
354454	Lees, Matthew	156.98
356520	Lundy, Ella	17.40
357161	Lewis, Jessamine DeH.	35.14
358809	Livingston, John	130.81
411864	Legros, Henry	1,105.51
412386	Lindenfelser, Anna	1,019.99
418034	Lenk, Albert W. F.	4,093.47
423816	Levine, Ida	269.89
432693	Laffey, Helen	222.38
77010	Lorch, Lizzie	7,252.72
77041	Lemesley, George	130.32
104202	Lanahan, Frank J.	143.96
117765	Lawson, Viola C.	3,471.20
144432	Leopold, Geo.	1,539.73
392130	Lee, Bertha M.	3,991.90
393885	Lambert, Myrtle C.	154.22
393951	Lendl, Anna	2,843.15
393097	Levine, Roy L.	75.21
393845	Ludwick, Robt. N., Extr.	762.63
397822	Lloyd, Helen M.	85.73
413033	Luden, Fred. H.	116.85
414232	Louis, August H.	95.14
414521	Lundberg, Emma	1,071.96
414794	Livingston, Sara J.	2,069.42
424094	Leightner, Marcella J.	187.52
291578	List, Walter C.	57.22

295287	Levitin, Minnie	532.80
298058	Lynn, Annie	3,273.32
293240	Lott, Geo. E.	446.65
305111	Louis, Fred	3,312.69
308689	Lambertson, John H.	[illegible]
377701	Lenfestey, Annie V.	17.06
403433	Lang, Sarah	[illegible]
403716	Leonard, Alvin G.	167.35
404580	Lang, Frieda S.	372.23
405218	Lagnise, Mary	197.76
419992	Lippard, Bessie	547.94
429041	Livingston, Margt.	224.68
430482	Levin, Reada	342.70

M

224925	Murphy, Jerry	1,886.76
227767	Minsky, Esther	82.62
229542	Miller, Sadie	87.15
243482	Miller, Waldo P.	1,667.24
246458	Morris, John R.	2,022.75
247483	Mgrdichan, Mary E.	847.61
251634	Morrow, Bridget J.	2,652.54
252214	Meadwell, Ellen	2,792.90
256292	Mackin, John, Jr.	75.29
259445	Malloy, Nora	1,372.45
361187	Mullen, Mary E.	857.59
363232	Morrow, Sarah R.	298.14
363334	Moore, Clyde J.	294.70
367000	Magill, Robert A.	236.53
367570	Merry, Sarah	386.81
368787	Murray, Ellen	137.01
369348	Munk, Emma	1,314.97
369849	Munk, Lottie	1,322.21
369824	Munk, Anna	745.48
382500	Magnini, Lena	1,037.13
384990	Morris, Ray	518.67
385384	Miller, Bessie	2,563.16
389518	Mayrhofer, Marie	1,074.50
403681	Mach, Edna	481.49
407235	Myszkowski, Cosimer	162.02
407386	Meeking, Beatrice I. M.	131.62
407974	Murphy, John	66.55
403510	Mauch, Elvira M.	93.04
410331	Mullen, Joseph R.	114.90
410316	Milton, William H.	91.47
415532	Maloy, Mary F.	93.71
421564	MaGary, Anna M. E.	3,171.97
421681	Meyer, Ida	556.76
422690	Morrow, Margaret A.	528.05
425403	Mullane, Bessie	955.62
425453	Marshall, Anna	241.41
425835	Monahan, Bridget	2,329.19
425641	Maloney, Imogene	235.96
428591	Malle, Margaret E.	2,047.88
433784	Morrison, Wilbert	1,058.75
368941	Meighan, Mary	4,722.88
402772	Machachlan, Mary E.	331.28
402759	Myler, Agnes T.	4,483.75
432754	Markel, Jacob	725.34
321100	Mercer, Marjorie B.	24.13
320230	Moore, Mary J.	46.98
321114	Morgan, Sarah D.	55.90
333643	Madia, Gaetano	580.85
334291	Mockus, Frank	67.32
337975	Mubler, Josef	480.37
340197	Mitchel, Rachel	182.59
342116	Mezewitz, Bertha	1,032.66
342733	Moretsky, Alex	1,363.89
345781	Murphy, Norah	151.42
353333	Marks, Elizabeth	948.69
354701	Mandelbaum, Louis	253.05
357928	Munn, Silas A.	21.13
359229	Meenan, Mary F.	43.96
360031	Moran, Delia	141.76
360097	Mahoney, Marg't Extrx.	1,024.43
411675	Manning, Julia H.	145.36
411876	Mulesky, Stanly	1,576.84
417197	Mardzakiewicz, Kunegunda	1,136.79
417825	Mortimer, Emma I.	1,328.41
417997	Murphy, Amber K.	27.46
418484	Miller, Mazie MacD.	346.93
418595	Moresky, Joseph	242.36
418382	Murray, Mary C.	933.60
427040	Miller, Edith A.	170.60
427633	Mahaney, Stella	5,899.27
428103	Mundk, Helena	170.27
437416	Mcafkle, Louise Delp	128.66
437384	Monahan, Edward J.	115.67
437626	Mungai, Olida	753.58
[illegible]	Myer, Elizabeth W.	2,172.94
437579	Meyer, E. August	169.46
133741	Meade, Mary A.	337.60
[illegible]	Metzler, Kate	564.31
[illegible]	Miller, Clara	38.84
166133	Mannion, John	379.79
176131	Mayer, Annie M.	45.33
178077	Macon, J. Conway	63.15
[illegible]	Merriman, James E.	996.54
200316	Marshall, Geo. T.	19.11
201230	Monaghan, Bridget	197.29
[illegible]	Miller, Margaret T.	103.13
201507	Mahon, Nora E.	210.03
201668	Mubler, Jos.	113.51
[illegible]	Maley, Wm. J.	942.41
[illegible]	Mubler, Jos.	80.17
397373	Maienhofer, Martha	42.16

398010	Moore, Eliz. R.	186.24
398720	Miller, Marg't L.	6,654.33
414781	Michalik, Marie	198.99
423042	Morrissey, Annie	93.07
423407	Marshall, Stuart B.	615.63
424248	Mason, Walker, Jr.	607.62
424757	Machesney, H. Allen, Jr.	121.32
424874	Moellenbrock, Phoebe F.	108.78
433228	Magnus, Frederick G.	55.86
433503	Miller, Lillian G.	55.42
433548	Myers, Virginia E.	448.31
433615	Mane, Stella	70.23
433688	Morrison, Dora	353.38
434508	Metz, Ruth M.	872.50
434954	Maier, G. Edmund	58.79
283208	Mahan, Hattie	1,282.61
291049	Montgomery, Annie D.	375.76
291782	Morgan, Jennie	135.26
294759	May, Elizabeth	12.07
299443	Mistelske, Anthony J.	144.59
302934	Maugham, Mary E.	413.06
303111	Markey, Ella	346.94
307535	Mansell, Cordelia S.	126.09
311164	Moore, Kath. R.	1,103.67
318268	Mueller, Anna M.	65.98
318870	Mitchell, Geo. H.	32.95
375146	Mackin, Jno. T.	32.10
377980	Mitchell, Geo. H.	81.68
401835	Murray, Jas. D., Jr.	233.79
402729	Martin, Jno. A.	863.16
404775	Mabon, Anna V.	461.95
419171	Master, Wm. M.	139.58
419376	Morosky, Rita	27.40
419762	Marshall, Thos. D.	209.42
419763	Marshall, Robert J.	37.26
420588	Martin, Loretta R.	391.17
425268	Michel, Howard J.	116.60
430013	Murphy, Arthur I.	149.94
430337	Murray, Alice	2,289.41
430411	Melchior, Margaretha	2,645.42
430797	Milligan, Isabell	475.25

Mc

238001	McGibbeny, Elizabeth	11.36
252681	McDonald, Mary F. W.	66.83
304329	McCosker, Elizabeth	63.75
306294	McCreedy, Emma	632.00
307303	McDavid, Matilda	1,365.05
309192	McMahon, Thomas C.	35.32
383398	McComb, Tillie	129.88
383514	McMillan, Alice F.	32.66
383926	McGill, David F., Admr.	621.39
384460	McCarthy, Mary	437.40
385787	McColligan, May F.	332.16
386283	McDonnell, Mary	190.25
386569	McDonald, Isabel J.	232.21
387659	McCarthy, Mollie A.	196.73
406287	McCord, Clara J.	2,592.48
410424	McGarr, Madeline C.	4,592.76
415712	McHenry, Margaret	269.28
425447	McCormich, Frank R.	175.01
435178	McCutcheon, Elizabeth	110.40
435529	McCluan, Mary Pearl	92.25
435980	McPoland, Katherine	163.98
436338	McIntyre, Marion	2,756.37
440426	McDermott, Mary	253.12
268870	McKavaney, John R., Extr.	249.30
431947	McGettigan, Minnie M.	224.78
321834	McDonald, Thos. J.	966.99
327381	McGuire, Bryan	457.57
328516	McCall, James	236.04
333209	McCurdy, Wilbur E.	226.66
336164	McGonigal, Eliz.	693.56
338360	McDowell, Miles J.	95.99
341455	McGuire, Patrick	1,714.75
344604	McCormick, John J.	1,749.85
345695	McGill, David F., Extr.	477.60
347474	McConnell, Christina	1,310.52
351213	McKee, Edith K.	2,773.35
353739	McGovern, Blanche F.	256.81
353797	McCarthy, James	20.41
356513	McLaughlin, Annie	973.24
359736	McClintock, Nellie G.	2,351.19
358972	McClure, Chas E., Extr.	148.43
412012	McIlrath, Isaac	55.55
417415	McGary, Clara M.	8,954.33
427574	McCarthy, Jeremiah	2,019.20
428535	McKelvy, Earl R.	80.39
428942	McEwen, Emily M.	116.03
437613	McCartney, Nathaniel H.	841.91
438294	McNaughter, Mary R.	109.72
123938	McAllister, Sarah A.	299.70
160197	McClaren, Sam. M.	283.78
176586	McClelland, Wm. J.	37.38
189214	McCarthy, Katie F.	513.83
193154	McCall, Clinton W.	134.92
209396	McNamee, Catharine	1,006.12
209825	McVay, Michael P.	1,302.59
212884	McElheny, Sara E.	68.02
214575	McQuaide, Jos. T.	73.66
382578	McGinnis, Betsy B. T.	265.76
394293	McCarty, Fanny E.	13.06
400873	McColligan, James R.	341.59
400816	McCabe, Margaret	3,809.03
[illegible]	[illegible]	73.01
[illegible]	[illegible]	1,489.42

134022	McSwiggen, Marg't	5,344.13
434043	McGregor, Edna	112.69
[illegible]	McCluskey, Jennie	6 977.13
303983	McMahon, Patrick	137.57
311485	McCoy, Charlotte	1,307.19
312026	McWreath, Alice R.	1,278.03
313381	McConnon, Annie	1,367.84
372345	McGuire, Susan	44.51
378820	McGregor, Annie V.	153.87
379378	McClelland, Elwood H.	28.22
379876	McGinley, Marg't	863.91
380330	McCracken, Ray O.	630.13
330336	McMaster, Emma	45.58
402154	McCorkle, Grace R.	23.91
405736	McMahon, Louis H.	291.07
419903	McCullough, Ella L.	1,129.07
420860	McIlhatton, Kath. S.	47.66
429138	McKelvey, Nellie	353.01

N

278704	Neumann, Frederick	381.80
368608	Norton, Mary	326.39
369821	Nonamaker, Mary	1,028.54
390372	Neaman, Rose	550.92
407928	Neuhart, William	709.80
416140	Neaman, Rose	181.70
431096	Neely, Margaret C.	1,369.12
431591	Nagy, Margaret E.	411.38
432057	Noble, Bertha M.	193.68
346237	Newbury, Jennie D.	3,151.35
[illegible]	Newton, Lena	329.71
412272	Nilson, Lucy L.	391.73
412553	Newart, John W.	1,400.54
412997	Nyklel, Jan	358.58
417041	Nelson, Charlotte F.	37.65
437957	Noonan, Minnie L.	107.71
314754	Norris, Olive R.	985.36
317236	Nickel, J. Kelso	1,233.49
[illegible]	Newton, Jennie	745.59
373558	Nicholson, Clarine	432.69
[illegible]	Nevins, James	9.61
419303	Neuman, Henrietta	980.65
[illegible]	Nelson, Elizabeth L.	82.69
429820	Niederreiter, Maggie	641.69
430224	Nebel, Andrew J.	82.49
430345	Neill, Elizabeth D.	114.20
78309	Neale, James E., Jr.	185.13
212040	Nickel, Emma C.	120.35
391532	Neff, Anna	143.04
[illegible]	Nelson, John O.	514.15
[illegible]	Neuner, Henry	154.13
433243	Newell, Eliz. W.	216.79
433921	Neato, John	1,231.97

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277536	O'Connor, Mary A.	293.92
361860	O'Donnell, James F.	56.85
362436	O'Donovan, Michael	180.75
364307	O'Keefe, Catherine	370.23
[illegible]	O'Neil, Patrick	2 [illegible] 77
416339	Overman, Pearl E.	20.73
439438	Oslasky, Sophia	1 [illegible] 11
440410	Otterson, Mathilda	858.26
359220	Osborne, Beedie	16.83
411869	Orr, George O.	52.44
412181	O'Toole, Sarah	185.55
205728	O'Connor, Minnie H.	160.78
214571	O'Donnell, Bridget	2,208.73
384249	O'Donnell, Mary J.	3,660.22
394781	O'Donnell, Lawrence J.	42.04
402043	O'Neill, Rose	51.37
423400	O'Brien, Lecetta	61.25
299940	Ogden, Mary	1,024.46
[illegible]	Orbin, Anna M.	1 [illegible] 40
[illegible]	Orbin, Mary E.	92.92
[illegible]	Owens, Howard G.	[illegible] 63
433374	O'Connell, Laretta	118.30
430764	O'Donnell, Katherine	93.37
403834	Oboler, Ethel M.	34.94

P

229999	Page, Arthur E.	45.00
232845	Peters, John	4,330.46
248853	Powers, Elizabeth	18.96
265158	Philips, Eliz. I.	152.25
271379	Plender, Martha B.	30.52
282294	Phelos, Hilda	475.20
366959	Pisano, Angelamaria	97.30
[illegible]	Potter, Minnie	149.83
322725	Plasecki, Lena	635.14
336887	Potter, Marie W.	1,148.03
389258	Pradetto, Castullo	416.65
[illegible]	Purdy, Jessie C.	147.13
426079	Popp, Clara L.	243.21
431187	Parcola, Katie	523.20
425558	Pelesh, Tatina	321.57
428903	Peffer, John C.	122.21
435211	Powell, Anna K.	347.32
439692	Price, A. D., Dr.	1,031.41
439811	Pollock, Dorothy	113.25
425871	Pearson, Grace D.	58.96
[illegible]	Pearce, Charlie A.	93.97
324421	Paulus, Lena	668.99
340326	Patterson, May Hake	391.40
346158	Porter, Robert J.	65.53
352479	Pfrinzinger, Charles N.	17.90
[illegible]	Patterson, Anna	4,559.14
359038	Pemberton, Anna B.	55.38
359746	Price, Katherine	388.96
360585	Powers, Richard C.	55.35
360991	Painter, Ned H.	3,447.22
412747	Parke, Isabel C.	453.37
417035	Powers, Mary M.	565.04
423644	Pappert, Andrew J.	3,199.51
423718	Parker, Mary H.	592.55
438251	Pearce, Kathryn E.	229.03
328780	Phillips, Lyda G.	98.49
432480	Painter, Maggie B.	5,864.38
438118	Pardini, Wm. L.	121.50
438182	Patterson, Ellen	109.31
104786	Perry, Dora	6,344.27
149147	Patterson, Frank	4,878.18
170000	Pidgeon, Jane	297.78
203873	Pryor, Will	158.44
395154	Proctor, Mattie B.	76.22
399182	Peetz, Emma Emilia	2,305.31
399368	Pitts, Garnet A.	29.25
400301	Petras, Anna	388.36
400971	Page, Mary Hester	237.08
400993	Pecinkas, Jonas	88.22
414935	Pettit, Albert W.	25.10
283749	Parker, Alice	3,204.89
300161	Prescott, John T.	1,879.09
301035	Pringle, Allison A.	1,071.96
315333	Patterson, Anna D.	263.85
319715	Pearlstein, Max	93.92
376749	Powell, Wm. Sr.	443.44
377203	Patterson, Albert H.	65.88
403519	Petti, Treresa	1,557.13
429050	Paulin, Wayne	226.98
429809	Parke, Alfred D., Sr.	469.07
429881	Pfirrman Caroline	1,093.38
430892	Patterson, John M.	1,910.77

Q

382359	Quinn, Pierce J.	13.96
[illegible]	Quinette, Margaret	469.33
439803	Quigley, Walter B.	102.91
417215	Quigley, Joseph	6,083.60

R

243954	Randolph, Hattie	30.63
[illegible]	Roberts, Flora	1,303.90
[illegible]	Rose, Anna	262.30
365447	Raskauskas, Margt A.	36.08
368220	Reed, Jno. F.	691.27
[illegible]	Brooks, Pearl	450.17
368452	Rapp, Hermann	62.43
383597	Ritchey, S. Elizabeth	123.33
[illegible]	Popra, Louis	1,493.16
386280	Remch, Harry L.	14.78
403164	Robb, Esther E.	15.37
403954	Rak, Peter	769.68
[illegible]	Radnosk, Valentin	194.43
415456	Reich, Sarah	1,185.04
[illegible]	Rigo, Rebecca	133.44
421772	Recht, Frieda	121.10
[illegible]	Rubinstein, M. A.	26.83
425174	Rubenstein, Sam.	219.00
426529	Rose, J. Bernd	114.45
435920	Regan, Stasia	2,378.82
436226	Ries, Elizabeth	887.74
436545	Rutter, Alice M.	9,450.30
436721	Reed, Emma	240.03
436113	Roney, Katherine M.	2,007.24
439808	Ross, Charles Cooper	155.49
432121	Ruettgers, Bertha	1,130.68
[illegible]	Richey, Agnes	151.18
[illegible]	Regine, Sam	39.26
[illegible]	Ramsey, Jane	112.14
343299	Rote, Simon E.	864.76
348072	Robertson, Alice M.	16.17
355092	Rittmann, Floyd L.	35.74
412843	Rosenberg, Sam	190.32
418984	Rebetak, Eva	1,099.77
427501	Ricketson, John H., III	653.92
427515	Rugh, Emma McC.	580.42
437928	Rubenstein, Sylvia	544.00
438702	Renison, George S., Gdn.	321.28
64554	Royce, Chas. N.	26.37
123774	Robinson, Kate W.	5,381.10
144249	Rees, Eliz. E.	881.98
205225	Rodgers, Maggie	11,189.30
[illegible]	Reid, Miss Anna	1,446.06
318093	Robb, Esther E.	99.51
362872	Rafferty, Kenneth F.	630.55
363409	Riddell, Geo. W.	150.72
[illegible]	Roberts, Annie	720.02
[illegible]	Reiter, Arthur R.	7,329.20
414320	Reed, Margt. A.	344.38
429040	Rockman, Adolph	405.90
429834	Reuter, John G.	37.72
424322	Rosenshine, Goldie	607.62
433902	Rocs, Bernice E. L.	66.92
434267	Riley, Mary Geo.	289.41
398280	Rice, Gertrude E.	137.73
[illegible]	Riggis, Edwin H.	96.12
288565	Rhey, Margt. A.	98.30
394859	Rhine, Mary C.	70.07

303196	Rowan, Patrick F.	4,752.53
303610	Roschy, Anna	142.15
317762	Ruehl, Jno. H. F.	1,023.43
319265	Rees, Jas. I.	96.16
371654	Ruppert, Katharina	86.17
373758	Reilly, John	223.50
373810	Rittiger, Clara	191.05
375181	Reichert, Bertha E. L.	27.36
375355	Rapp, Anna W.	61.38
378162	Reed, M. Howard	667.16
380625	Rowse, Jos. S.	299.00
401993	Richey, Agnes	7,909.68
402001	Ricker, Chas. J.	154.52
405054	Reese, Gladys C.	502.49
405553	Rippl, Elsie	1,151.98
419481	Rehak, John	524.25
419859	Redick, Laura	108.86
420733	Reid, David K.	341.16
420972	Reynolds, Wm. H.	60.46
429602	Rankin, Sarah C.	272.50
430479	Rupp, Katie	114.64

S

407805	Schwalm, Bridget	163.32
408172	Schreiber, Howard J.	22.24
408683	Stiltz, Eva L.	566.87
409819	Swartz, Caroline	114.00
410158	Shimer, J. Howard	698.87
410387	Stratton, Mary A.	1,479.52
410531	Semple, Hester S.	1,553.77
410574	Sapolsky, Goldie	190.92
421206	Stearns, Max	1,603.70
421481	Sullivan, Margaret P.	861.71
421483	Sullivan, John L.	899.69
421838	Sican, John	190.86
421863	Smith, Euretta L.	91.97
422129	Smith, Evelyn Buckingham	484.19
422748	Scanlon, Rachel I.	229.62
425067	Summers, Margaret	217.21
425406	Sullivan, Ellie	1,434.63
426620	Sullivan, Miriam E.	52.83
431120	Schaffran, Mary	2,935.67
431602	Slattery, May B.	113.68
435000	Stern, Gustav A.	196.28
435111	Stewart, L. Earl	887.09
435112	Stewart, Melvin S.	887.09
435113	Stewart, Wm. C.	887.08
435149	Sheer, Libbie	771.14
435624	Schmucker, John M.	125.12
437348	Seymour, Frederick T.	215.85
438090	Sodini, Jacopo	156.24
438339	Solomon, Bertha	685.22
438629	Schmolder, Marie Pauline	214.40
438732	Schwartz, Ellen M.	87.36
438913	Strachan, Eva A.	1,140.26
438914	Strachan, B. Hazel	640.71
389323	Simmons, George	62.94
382080	Scott, Jean M.	18.84
408525	Snee, Jean	15.10
409688	Siergej, Pitor	1,658.25
225272	Stewart, Jas. O.	1,396.81
237809	Shearer, Hattie B.	2,559.36
245533	Scanlon, Richard	7,707.26
251015	Stroud, Helen L.	303.49
252631	Schaller, Michael	1,163.01
256852	Swenson, John F.	39.20
265946	Schutlenkoph, Otto	110.79
268374	Snyder, Anthony	158.05
270098	Slomer, George A.	2,017.69
271501	Spence, L. Isabel	1,015.43
273884	Sullivan, Mollie A.	381.62
274601	Schnitzer, John	128.68
276003	Stewart, Etta M.	650.27
278431	Solomon, Austa	1,071.96
361376	Sparviera, Caroline	235.00
364837	Selp, Adela M.	979.23
365231	Snyder, Sadie	1,916.14
366583	Speer, Libbie	162.96
366702	Sigal, Joseph	642.18
381033	Snavely, Jesse K.	254.24
381724	Schafer, Mary Maloney	315.74
383153	Schessler, Catherine G.	23.09
383576	Stoernell, Joseph	829.18
384773	Stotler, Walter R.	2,987.48
385303	Seymour, Lansing S.	71.45
385612	Santman, Harry	19.35
385963	Steffaniak, Andy P.	55.94
386004	Sekula, Andy	47.63
388640	Semple, Richard H.	650.02
388342	Shidle, Geter C.	221.15
389574	Schneider, Joseph	4,833.12
389596	Sexton, Timothy J.	935.00
406843	Simpson, Raymond W.	28.24
406877	Slomer, Anna R.	2,563.81
432108	Schleicher, Peter P.	1,125.19
432218	Steibel, Joseph	3,135.33
321224	Schoeneman, Louisa D.	1,266.54
329349	Schnee, Jennie	817.12
332189	Spence, L. Isabel	55.42
334356	Szimanski, Kazymierz	838.00
334720	Stewart, Anna D.	28.89
339175	Shipp, Edna M.	555.65
343181	Sperry, Arthur B.	65.93
344012	Stone, Jennie S.	59.18
347325	Snyder, May	72.87
348408	Sweeney, Catherine	19.14
349040	Sandler, Ray E.	19.14
349040	Sandler, Ray E.	2,654.63
351175	Sussman, Walter	37.18
352281	Siedle, Vera C.	393.29
353955	Sieling, Sarah E.	737.92
357169	Sekerka, Martin	416.55
357714	Seltzer, Nathan	48.64
358962	Snider, Kathrine	1,356.43
359774	Snyder, Wilhelmina	74.37
359889	Shenot, Theresa C.	158.34
411939	Schuler, Philip J.	97.69
412287	Shand, Ida M.	1,070.99
417152	Shallenberger, Lillian V.	912.54
418056	Streancy, Catherine	180.38
418501	Smiley, Irene G.	7,993.94
418857	Schmidt, Harry J.	2,418.54
418921	Snyder, J. Buell	32.47
428315	Shannon, Samuel I.	4,454.59
437062	Smith, Ida B.	218.29
438477	Schaub, Nannie M.	593.85
438505	Schaill, John L.	648.95
418670	Scott, John H.	58.02
418691	Stepanovitch, Daniel	34.43
53637	Schussler, Ludwika	1,140.51
54913	Schaming, Rosina	9,240.53
95565	Schrader, Florence	135.11
98602	Stuart, Alice J.	15.29
135046	Shoolin, Sadie	240.24
143575	Sullivan, Katie	38.87
145776	Smith, Wm.	2,515.47
162859	Stotbener, Flora M.	498.61
172970	Spahr, Effie F.	191.26
178651	Smith, Annie	691.44
184550	Seel, Geo. W.	309.67
196509	Skillen, Edith	641.77
214191	Smith, Emma	1,153.10
214909	Siegel, Emma M.	828.55
215051	Sigh, Mary	2,985.63
215873	Edna B.	100.55
216783	Stewart, Andrew Y.	2,956.42
382282	Sheehan, Katherine	177.73
392337	Smith, Kate	56.29
392425	Simons, Indu	1,742.64
394774	Schmidt, Martha	28.04
395986	Sibel, Sarah MacA	116.50
396338	Staszulanis, Mary	932.62
397794	Seiger, Sarah	5,106.01
397936	Siebert, Eliz. S.	65.50
398111	Suddaby, John	176.55
398228	Seibert, Andrew R.	756.19
398575	Stockdale, Howard R.	87.42
413084	Smith, Fred	114.76
413634	Scheiber, Louise	2,020.06
414276	Sands, Wm. B.	870.42
423017	Schleiter, Howard G.	30.69
423335	Sheinberg, Harry	2,635.84
423677	Swelbar, Martin Sr	464.83
424460	Stragand, Cecelia	5,235.98
424781	Short, Bessie Virginia	123.75
424820	Smith, Thos. F.	249.19
424881	Saloman, Amelia E.	1,140.54
434607	Saville, Michael	175.98
286246	Silliman, Marie A.	1,398.03
294870	Stockdill, James	306.79
303049	Stauffer, Sophie	1,733.63
306421	Suter, Marg't	6,531.51
310359	Steel, Jno. B.	15.05
311058	Sutter, Geo. E.	220.42
317552	Smyers, Tillie McC	52.57
320321	Sommers, Annie M.	111.19
371423	Steenson, Sam'l	1,067.36
371552	Schilling, Rosalia P.	245.69
371798	Stokes, Kath. A.	71.47
372308	Sybert, Clarence E.	55.86
373619	Simkunos, Juozopos	49.99
376177	Starr, Albert F.	13.07
376837	Schreiber, Herbert	43.44
377860	Smith, Alfred F.	27.47
377868	Siger, Anna	1,618.65
378254	Simon, Bella	1,179.16
379180	Stanton, Geo. H.	126.98
380166	Smith, Mary E	1,076.58
401573	Stiff, Catharine V.	3,264.17
401741	Schutte, Bernice B.	103.50
402095	Sauers, Geo. Jr.	33.41
402597	Smith, Mary G.	262.77
403124	Sloan, Thos. A.	109.14
403330	Schmoker, Marie	411.70
403778	Sussmann, Marie	111.45
404122	Smith, Lillie M.	162.53
404385	Soathling, George	965.84
404762	Smith, J. Raymond	21.08
405947	Smith, Florence	92.93
415873	Strain, James D.	42.24
416530	Sacks, Wm.	128.62
426290	Stadfeld, Abraham	57.38
430242	Silberblatt, Rose	51.70
430445	Strachan, Jane A.	1,693.05
430765	Schneider, Lizzie	1,147.16

T

225864	Thomas, Sarah A.	84.87
270398	Tessmer, Reinhold	1,346.09
275443	Thomas, William	27.43
279438	Teemer, Katherine K.	75.46
333233	Thomas, Lydia T.	112.67

387815	Theu, Michael A.	114.37
390800	Thompson, Alex.	109.65
407755	Tener, Alexander C.	79.39
408736	Theurer, Else	112.06
415777	Timmins, Margaret	306.86
422180	Taylor, Eliza J.	140.48
425769	Thomas, Ross J.	30.00
425802	Talacko, Adolph	517.81
426752	Thome, Mary E.	1,191.55
435792	Tray, Mary E.	1,120.93
439027	Talaudis, Peter	1,001.13
440427	Tomasco, Joseph	51.18
363892	Thompson, Annie B.	65.12
335501	Turner, Lettie C.	253.47
346616	Till, Jane R.	316.27
351194	Taylor, Carrie	703.40
354729	Texter, John	7,204.58
412029	Tick, Bernard	304.34
427809	Todd, William McM	328.66
428631	Thompson, Jessie H.	96.42
354211	Taylor, Mary C.	130.69
284781	Traynor, Rose	2,433.16
295681	Tambellini, Michael	3,429.19
316623	Thompson, Annie	120.17
374617	Thomas, Lewis P.	12.62
404722	Tarvidas, Mary	1,287.14
420031	Topfer, Geo. F.	369.66
420580	Thomas, Rosie	6,157.72
133176	Taylor, Ernest S.	128.64
212920	Thompson, Robt. H.	529.64
392739	Tehe, Mike	1,836.93
394896	Turich, Josephine	739.02
395020	Tavan, Louis	960.70
397152	Tragale, Maria	522.42
399219	Torrence, Frank H.	582.54
399941	Tunney, Mary	107.18
414643	Tranter, Ella B.	114.68
424974	Titley, Pearl E.	214.97
433445	Turnblacer, Mary E.	1,925.55
433594	Trudel, Albert C.	1,261.27

U

228179	Underwood, Sarah J.	1,279.65
439537	Uhr, Theodore	801.07
427211	Umstead, Bessie S.	1,391.75
391450	Udman, Rose	4,327.76

V

233340	Vincus, Pavil	13,671.96
406335	Volkert, Emma E.	114.00
435595	Vogel Alice	109.87
328498	Vetter, Edward J.	74.83
339009	Velus, Stanislawis	516.12
411639	Vogel, Agnes D.	274.51
214318	Vogt, Marie	4,232.68
397630	Vayda, Eugenie Cullen	137.41
375358	Valentine, Jno. G.	70.39

W

227750	Ware, Mamie	14.35
258934	Wilson, Marshall F.	3,891.55
272255	Weber, Harvey B.	17.96
273205	Woods, Emma B.	494.74
276658	Wilkinson, William	343.94
361667	Wagner, Daniel	356.97
364657	Wright, Johanna	2,033.92
367593	Woomer, S. Clarence	537.64
370343	Whalen, Harry T.	2,544.11
381138	Wilson, Charles E.	241.57
381175	Wisser, Elizabeth	31.19
381757	Watson, George	136.42
381765	Will, Anthony	2,248.44
385159	Waugeman, Verna M.	12.34
390114	Weithause, Mayme	65.65
390133	Wilson, Catherine M.	25.10
396559	Wissman, Alice	679.93
407410	Wettach, Robert H.	264.98
409837	Wadding, Maria	39.96
410182	Wilson, Edward W.	117.54
410874	Wilcox, John V.	5,290.70
416248	Werner, Luther A.	135.11
421136	Watson, Anabel J.	120.81
421703	Welby, Nora	1,254.18
425170	Walker, Freda E.	132.19
425837	Wilson, C. Dorothy	474.81
426024	Wilson, Samuel W. 2nd	55.13
426262	Weixel, Edna K.	354.65
426618	Williamson, Robert J.	992.87
431220	Williams, Henry	89.71
435252	Weber, Sam	165.21
436369	Winter, Marie	535.97
436886	Walls, Margaret	1,223.24
439580	Wells, Mary S.	448.72
439906	Wilson, Renwick S.	771.79
439957	Wood, Minnie K.	844.90
440351	Wohleber, Hilda	3,575.32
410479	Wolfersberger, Eva	209.89
422807	Welch, Edward M.	21.12
436531	White, Nora	70.67
323912	Wilson, Marg't	2,805.09
331886	Wallace, Maude D.	214.59
334431	Warnock, Velma S.	182.12
339332	Ward, William H. B.	134.24
349609	Walker, James	16.92
351963	Wedd, Gretchen	259.37
352129	Welfer, Frank	61.11
352553	Walter, Victor H.	1,404.75
354917	Walsh, John J.	70.59
355876	Welsh, George S.	3,664.47
357586	Wick, Ann R.	383.95
360438	White, Cora	1,902.31
411463	Williams, Marg't S.	125.92
412050	Williams, Lotta M.	2,381.11
412459	Weinman, Oren B.	142.61
418242	Weinstock, Marie L.	637.68
418327	Watson, Marg't F.	277.37
418426	Weigold, Marie	27.03
427356	Ward, Albert S.	5,735.85
427411	Wickline, V. Edna	187.38
427509	Wirtz, Catherine E.	57.55
427848	Watkins, Mary Eliz.	99.14
428063	Wallace Memorial U. P. Church	382.25
74940	Wilson, Anna M.	2,988.77
83568	Wedekind Mary J.	4,909.64
120584	Walton, Mima L.	1,003.32
121402	Wilson, Sarah A.	22.45
123842	Woodhead, Sarah A.	1,619.43
149095	Walton, M. Agnes	377.96
193133	Weetman, Eliz.	406.83
200812	Weisbrod, Mary L.	3,348.57
392864	Warmbt, Bruno	36.31
393612	Wadsworth, James	18.75
394473	Williams, Mary M.	47.44
396442	Weller, Justine C.	25.71
400519	Wells, Egon C.	315.00
413101	Wilson, N. Jennie	485.73
414415	Wittenberg, Eliz. L.	3,397.20
414477	Wettach, Robt. H.	185.94
423777	Werner, Gustave E.	119.96
424365	White, Zenaide H.	161.62
424390	White, Rose G.	455.69
433140	Worrell, John W.	1,120.93
316233	Williams, Augustine F.	133.90
319271	Worrell, Duncan A.	495.71
373221	Walker, Gilbert S.	220.89
402436	Wootton, Grace E.	41.27
403551	Woodward, Ida B.	663.74
404274	Weber, Marg't M.	253.17
404441	Wilson, Mina E.	1,344.52
404534	Wilson, Mary C.	1,078.52
404659	Whitman, Hinda	108.78
404672	Watkins, Gertrude A.	56.42
405625	Walsh, Mary	1,141.82
419046	Woods, Jane	219.58
419147	Wilson, Harry M.	788.47
419778	Waggoner, Oliver A.	5,679.18
430012	Wasko, May	1,153.79
430172	Wilson, James B.	283.65
430472	Williams, Helen M.	75.62
420786	Wilson, D. Paul	1,393.07

Y

421991	Yeany, Martin W.	1,166.06
439265	Young, Elizabeth A.	311.06
439792	Yeck, Andrew	529.36
333708	Young, John H.	1,760.22
417178	Yedinak, John	133.79
391577	Youden, Geo. S.	58.18
394103	Young, Eliz. A.	772.31
296488	Yagle, Mary L.	499.25
297097	Yagle, Flora L.	692.23

Z

288648	Zorn, Rachel L.	155.47
373301	Zincawics, Joe	156.44
413097	Zaborowski, Dorothy	81.80
433309	Zellmann, Marg't A.	188.53
407882	Zelicoff, Ida	2,241.85
418406	Zehfuss, Veronica	217.60

EIGHTY-THIRD ANNUAL STATEMENT OF THE SAVING FUND SOCIETY OF GERMANTOWN AND ITS VICINITY

School Lane and Germantown Avenue, East Germantown Office, Chestenham Avenue and Wister Street

STATEMENT—JANUARY 1, 1938

Par Value	ASSETS	Maturity	Rate	Book
$5,397,525	U. S. A. Government Bonds	1939-1956	Various	$5,396,671.75
164,937	Arkansas, State	1953-1964	3½&5	108,774.70
166,000	Kentucky, Bridge	1950	3	165,215.00
100,000	Louisiana, State	1947-1953	4½	100,000.00
60,000	Louisiana Port Commission	1950-1953	5	59,850.00
50,000	North Carolina, State	1942	5	50,000.00
400,000	Pennsylvania, State	1938	1½	409,000.00
25,000	Akron, Ohio	1941	5	25,000.00
15,000	Albany Port District, N. Y.	1957	4¾	10,537.50
90,000	Birmingham, Ala.	1945-1953	4¾&5	90,000.00
40,000	Boston, Mass.	1940	4&4¼	37,841.32
10,000	Canton, Ohio	1954	4½	9,568.00
50,000	Charleston, S. C.	1962	4½	49,875.00
30,000	Chattanooga, Tenn.	1951	4¾	30,000.00
240,000	Chicago, Ill.	1939-1955	4&4½	185,292.19
70,000	Cleveland, Ohio	1938-1941	4½&4½	70,000.00
200,000	Delaware River Joint Commission Phila-Camden Bridge	1956-1959	4¼	200,000.00
303,042	Detroit, Mich.	1952-1963	3,3¼,4¼&4½	275,604.37
25,000	Fort Worth, Texas	1949-1951	5	24,968.75
50,000	Greater Greenville Sewer Dist., S. C.	1967	4½	50,000.00
50,000	Hanover Township School Dist., Pa.	1941-1946	5½	50,000.00
75,000	Henry Hudson Parkway Authority, N. Y.	1955	4	75,000.00
27,000	Houston, Texas	1939-1945	5	27,000.00
25,000	Jacksonville, Fla.	1938-1946	5	25,000.00
30,000	Knoxville, Tenn.	1951	5	29,700.00
135,000	Los Angeles, Cal.	1941-1945	4½&5	134,295.00
100,000	Los Angeles Dept. of Water & Power, Cal.	1951-1960	3½&4	100,000.00
34,000	Marin Municipal Water Dist., Cal.	1938-1947	5	34,000.00
35,000	Memphis, Tenn.	1945-1947	4½	35,000.00
75,000	Miami Conservancy Dist., Ohio	1940-1947	5½	75,000.00
50,000	Monmouth County, N. J.	1946-1947	4½	50,000.00
87,000	New Orleans, La.	1951-1952	4½	87,000.00
100,000	New Orleans, Public Belt Ry. Bridge, La.	1946	4	100,000.00
250,000	New York, N. Y.	1954-1979	3½,4¼&4½	250,000.00
100,000	Norfolk, Va.	1940-1956	4½&5	100,000.00
575,000	Philadelphia, Pa.	1945-1979	4¼,4½&5	575,000.00
95,000	Pittsburgh, Pa.	1938-1951	5&6	95,000.00
350,000	Port of New York Authority, N. Y.	1943-1975	4,4¼&4½	350,000.00
50,000	St. Charles County, Bridge, Mo.	1956	3¾	49,250.00
25,000	Salt Lake City, Utah	1939-1940	5	24,875.00
50,000	San Diego, Cal.	1947-1948	5	50,000.00
87,000	San Francisco, Cal.	1940-1953	4&4½	86,789.40
13,000	Seattle, Wash.	1939-1941	4½	13,000.00
50,000	Seattle, Municipal Light & Power, Wash.	1944	4	50,000.00
50,000	Spartanburg County, S. C.	1945-1947	4½	50,000.00
250,000	Triborough Bridge Authority, N. Y.	1977	4	250,000.00
200,000	Australia	1955-1957	5	194,521.25
100,000	Canada	1960	4	99,250.00
200,000	Ontario, Canada	1943-1960	4½&5	200,000.00
30,000	Montreal, Canada	1971	4½	25,500.00
20,000	Ottawa, Canada	1938-1939	6	19,738.50
75,000	Toronto, Canada	1938-1942	4½&5	72,969.08
96,000	Alabama Great Southern R. R.	1943	4&5	94,637.50
75,000	Atchison, Top. & Santa Fe Ry. (Cal. Ariz. Lines)	1962	4½	71,090.00
100,000	Atchison, Top. & Santa Fe Ry. (Trans. Short Line)	1958	4	100,000.00
180,000	Atlantic & Charlotte Air Line Ry.	1944	4½&5	181,351.25
15,000	Balto. & Ohio R. R. Eq. Tr.	1938-1940	4½&5	12,571.74
70,000	Balto. & Ohio R. R. (Pitts.-Lake Erie & West Va.)	1941	4	60,109.30
121,000	Balto & Ohio R. R. 1st	1948	5	110,450.25
100,000	Balto. & Ohio R. R. Secured Notes	1939	4½	90,000.00
169,000	Canadian Natl. Ry Eq. Tr.	1938-1942	4½&5	167,646.10
150,000	Canadian Natl. Ry. Guar.	1953-1969	4½&5	146,500.30
350,000	Canadian Pacific Ry. Eq. Tr.	1938-1945	4½&5	337,949.80
100,000	Canadian Pacific Ry. Cons. Perpetual		4	85,000.00
25,000	Carolina Central R. R.	1949	4	4,000.00
55,000	Central New England Ry.	1961	4	30,000.00
50,000	Central Pacific Ry. Guar.	1960	5	49,563.75
172,000	Central Pacific Ry. 1st Ref.	1949	4	145,427.00
100,000	Central Pacific Ry. (Through Short Line)	1954	4	100,000.00
50,000	Central R. R. of N. J. Gen.	1987	5	40,000.00
227,000	Chesa. & Ohio Ry. Serial Notes of 1936	1942-1944	2½,2¾&2¾	227,000.00
75,000	Chesa. & Ohio Ry Gen.	1992	4½	65,615.75
50,000	Chi. Burl. & Quincy R. R. Gen.	1958	4	42,250.00
100,000	Chi., Burl. & Quincy R. R. 1st & Ref.	1977	4½	100,000.00
100,000	Chi., Burl. & Quincy R. R. (Ill. Div.) 1st	1949	3½	100,000.00
33,000	Chicago & Erie R. R. 1st	1982	5	28,029.25
75,000	Chicago Junction Rys. & Union Stock Yards	1940	5	68,000.00
45,200	Chi., Mil. & St. Paul Ry. Eq. Tr.	1935-1936	5&5½	40,922.80
193,000	Chi., Mil. & St. Paul Ry Gen.	1989	4½	70,000.00
9,000	Chi. & Northw'n. Ry. Eq. Tr.	1938	5	6,637.15
32,000	Chi. & Northw'n. Ry. Gen.	1987	5	10,000.00
138,550	Chi., R. I. & Pac. Ry. Eq. Tr.	1947	3½	120,405.39
110,000	Chi., R. I. & Pac. Ry. Gen.	1988	4	30,950.00
150,000	Chi., St. Louis & New Orleans R. R.	1951	5	147,843.75
200,000	Chicago Union Station 1st	1963	3¾	200,000.00
85,000	Choctaw & Memphis R. R.	1949	5	30,400.00
100,000	Choctaw, Oklahoma & Gulf R. R.	1952	5	20,000.00
125,000	Cleve., Cinn., Chi. & St. L. Ry. (Cinn., Wabash & Mich. Div.)	1991	4	109,937.50
190,000	Cleve., Cinn., Chi. & St. L. Ry. (St. Louis Div.)	1990	4	170,538.45
43,000	Cleve., Cinn., Chi. & St. L. Ry. Ref. & Imp.	1977	4½	42,957.00
100,000	East Tenn., Va. & Ga. Ry.	1956	5	98,728.50
132,000	Eastern Railway Co. of Minnesota (Northern Div.)	1948	4	132,000.00
100,000	Erie Railroad Eq. Tr.	1938--1941	4½	98,841.43
100,000	Erie R. R. 1st Cons. Pr. Lien	1996	4	83,537.50
150,000	General American Transportation Serial Notes	1941-1942	3	150,000.00
15,000	Georgia, Southern & Florida Ry. Eq. Tr.	1938-1939	4½	14,771.75
150,000	Great Northn Ry. Gen.	1973-1977	4½&5	140,183.75
50,000	Greenbrier, Cheat & Elk R. R.	1944	5	49,250.00
115,000	Illinois Central R. R. Eq. Tr.	1938-1945	3&4½	114,451.54
100,000	Illinois Central R. R.	1953	4	70,187.50
72,000	Illinois Central R. R. Coll. Tr.	1952	4	57,550.00
100,000	Illinois Central R. R. & Chi. St. L. & New Orleans R. R.	1963	5	80,000.00
100,000	Illinois Central R. R., Louisville Div. & Terminal	1953	3½	94,500.00
55,000	Jacksonville Term. Ref. & Ext.	1967	6	55,000.00
100,000	Kansas City, Ft. Scott & Memphis Ry. Ref.	1936	4	35,000.00
200,000	Kansas City Terminal Ry	1960	4	184,278.75
50,000	Kentucky Central Ry.	1987	4	42,065.00
100,000	Lake Erie & Western R. R.	1947	3	100,000.00
98,000	Lehigh & New Eng. R. R. Gen.	1965	4	97,980.00
70,000	Lehigh Valley Coal 1st & Ref.	1954-1974	5	41,059.64
58,000	Lehigh Valley R. R. Gen. Cons.	2003	4½	18,705.00
100,000	Long Island R. R. Ref.	1949	4	88,312.50
50,000	Louisville & Nashville R. R. Unif.	1940	4	50,000.00
25,000	Midland Valley R. R. 1st	1943	5	20,000.00
19,000	Milwaukee, Sparta & N. W. Ry	1947	4	5,000.00
50,000	Minn., St. P. & S. S. Marie Ry. 1st Cons.	1938	4	10,000.00
63,000	Minn., St. P. & S. S. Marie Ry 2nd	1949	4	35,000.00
92,000	Missouri Pacific R. R. Eq. Tr.	1938-1944	4½&5	87,633.61
31,000	Missouri Pacific Ry. 3d	1938	4	29,607.50
31,000	Missouri Pacific Ry. 3rd	1938	4	29,607.50
100,000	New Orleans & Northwestern R. R. Prior Lien Ext.	1940	5	99,562.50
36,000	N. Y. Cent. & Hud. Riv. R. R. (Mich. Cent. Coll.)	1998	3½	36,875.00
100,000	N Y. Cent. & Hud. Riv. R. R. (Lake Shore Coll.)	1998	3½	72,563.75
50,000	N. Y. Cent. & Hud. Riv. R. R. Deb.	1942	4	45,937.50
5,000	N. Y. Cent. R. R. Eq. Tr.	1939	4½	4,875.85
113,000	N. Y. Cent. R. R. Ref. & Imp.	2013	4½	113,000.00
100,000	N. Y. Cent. R. R. Secured S. F.	1946	3¾	98,017.50
200,000	N. Y., Chi. & St. Louis R. R.	1947	3½	200,000.00
50,000	N. Y. Connecting R. R.	1953	4½	32,262.50
100,000	N. Y., Lackawanna & Western Ry.	1973	4	94,750.00
45,000	N. Y., N. H. & Hart. R. R. Eq. Tr.	1938-1940	4½	42,046.63
150,000	N. Y., Penna. & Ohio R. R.	1950	4¼	150,000.00
127,000	Northern Pacific Ry. Prior Lien	1997	4	106,763.35
100,000	Oregon R. R. & Navigation	1946	4	78,875.75
200,000	Oregon Short Line R. R. Cons. 1st Unstamped	1946	5	194,393.75
75,000	Pacific R. R. of Missouri 2nd	1938	5	61,791.25
103,000	Pennsylvania Co. Tr. Ctfs.	1941-1944	3½	95,059.45
100,000	Pennsylvania R. R. Eq. Tr.	1946-1947	2¾	98,243.61
145,000	Pennsylvania R. R. Gen.	1984	4¼	124,474.32
100,000	Pennsylvania R. R. Cons.	1960	4½	89,207.50
10,000	Phila. & Reading R. R. Imp.	1947	4	10,000.00
29,000	Pitts., Bessemer & Lake Erie R. R.	1947	5	29,000.00
320,000	Pitts., C., C. & St. L. Ry. Cons.	1940-1963	4&4½	316,037.50
100,000	Pitts. & West Virginia Ry.	1980	4½	96,961.25
25,000	Reading Co. Pur. Money Mtge.	1952	4	22,000.00
200,000	Reading Co. Gen. & Ref.	1997	4½	200,000.00

Par Value	ASSETS	Maturity	Rate	Book
125,000	Richmond Terminal Ry.	1952	5	123,714.00
23,000	St. Louis Southwestern Ry. Eq. Tr.	1938-1940	5	23,000.00
55,000	St. Paul & Duluth R. R.	1968	4	55,000.00
100,000	Santa Fe, Prescott & Phoenix Ry.	1942	5	89,328.00
113,000	Seaboard Air Line Ry. Eq. Tr.	1945	2	90,000.00
76,000	Southern Pacific Co. Eq. Tr.	1938-1944	4½&5	69,879.26
100,000	Southern Pacific Co.	1981	4½	90,626.25
100,000	Southern Pacific Co., Oregon Lines	1977	4½	97
100,000	Southern Pacific Co., Oregon Lines	1977	4½	97,250.00
25,000	Southern Pacific Co. (San Francisco Terminal)	1950	4	20,000.00
100,000	Southern Pacific R. R.	1955	4	86,093.75
88,000	Southern Ry. 1st Cons.	1994	5	86,822.50
15,000	Southern Ry. (Memphis Div.)	1996	5	14,487.50
110,000	Southern Ry. (East Tenn. Reorg.)	1938	5	105,250.00
35,000	Terminal R. R. Assn. of St. L. 1st Cons.	1944	5	35,000.00
75,000	Terre Haute & Peoria R. R.	1942	5	74,985.00
50,000	Toledo, Can. So. & Detroit Ry.	1956	4	34,250.00
50,000	Toledo Terminal R. R.	1957	4½	40,362.50
100,000	Union Pacific R. R.	1947	4	100,000.00
100,000	Union Pacific R. R.	2008	4	100,000.00
75,000	Union Terminal Company, Dallas	1967	3¾	75,000.00
50,000	Vicksburg, Shreveport & Pac. R. R. Prior Lien Ext.	1940	5	45,212.50
200,000	Virginian Ry. 1st & Ref.	1966	3¾	200,000.00
87,000	Wabash Ry. Eq. Tr.	1939-1940	4½&5	86,343.69
100,000	Wabash R. R. 1st	1939	5	80,000.00
170,000	West Shore R. R.	2361	4	140,129.30
76,000	Western N. Y. & Pa. Ry. Gen.	1943	4	65,488.75
142,000	Winston-Salem Southbound Ry.	1960	4	116,525.00
50,000	Wisconsin Central Ry. 1st Gen.	1949	4	5,000.00
100,000	Alabama Power 1st & Ref.	1967	4½	94,858.75
100,000	American Tel. & Tel. Deb.	1966	3¼	90,000.00
19,000	Appalachian Elec. Pr. 1st & Ref.	1956	5	19,000.00
150,000	Bangor Hydro-Electric	1966	3¾	150,000.00
100,000	Bell Tel. Co. of Canada	1957	5	99,875.00
225,000	Brooklyn Edison Cons.	1966	3¼	202,500.00
100,000	Brooklyn Manhattan Transit Coll. Tr.	1947-1948	3¾	89,750.00
100,000	Carolina Power & Light	1956	5	99,330.00
250,000	Central Hudson Gas & Elec. Corp.	1965	3½	250,000.00
300,000	Central Illinois Light	1963-1966	3½&4¼	294,000.00
100,000	Central New York Power	1962	3¾	99,000.00
100,000	Chester Water Service	1958	4½	92,350.00
18,750	Chicago Railways 1st	Extended	5	5,805.00
200,000	Cleveland Electric Illuminating	1965	3¾	200,000.00
216,000	Commonwealth Edison	1965	3¾	212,340.00
150,000	Connecticut River Power	1961	3¼	150,000.00
235,000	Consolidated Gas, Elec. Lt. & Pr. Co. of Balto.	1971	3¾	211,500.00
336,000	Consumers Power	1965-1970	3½&3¾	336,000.00
180,500	Delaware Power & Light	1969	4¼&4½	154,691.35
350,000	Duquesne Light	1965	3½	350,000.00
24,000	Fort Pitt Traction	1935	5	10,000.00
100,000	Georgia Power	1967	5	94,866.25
125,000	Gulf States Utilities	1966	4	125,000.00
72,000	Hestonville, Mantua & Fairmount Passenger R. R.	1939	5½	37,000.00
100,000	Houston Light & Power	1966	3½	100,000.00
200,000	Illinois Bell Telephone	1970	3½	198,647.00
103,000	Indianapolis Power & Light Co.	1957	5	101,385.00
200,000	Market Street Elevated Pass. Ry.	1955	4	173,336.25
45,000	Memphis Power & Light	1948	5	44,914.61
83,000	Mississippi River Power 1st	1951	5	82,900.00
49,000	Nashville Ry. & Lt. Ref. & Ext.	1958	5	45,539.50
71,000	Nashville Ry. & 1st Cons.	1953	5	69,950.00
100,000	New England Tel. & Tel.	1952	5	100,000.00
100,000	New York Edison	1955	3½	90,000.00
100,000	New York Power & Light	1967	4½	88,843.75
50,000	New York & Westchester Lighting Gen.	2004	4	40,125.00
100,000	Northern States Power 1st & Ref.	1967	3½	96,500.00
100,000	Ohio Edison	1972	3¾	100,000.00
75,000	Pacific Coast Power	1940	5	72,344.76
100,000	Pacific Gas & Elec. 1st & Ref.	1964	4	100,000.00
100,000	Pennsylvania Power & Light	1981	4½	95,890.00
61,000	Pennsylvania Water & Power	1968	4½	56,865.20
45,000	Peoples Passenger Ry. 1st	1935	4	33,000.00
250,000	Philadelphia Electric	1967	3½	250,000.00
49,000	Philadelphia Electric Power	1972	5½	42,303.67
100,000	Philadelphia Suburban Water	1955	4	100,000.00
50,000	Portland Gen. Elec. 1st Ext.	1950	5	48,955.00
100,000	Public Service Co. of No. Ill.	1960-1981	4½	97,513.95
199,000	Safe Harbor Water Power	1979	4½	188,912.75
85,000	San Diego Cons. Gas & Elec.	1965	4	85,000.00
100,000	Shawinigan Water & Power	1967-1970	4½	99,750.00
100,000	Southern Cal. Edison 1st & Ref.	1960	3¾	100,000.00
155,000	Southwestern Bell Telephone	1964	3½	151,332.50
200,000	Union Electric Company of Missouri 1st & Coll.	1962	3¾	200,000.00
20,000	Union Passenger Ry. Sec. Ext.	1960	4	12,000.00
200,000	Virginia Electric & Power	1955	4	200,000.00
34,000	West End Passenger Ry.	1935	4	25,000.00
165,000	West Penn Power	1966	3½	165,000.00
50,000	West Phila. Pass. Ry. 2nd	1956	5½	35,000.00
100,000	Wisconsin Public Service	1961	4	97,395.00
6131,504				$28,223,039.41

Loans on Collateral		$ 6,955.00
First Mortgages on Real Estate		8,047,994.42
Banking Houses		330,000.00
Other Real Estate		494,132.90
Cash on Hand and in Banks		1,787,464.27
		$38,889,586.00

LIABILITIES

Due 47,023 Depositors	$34,517,458.45	
Surplus	3,650,000.00	
Contingent Reserve	717,127.55	
Other Liabilities	5,000.00	
		$38,889,586.00

We, the Subscribers, Auditors, appointed by the Saving Fund Society of Germantown and its Vicinity, do hereby certify that we have examined the above statement, and the assets therein named, and find them correct.

WILLIAM H. EMHARDT,
VICTOR PAUL,
JOSEPH A. SKELLY, C.M.,
GEORGE W. EMLEN, JR.,
GEORGE P. DARROW.

January 8, 1938.

SUMMARY

The following table shows the growth of the Society since 1854:

Date		Number of Accounts	Amt. of Deposits
June 1,	1855	273	$ 12,788.84
"	1859	811	75,023.85
January 1,	1867	1,146	133,631.84
"	1872	1,699	361,847.87
"	1876	3,250	581,966.50
"	1880	4,028	875,144.53
"	1884	7,190	1,159,825.13
"	1890	11,285	2,361,209.14
"	1895	12,052	2,810,673.15
"	1900	16,294	4,233,238.96
"	1905	20,966	6,171,098.37
"	1910	24,511	7,302,287.60
"	1915	28,748	10,493,595.63
"	1920	32,643	13,826,887.62
"	1925	35,649	19,378,508.30
"	1930	38,354	24,830,384.57
"	1931	39,134	26,512,260.06
"	1932	41,605	26,727,657.47
"	1933	43,022	26,960,383.03
"	1934	44,047	26,861,169.60
"	1935	45,414	28,340,528.05
"	1936	46,273	30,364,536.99
"	1937	46,462	32,859,685.35
"	1938	47,023	34,517,458.45
Total Received since organization, 1854			$269,672,624.97
Total Paid Depositors			235,155,166.53
Due Depositors January 1, 1938			$34,517,458.45

Accounts may be opened and business transacted by mail.
Interest is paid on all balances of $5.00 or over.

OFFICERS

ARTHUR W. JONES, President
H. T. MONTGOMERY, Vice President
W. N. PRICE, Secretary and Treasurer
H. H. HEWETT, Asst. Sec'y. and Asst. Treas.
ROBERT H. BOLLING, Asst. Treas.
GEORGE WHARTON PEPPER, Solicitor

MANAGERS

MARRIOTT C. MORRIS	WALTER M. SCHWARTZ
LIVINGSTON E. JONES	C. STEVENSON NEWHALL
HARROLD E. GILLINGHAM	ARTHUR W. JONES
THOMAS RAEBURN WHITE	CHARLES C. WRIGGINS
H. T. MONTGOMERY	JOHN T. EMLEN
J. SOMERS SMITH	EDWARD STARR, JR.
ALFRED G. SCATTERGOOD	RICHARD P. BROWN
C. SEWALL CLARK	

The Managers serve without compensation, and neither they nor any officer or agent of the Saving Fund can directly or indirectly borrow money from, or become in any way indebted to it.

SAVING FUND SOCIETY OF GERMANTOWN AND ITS VICINITY
5438 GERMANTOWN AVENUE
PHILADELPHIA

February 17, 1938.

Speaker of the House of Representatives,
Harrisburg, Penna.

Honorable Sir:

In conformity with Article XVI of our Charter, we are forwarding to you the following Classifications of Accounts on our books as of December 31, 1937.

Total number of accounts open December 31, 1937, 47,023, classified as follows:

16,903	accounts with deposits below	$10.00
2,600	accounts with deposits from	10— 20
3,548	accounts with deposits from	20— 50
3,064	accounts with deposits from	50—100
3,519	accounts with deposits from	100—200
2,249	accounts with deposits from	200—300
2,688	accounts with deposits from	300—500
12,452	accounts with deposits from	500 and upwards

Respectfully yours,

H. G. MONTGOMERY, Vice-President
W. N. PRICE, Secretary.

REPORT OF THE AUDITORS OF THE WESTERN SAVING FUND OF PHILADELPHIA FOR THE YEAR 1937
NINETY-FIRST ANNUAL REPORT OF THE AUDITORS

ASSETS

Par Value		Book Value
$25,805,775.00	United States of America Government Securities	$25,795,066.89
8,785,391.60	State, County & Municipal Securities	8,562,456.39
27,874,750.00	Railroad Bonds	24,957,242.86
3,607,000.00	Railroad Equipment Trust Certificates	3,381,358.51
22,197,000.00	Public Utility & Miscellaneous Securities	21,168,002.27
81,334.58	Mortgages F. H. A.	81,334.58
10,204,832.49	Real Estate Mortgages	8,716,720.16
2,960,655.90	Other Real Estate	2,960,655.90
10,180.00	Collateral Loans	10,180.00
1,905,000.00	Bank Buildings	1,905,000.00
28,791.82	Interest paid on Securities purchased	28,791.82
5,176,653.82	Cash	5,176,653.82
$108,637,365.21		$102,743,463.20

LIABILITIES

Deposits	$95,095,802.00
Escheatable Accounts (782)	6,540.53
Clearance Accounts—Mortgagor Accumulation	5,676.09
Clearance Account—F. H. A. Mortgages	2,254.72
Clearance Account—Advancements	2,813.65
Clearance Account—Safe Deposit Tax	62.28
Reserve for Unemployment Tax	2,558.85
Reserve for State Earnings Tax	26,106.76
Reserve for Old Age Security Tax	401.29
Surplus	7,601,247.03
	$102,743,463.20

REPORT OF THE AUDITORS

The undersigned, Auditors appointed by the President Judg of the Court of Common Pleas of Philadelphia, to audit and sett the accounts of THE WESTERN SAVING FUND SOCIETY PHILADELPHIA, in conformity with the provisions of Article of the "Act" incorporating the said Society, approved 8th Februa 1847, having been duly sworn according to law faithfully so to d

Certify that the Assets of the said Society, at the close business on the Thirty-First day of December, 1937, have be examined and verified by them, and that the value thereof as s forth in the above schedule agrees with the books and the balan sheet of the Society.

The amount due to depositors, including interest, on the fi day of January, 1938, and the Surplus or Contingent Fund a correctly stated and are in agreement with the books and balan sheet.

THOMAS RIDGWAY,
CHAS. J. BIDDLE,
FRANCIS H. ROHLEN, Jr.

The Society also holds for 1,133 depositors, United States America Treasury Bonds, deposited severally by them for saf keeping of which the par value is $200,950.00.

THOMAS RIDGWAY,
CHAS. J. BIDDLE,
FRANCIS H. ROHLEN, Jr.

ASSETS

U. S. GOVERNMENT SECURITIES

Par Value		Book Value
$ 515,000.00	United States of America 1⅜% Treasury Notes, Ser D-1939	$ 515,000.00
204,000.00	United States of America 1⅜% Treasury Notes, Ser B-1939	204,000.00
400,000.00	United States of America 1⅜% Treasury Notes, Ser B-1941	397,359.38
700,000.00	United States of America 1½% Treasury Notes, Ser B-1940	700,000.00
300,000.00	United States of America 1½% Treasury Notes, Ser C-1940	299,875.00
500,000.00	United States of America 1½% Treasury Notes, Ser A-1941	499,312.50
300,000.00	United States of America 1⅜% Treasury Notes, Ser A-1940	300,000.00
252,000.00	United States of America 2½% Treasury Bonds, 1945	252,000.00
1,065,000.00	United States of America 2½% Treasury Bonds, 1953-49	1,059,675.00
700,000.00	United States of America 2¾% Treasury Bonds, 1947-45	700,000.00
2,600,000.00	United States of America 2¾% Treasury Bonds, 1951-48	2,600,000.00
1,742,500.00	United States of America 2¾% Treasury Bonds, 1954-51	1,740,987.49
1,385,000.00	United States of America Treasury 3's 1955-51	1,385,000.00
1,480,000.00	United States of America 3⅛% Treasury Bonds, 1949-46	1,480,000.00
200,000.00	United States of America 3⅛% Treasury Bonds, 1952-49	200,000.00
53,600.00	United States of America 3¼% Treasury Bonds, 1946-44	53,600.00
500,000.00	United States of America 3⅜% Treasury Bonds, 1943-40	500,000.00
1,850,000.00	United States of America 3⅜% Treasury Bonds, 1947-43	1,850,000.00
1,789,000.00	United States of America Treasury 3¾'s, 1956-46	1,789,000.00
2,725,000.00	United States of America 4% Treasury Bonds, 1954-44	2,725,000.00
1,599,000.00	United States of America 4¼% Treasury Bonds, 1952-47	1,599,000.00
$ 20,860,100.00		$ 20,849,809.37
600,000.00	Federal Farm Mortgage Corporation 1½% Bonds, 1939	600,000.00
37,000.00	Federal Farm Mortgage Corporation 2¾% Bonds, 1947-42	37,000.00
750,000.00	Federal Farm Mortgage Corporation 3¼% Bonds, 1964-44	750,000.00
600,000.00	Home Owners' Loan Corporation 1½% Bonds, 1939	600,000.00
1,659,825.00	Home Owners' Loan Corporation 2¼% Bonds, Ser "G", 1944-42	1,659,640.23
1,296,350.00	Home Owners' Loan Corporation 2¾% Bonds, Ser "B", 1949-39	1,296,119.68
2,500.00	Home Owners' Loan Corporation 3% Bonds, Series "A", 1952-44	2,497.61
$ 25,805,775.00		$ 25,795,066.89

STATE, COUNTY & MUNICIPAL SECURITIES

$ 66,000.00	Albany Port District, N. Y. 4¾'s Series of 1929; 1952-51	$ 65,340.00
158,000.00	Allegheny County, Pa. Miscellaneous 4¼'s; 1947-42	157,210.00
50,000.00	Allegheny County, Pa. Bridge 4¼'s, Series 20; 1942	49,750.00
50,000.00	Allegheny County, Pa. Road 4¼'s, Series 34-B3; 1943	49,750.00
100,000.00	City of Baltimore, Md. Gen'l Imprt. 5's, Serial 1922-46 Ln; 1942(R)	100,000.00
41,000.00	City of Bethlehem, Pa. Refunding Water 3½'s; 1949-46	40,180.00
500,000.00	Government of the Dominion of Canada Seven Yr. 2¼'s, 1944	496,250.00
$ 965,000.00	Amounts Carried Forward	$ 958,480.00

REPORT OF THE AUDITORS OF THE WESTERN SAVING FUND SOCIETY OF PHILADELPHIA FOR THE YEAR 1937—(Continued)

Par Value	Amounts Brought Forward	Book Value
$ 965,000.00		$ 958,480.00
675,000.00	Government of the Dominion of Canada 2½'s; 1945-43	671,625.00
875,000.00	Government of the Dominion of Canada Thirty Yr. 3's; 1967	831,250.00
281,000.00	City of Detroit, Mich. Public Utility 4½'s (Street Rwy); 1947-48	244,470.00
20,000.00	City of Detroit, Mich. Various Municipal Impvt. & Refdg 4½'s Series "A"; 1963	11,200.00
1,777.50	City of Detroit, Mich. Refunding 3¼'s, Series "B"; 1962 (R)	1,244.25
3,570.00	City of Detroit, Mich. Refunding 3¼'s, Series "C"; 1962 (R)	2,570.40
150,000.00	City of Houston, Texas 3's (Airport & Sanitary Sewer); 1953-49	149,399.66
110,000.00	City of Miami, Fla. Refunding 5's; 1964	39,600.00
8,944.10	City of Miami, Fla. 2% Refdg. Certificates of Indebtedness; 1947 (R)	4,919.26
1,100.00	City of Miami, Fla. 2% Refdg. Certificates of Indebtedness; 1947 (R)	605.00
200,000.00	City of Minneapolis, Minn. Public Relief 2.30; 1946-47	193,750.00
74,000.00	State of Minnesota Trunk Highway 4¼'s; 1940-47	73,752.83
15,000.00	State of Missouri Road 4¼'s, Series "I"; 1944	14,950.05
11,000.00	City of Nashville, Tenn. 4¾'s (Water Works Impvt of 1924), Series "B"; 1939-52	10,942.33
257,000.00	City of New Orleans, La. Old Public Impvt 4's, Ser of 1900; 1942-50	256,200.00
25,000.00	City of New York, N. Y. 4¼'s (Constrctn of Schools); 1941-48 (R)	22,633.51
50,000.00	City of New York, N. Y. 4¼'s (Constrctn of Schools); 1942-43	45,793.33
25,000.00	City of New York, N. Y. 4¼'s (Constrctn of Schools); 1942	22,829.20
291,000.00	City of New York, N. Y. 4¼% Gold Exempt School Bonds, Ser 10E 1944-52	285,180.00
45,000.00	City of New York, N. Y. 4¼'s (Constrctn of Schools), Ser 10E, 1949 (R)	44,887.50
20,000.00	City of New York, N. Y. Serial 4¼'s; 1954	19,800.00
10,000.00	City of New York, N. Y. 4¼'s (Construction of Schools); 1955	9,900.00
15,000.00	City of New York, N. Y. 4¼'s (Construction of Schools); 1956	14,775.00
10,000.00	City of New York, N. Y. 4¼'s (Construction of Schools); 1956	9,850.00
50,000.00	City of New York, N. Y. 4's (Rapid Transit Subway); 1951	49,500.00
250,000.00	City of New York 4's (Tri-Borough Bridge & Various Mun. Purposes); 1953	246,875.00
65,000.00	City of New York, N. Y. 4's (Var. Mun. Purposes, Dock Impvts & Tri-Borough Bridge); 1954	64,025.00
25,000.00	City of Niagara Falls, N. Y. School District 4½'s; 1938	24,375.00
38,000.00	City of Niagara Falls, N. Y. Public Welfare 4¼'s, Ser. "A"; 1940	37,372.46
1,000,000.00	Commonwealth of Pennsylvania 1½% Tax Anticipation Note (Loan of June 1, 1937); 1938	1,000,000.00
20,000.00	Commonwealth of Pennsylvania Soldier Bonus 3¼'s, Ser. "T"; 1945-46	20,000.00
100,000.00	City of Philadelphia, Pa. Miscellaneous 4's; 1938-43 (R)	98,625.00
75,000.00	City of Philadelphia, Pa. 4s (Loan of Jan. 7, 1915); 1946 (R)	69,532.50
25,000.00	City of Philadelphia, Pa. 4s (Loan of May 6, 1915); 1947	24,938.75
131,000.00	City of Philadelphia, Pa. 4¼s (Loan of Dec. 30, 1919); 1942-52	130,923.75
15,000.00	City of Philadelphia, Pa. 4¼s (Loan of Feb. 6, 1922); 1972-42	14,981.25
5,000.00	City of Philadelphia, Pa. 4¼s (Loan of Oct. 5, 1923); 1973-43	4,993.75
160,000.00	City of Philadelphia, Pa. 4½s (Loans of 10-5-23 and 12-30-19); 1974-44	159,812.50
150,000.00	City of Philadelphia, Pa. 4¼s (Loan of Oct. 5, 1923); 1975-45	149,875.00
79,000.00	City of Philadelphia, Pa. 4¼s; 1976-46 (Loans of 12-30-19 and 10-5-23)	78,902.50
50,000.00	City of Philadelphia, Pa. 4¼s (Loan Oct. 5, 1923; 1977-47	49,875.00
436,000.00	City of Philadelphia, Pa. 4¼s (Loan of 10-5-23; 9-22-24 and 4-10-25); 1976-46	435,531.25
101,000.00	City of Philadelphia, Pa. 4½s (Loan of 12-30-19 and 9-22-24); 1975	100,935.00
195,000.00	City of Philadelphia, Pa. 20/50 Year 4½s (Loan of Mar. 21, 1928; 1979	194,025.00
250,000.00	City of Philadelphia, Pa. 15 year 5% Bonds (Loan of 7-1-29); 1947	249,250.00
138,000.00	City of Philadelphia, Pa. 5¼s (Loan of Dec. 15, 1919); 1971-41	137,655.00
4,000.00	School District of Philadelphia, Pa. 4s (Loan of 2-13-23); 1939 (R)	3,920.00
5,000.00	City of Philadelphia, Pa. School District 4s (Loan of 6-1-27); 1946	4,975.00
30,000.00	City of Philadelphia, Pa. School District 4s (Loan of 12-1-27); 1948	29,850.00
10,000.00	City of Philadelphia, Pa. School District 4s (Loan of 12-1-27); 1951	9,900.00
1,000.00	School District of Philadelphia, Pa. 4¼s (Loan of 11-11-13); 1939 (R)	995.00
1,000.00	School District of Philadelphia, Pa. 4¼s (Loan of 3-1-27); 1939	995.00
10,000.00	City of Philadelphia, Pa. School District 4¼s (Loan of 10-15-28); 1942	9,950.00
60,000.00	City of Philadelphia, Pa. School District 4¼s (Loan of 3-1-27); 1942	59,700.00
5,000.00	City of Philadelphia, Pa. School District 4¼s (Loan of 8-1-24); 1943	4,950.00
20,000.00	City of Philadelphia, Pa. School District 4¼s (Loan of 11-1-26); 1944	19,800.00
10,000.00	City of Philadelphia, Pa. School District 4¼s (Loan of 8-1-24); 1945	9,900.00
5,000.00	City of Philadelphia, Pa. School District 4¼s (Loan of 3-1-27); 1945	4,975.00
14,000.00	School District of the City of Philadelphia, Pa. 4¼s (Loan of Feb. 1, 1924) 1947	13,930.00
10,000.00	School District of the City of Philadelphia, Pa. 4¼s (Loan of Oct. 15, 1928); 1948	9,975.00
1,000.00	City of Philadelphia, Pa. School District 4¼s (Loan of 2-1-24); 1948	997.50
20,000.00	City of Philadelphia, Pa. School District 4¼s (Loan of 8-1-24); 1950	19,900.00
10,000.00	City of Philadelphia, Pa. School District 4¼s (Loan of 8-1-24); 1952	9,950.00
10,000.00	City of Philadelphia, Pa. School District 4¼s (Loan of 10-15-28); 1958	9,950.00
25,000.00	City of Philadelphia, Pa. School District 4½s; 1941	24,875.00
95,000.00	City of Philadelphia, Pa. School District 4½s (Loan of 12-1-25); 1945	94,525.00
175,000.00	City of Pittsburgh, Pa. 4¼% Miscellaneous Bonds of 1926; 1942	174,781.25
185,000.00	City of St. Louis, Mo. General Relief 3¾s; 1940-41-39	183,150.00
5,000.00	City of St. Louis, Mo. 4¼s (Public Bldgs & Impvts); 1939	4,937.50
50,000.00	City of St. Louis, Mo. 4½s (Public Bldgs & Impvts); 1943	50,000.00
47,000.00	City of St. Paul, Minn. Public Welfare 4s; 1940-41-42	46,941.25
140,000.00	City & County of San Francisco, Cal. Water 4½s; 1938-50	137,900.00
70,000.00	City & County of San Francisco, Cal. Memorial Hall's 4½s; 1944-46	68,950.00
10,000.00	City & County of San Francisco, Cal. Hospital 4½% Bonds of 1929; 1948	9,700.00
30,000.00	Union County, N. J. Park 4¼s; 1938-40	29,850.00
50,000.00	County of Westchester, N. Y. Park 4s; 1942	44,696.03
180,000.00	State of West Virginia 4¼s, Series of 1930; 1945-48	179,100.00
$8,785,391.60		$8,562,456.39

RAILROAD BONDS

$ 50,000.00	Atchison, Topeka & Santa Fe Rwy (Transcontinental Short Line) First Mortgage 4's; 1958	$ 49,574.90
284,000.00	Atlantic Coast Line RR First Consolidated Mortgage 4's; 1952	276,222.50
150,000.00	Atlantic Coast Line RR Gen's Unified Mtge 4½s, Ser. "A"; 1964	127,500.00
47,000.00	Atlantic Coast Line Railroad of South Carolina First Mortgage 4's; 1948	46,530.00
184,000.00	Baltimore & Ohio RR First Mortgage 4's; 1948	171,120.00
66,000.00	Baltimore & Ohio RR First Mortgage 5's; 1948	62,700.00
345,000.00	Baltimore & Ohio RR (Pitts., Lake Erie & West Virginia Sys) Refdg Mortgage 4's; 1941	310,500.00
345,000.00	Baltimore & Ohio RR (Toledo-Cincinnati Div) First Lien & Refdg Mortgage 4's, Ser "A"; 1959	293,250.00
125,000.00	Beech Creek Extension RR First Mortgage 3½s; 1951	112,469.50
133,000.00	Big Sandy Railway First 4's; 1944	132,875.00
85,000.00	Catawissa RR First Mortgage 4's; 1948	84,575.00
171,000.00	Central Pacific Rwy First Refunding Mortgage 4's; 1949	15[illegible]
164,000.00	Central Railroad of New Jersey Gen's Mortgage [illegible]	[illegible]
336,000.00	Central Railroad of New Jersey Gen's Mortgage [illegible]	[illegible]
274,000.00	Chicago, Burlington & Quincy RR Gen's Mortgage [illegible]	[illegible]
169,000.00	Chicago & Northwestern Rwy Gen's Mortgage [illegible]	[illegible]
11,000.00	Chicago & Northwestern Rwy 6½% Secured Bond; 1936	320.00
405,000.00	Chicago, Rock Island & Pacific Rwy 3½% Ten Year Certificate of Indebtedness, due July 1, 1947	320,942.33

REPORT OF THE AUDITORS OF THE WESTERN SAVING FUND SOCIETY OF PHILADELPHIA FOR THE YEAR 1937—(Continued

Par Value		Book Value
750.00	Chicago, Rock Island & Pacific Rwy 3½% Ten Year Certificate of Indebtedness, due July 1, 1947 (R)	$ 592.67
256,000.00	Chicago, Rock Island & Pacific Rwy Gen'l Mortgage 4's; 1988	46,080.00
121,000.00	Chicago Union Station Co. First Mortgage 4's, Ser "D"; 1963	120,848.75
898,000.00	Chicago Union Station Co. First Mortgage 3¾'s, Ser "E"; 1983	889,210.00
250,000.00	Chicago & Western Indiana RR Consolidated Mortgage 4s; 1952	225,000.00
250,000.00	Chicago & Western Indiana RR First & Refdg 4¼s, Ser. "D"; 1962	237,500.00
200,000.00	Choctaw & Memphis RR First Mortgage 5's; 1949	100,000.00
300,000.00	Choctaw, Oklahoma & Gulf RR Consolidated Mortgage 5's; 1952	90,000.00
112,000.00	Cincinnati, Hamilton & Dayton RR General 5's; 1942	111,722.50
362,000.00	Cincinnati Union Terminal Co. First Mortgage 3½'s, Ser. "D"; 1971	354,760.00
50,000.00	Cleveland, Akron & Columbus Rwy 1st Consolidated Mortgage 4's; 1940	49,505.96
175,000.00	Cleveland, Cincinnati, Chicago & St. Louis Rwy (St. Louis Div.) First Collateral Trust Mortgage 4's; 1990	148,172.50
25,000.00	Cleveland, Cincinnati, Chicago & St. Louis Rwy General 4's; 1993	21,268.75
405,000.00	Cleveland, Cincinnati, Chicago & St. Louis Rwy Refdg & Impvt Mortgage 4½'s, Ser. "E"; 1977	347,656.25
77,000.00	Cleveland & Pittsburgh RR Gen's Mortgage 4½'s, Ser. "A"; 1942	76,992.50
225,000.00	Cleveland Short Line Rwy First Mortgage 4½'s; 1961	220,500.00
70,000.00	Coal River Railway First 4's; 1945	69,962.50
161,000.00	Columbia & Port Deposit Rwy First Mortgage 4's; 1940	159,310.00
13,000.00	Columbus & Toledo RR First Mortgage 4's; 1955	12,790.00
248,000.00	Connecting Railway Co. of Philadelphia First Mortgage 4's; 1951	243,264.68
50,000.00	Connecting Railway Co. of Philadelphia First Mortgage 5's; 1951	49,875.00
376,000.00	Delaware & Bound Brook RR First Consolidated 3½'s; 1955	370,360.00
159,000.00	East Tennessee, Virginia & Georgia Rwy First Consolidated Mortgage 5's; 1956	150,750.00
500,000.00	Erie RR Consolidated Mortgage Prior Lien 4's; 1996	435,000.00
285,000.00	Great Northern Rwy First & Refunding 4¼'s, Ser. "A"; 1961	264,120.00
500,000.00	Great Northern Rwy Gen's Mortgage 4½'s, Series "E"; 1977	462,500.00
10,000.00	Harrisburg, Portsmouth, Mt. Joy & Lancaster RR 4's; 1943 (R)	10,000.00
321,000.00	Illinois Central RR and Chicago, St. Louis & New Orleans RR Joint First Refdg Mortgage 4½'s, Ser. "C"; 1963	202,230.00
100,000.00	Indianapolis Union Rwy Refdg & Impvt Mortgage 3½'s, Ser. "B"; 1986	98,000.00
175,000.00	Kansas City, Ft. Scott & Memphis Rwy Refdg Mortgage 4's; 1936	45,500.00
750,000.00	Kansas City Terminal Rwy First Mortgage 4's; 1960	672,500.00
400,000.00	Lake Erie & Western RR First Extended 3's; 1947	395,000.00
70,000.00	Lake Shore & Michigan Southern Rwy First Mortgage 3½'s; 1997 (R)	60,200.00
229,000.00	Lehigh Coal & Navigation Co. Funding & Impvt Mortgage 4s, Ser. "A"; 1948	226,732.68
36,000.00	Lehigh Coal & Navigation Co. Consolidated Mortgage 4½'s, Ser. "C"; 1954	35,651.84
50,000.00	Lehigh & New England RR Gen's Mortgage 4's, Series "A"; 1965	47,500.00
25,000.00	Lehigh & New England RR First 5's; 1945	23,050.00
85,000.00	Lehigh Valley RR First 4's; 1948	84,518.33
135,000.00	Lehigh Valley RR Consolidated Mortgage Annuity 6s, Perpetual (R)	134,325.00
76,000.00	Lehigh Valley Harbor Terminal Rwy First Mortgage 5's; 1954	73,340.00
6,000.00	Louisville & Nashville RR (Atlanta, Knoxville & Cincinnati Div.) 4's; 1955	5,992.50
300,000.00	Milwaukee, Sparta & Northwestern RR First Mortgage 4's; 1947	45,000.00
45,000.00	Morris & Essex RR Construction Mortgage 5's, Ser. "A"; 1955	43,380.00
107,000.00	Morris & Essex RR Construction Mortgage 4½'s, Ser. "B"; 1955	90,135.50
346,000.00	Nashville, Chattanooga & St. Louis Rwy First Mortgage 4's, Ser. "A"; 1978	318,320.00
430,000.00	New York Central & Hudson River RR First Mortgage 3½'s; 1997	379,875.00
107,000.00	New York Central & Hudson River RR Lake Shore Collateral 3½'s; 1998	86,457.50
350,000.00	New York Central & Hudson River RR Michigan Central Collateral 3½'s; 1998	318,500.00
250,000.00	New York Central RR Consolidation Mortgage 4's, Ser. "A"; 1998	220,663.28
600,000.00	New York, Chicago & St. Louis RR First Mortgage 3½'s; 1947 (Extd.)	600,000.00
454,000.00	New York Connecting RR First Mortgage 4½'s, Ser. "A"; 1953	441,815.25
200,000.00	New York Connecting RR First Mortgage 5's, Series "B"; 1953	198,500.00
4,000.00	New York & Erie RR Second 5's; 1939	4,000.00
54,000.00	New York & Erie RR First Mortgage Extended 4's; 1947	52,757.50
100,000.00	New York & Hoboken Ferry Co. Gen'l Mortgage 5's; 1946	75,000.00
100,000.00	New York, New Haven & Hartford RR 6% Convertible Debentures; 1948 (R)	21,000.00
351,000.00	New York, Pennsylvania & Ohio RR 4¼'s Prior Lien Extd; 1950	347,510.00
100,000.00	New York, Philadelphia & Norfolk RR First Mortgage 4's; 1939	99,337.25
6,000.00	New York Short Line RR First Mortgage 4's; 1957	5,955.00
500,000.00	New York Short Line RR First Mortgage 4's; 1957 (R)	493,750.00
50,000.00	Norfolk & Southern Rwy First Mortgage 5's; 1941	15,000.00
3,000.00	Northern Central Rwy Gen's & Refdg Mortgage 4½'s, Ser. "A"; 1974	2,970.00
481,000.00	Northern Pacific Rwy Prior Lien Railway & Land Grant 4's; 1997	456,015.53
107,000.00	Northern Pacific Rwy Rfdg & Impvt Mortgage 4½'s, Ser. "A"; 2047	100,580.00
50,000.00	Northern Pacific Rwy Refunding & Improvement 5's, Ser. "D"; 2047	49,805.35
200,000.00	Ogdensburg & Lake Champlain Rwy First Mortgage 4's; 1948	22,000.00
203,000.00	Ohio Connecting Rwy First Mortgage 4's; 1943	201,000.00
52,000.00	Oregon Short Line RR Guaranteed Consolidated 1st Mortgage 5's; 1946	52,000.00
205,000.00	Oregon Short Line RR Unguaranteed Consolidated 1st Mortgage 5's; 1946	204,950.00
9,000.00	Pennsylvania RR Consolidated 4's; 1943	9,000.00
200,000.00	Pennsylvania RR Consolidated Mortgage 4's; 1948 (R)	193,555.00
98,000.00	Pennsylvania RR Consolidated 4's Stamped (Loan of May 1, 1908); 1948	98,000.00
37,000.00	Pennsylvania RR Consolidated 4's Unstamped (Loan of May 1, 1908); 1948	37,000.00
8,000.00	Pennsylvania RR Consolidated Mortgage 4½'s of 1915; 1930	7,973.36
1,075,000.00	Pennsylvania RR Consolidated Mortgage 4½'s of 1915; 1960 (R)	1,071,422.25
50,000.00	Pennsylvania RR General 4½'s, Series "A"; 1965	50,000.00
825,000.00	Pennsylvania RR Gen'l Mortgage 4¼'s, Series "D"; 1981 (800M Reg.) (25M Cpn.)	794,043.25
500,000.00	Pennsylvania, Ohio & Detroit RR First & Refdg Mortgage 4½'s, Series "A"; 1977	493,521.00
255,000.00	Pere Marquette Rwy First 4½'s, Series "C"; 1980	248,193.75
292,000.00	Pere Marquette Rwy First Mortgage 5's, Series "A"; 1956	253,334.10
12,000.00	Philadelphia, Baltimore & Washington RR First Mortgage 4's; 1943	12,000.00
73,000.00	Philadelphia, Baltimore & Washington RR Gen'l Mortgage 4½'s, Series "C"; 1977	72,270.00
263,000.00	Philadelphia & Reading RR First Mortgage Extended 4¼'s; 1948	262,687.50
140,000.00	Philadelphia & Reading RR Imprvt Mortgage Extended 4's; 1947	139,355.00
168,000.00	Pittsburgh, Cincinnati, Chicago & St. Louis Rwy Consolidated Mortgage 4½'s, Ser. "A"; 1940	167,953.75
317,000.00	Pittsburgh, Cincinnati, Chicago & St. Louis Rwy Consolidated Mortgage 4½'s, Ser. "B"; 1942	316,525.00
112,000.00	Pittsburgh, Cincinnati, Chicago & St. Louis Rwy Consolidated Mortgage 4½'s, Ser. "C"; 1942	111,860.00
500,000.00	Pittsburgh, Cincinnati, Chicago & St. Louis Rwy Gen'l Mortgage 5's, Series "B"; 1975	493,750.00
500,000.00	Pittsburgh, Cincinnati, Chicago & St. Louis Rwy Gen'l Mortgage 4½'s, Series "C"; 1977	490,000.00
5,000.00	Pittsburgh, Cincinnati, Chicago & St. Louis RR Consolidated Mortgage 4's, Ser. "D"; 1945	5,000.00
2,000.00	Pittsburgh, Cincinnati, Chicago & St. Louis Rwy Consolidated 4's, Series "G"; 1957	2,000.00
37,000.00	Pittsburgh, Virginia & Charleston RR First Mortgage 4's; 1943	36,740.00
500,000.00	Pittsburgh, Youngstown & Ashtabula Rwy First Gen'l Mortgage 4's; 1948	474,531.25
300,000.00	Richmond-Washington Co. Guaranteed Collateral Trust 4's, Series "D"; 1943 (R)	288,239.53
3,000.00	Richmond-Washington Co. Guaranteed Collateral Trust 4's, Series "C"; 1943	3,000.00
2,000.00	Richmond-Washington Co. Guaranteed Collateral Trust 4's, Series "D"; 1943	2,000.00
39,000.00	St. Paul & Duluth RR First Consolidated Mortgage 4's; 1968	37,605.00
10,000.00	San Francisco & San Joaquin Valley RR First 5's; 1940	10,000.00
150,000.00	Shamokin, Sunbury & Lewisburg RR Second Mortgage 5's; 1945	149,625.00
468,000.00	Southern Pacific Co. (Oregon Lines) First Mortgage 4½'s, Series "A"; 1977	421,200.00
465,000.00	Southern Pacific Co. (San Francisco Terminal) First Mortgage 4's; 1950 (450M Reg.—15M Cpn.)	423,968.00

REPORT OF THE AUDITORS OF THE WESTERN SAVING FUND SOCIETY OF PHILADELPHIA FOR THE YEAR 1937—(Continued)

Par Value		Book Value
360,000.00	Southern Pacific Co. Central Pacific Stock Collateral 4's; 1949	$ 306,000.00
549,000.00	Southern Pacific RR First Refunding 4's; 1955	523,405.00
[illegible]	Southern Railway Co. 1st Consolidated Mortgage 5's; 1994	285,000.00
199,000.00	Terminal Railroad Association of St. Louis 1st Consolidated Mortgage 5's; 1944	169,732.50
2,000.00	Toledo, Walhonding Valley & Ohio RR First Mortgage 4's, Ser. "C"; 1942	2,000.00
544,000.00	Union Pacific RR First Lien & Refdg Mortgage 4's; 2008	516,484.28
210,000.00	Union Pacific RR First Mortgage Railroad & Land Grant 4's; 1947	209,662.50
25,000.00	Union Pacific RR First Mortgage Railroad & Land Grant 4's; 1947 (R)	24,750.00
422,000.00	Virginian Railway Co. First Lien & Refdg Mortgage 3¾'s, Series "A"; 1966	417,975.00
259,000.00	West Shore RR Guaranteed First Mortgage 4's; 2361 (R)	217,560.00
$27,874,750.00		$24,957,242.86

RAILROAD EQUIPMENT TRUST CERTIFICATES

5,000.00	Baltimore & Ohio RR 5% Equip. Trust Ctfs., Ser. "A"; 1938	$ 4,975.00
100,000.00	Cambria & Indiana RR 2¾% Equipment Trust, Ser. "H"; 1946-47	99,500.00
36,000.00	Central of Georgia Rwy 4½% Equip. Trust Ctfs., Ser. "Q"; 1938-40	32,940.00
5,000.00	Chesapeake & Ohio Rwy 5% Equipment Trust, Ser. "U"; 1938	5,000.00
120,000.00	Chesapeake & Ohio Rwy 5% Equipment Trust, Ser. "V"; 1938-9	119,085.50
200,000.00	Chesapeake & Ohio Rwy 4½% Equipment Trust, Series of 1930; 1939-1943	199,000.00
300,000.00	Chicago, Burlington & Quincy RR 2½% Equip. Trust of 1937; 1945-46-47	297,405.86
50,000.00	Chicago & Northwestern Rwy 4½% Equipment Trust of 1929, Ser. "X"; 1941-45	41,000.00
19,000.00	Illinois Central RR 5% Equip. Trust Ctfs., Ser. "J"; 1938	18,920.73
100,000.00	Illinois Central RR 4% Equipment Trust, Ser. "Q"; 1944	99,000.00
311,000.00	Illinois Central RR 3% Equip. Trust Ctfs., Series "R"; 1947-49	295,902.38
26,000.00	Lehigh & New England RR 4½% Equip. Trust Ctfs., Ser. "F"; 1940-41	25,870.00
40,000.00	Missouri Pacific RR 5% Equipment Trust Ctfs., Ser. "D"; 1938-39	38,500.00
175,000.00	Missouri Pacific RR 4½% Equip. Trust Ctfs., Series "F"; 1938-44	159,250.00
32,000.00	New York Central Lines 5% Equipment Trust of 1923; 1938	30,827.31
15,000.00	Pennsylvania RR 5% Gen'l Equipment Trust, Ser. "A"; 1938	14,703.00
50,000.00	Pennsylvania RR 5% Gen'l Equipment Trust, Ser. "B"; 1939	49,939.40
148,000.00	Pennsylvania RR 4½% Gen'l Equipment Trust, Ser. "C"; 1939-38	145,727.77
45,000.00	Pennsylvania RR 4½% Gen'l Equipment Trust, Ser. "D"; 1938-40	44,345.70
558,000.00	Pennsylvania RR 2¾% Equipment Trust Series "G"; 1947-50	547,432.30
470,000.00	Pennsylvania RR 2¾% Equipment Trust, Series "H"; 1947-49	456,558.93
100,000.00	Pennsylvania RR 4% Equipment Trust, Series "E"; 1940	100,000.00
100,000.00	Reading Company 4½% Equipment Trust Ctfs., Ser. "M," 1938-39	99,000.00
23,000.00	St. Louis-San Francisco Rwy. 4½% Equip. Trust Ctfs., Ser. "BB"; 1938-41	22,400.00
133,000.00	St. Louis-San Francisco Rwy 4½% Equip. Trust Ctfs., Ser. "DD"; 1938-44	65,200.00
112,000.00	Southern Pacific Co. 5% Equipment Trust, Ser. "F"; 1938	110,076.66
60,000.00	Southern Pacific Co. 5% Equipment Trust, Ser. "G"; 1938-39	59,700.00
50,000.00	Southern Railway Co. 5% Equipment Trust, Ser. "I"; 1938-39	48,624.50
10,000.00	Southern Railway Co. 4½% Equipment Trust, Ser. "AA"; 1938-41	9,816.90
60,000.00	Virginian Railway Co. 4½% Equip. Trust Ctfs., Ser. "E"; 1938-40	58,338.67
90,000.00	Wabash Railway Co. 4½% Equipment Trust Ctfs, Ser. "H"; 1938-44	81,200.00
$3,607,000.00		$3,381,358.51

MISCELLANEOU S SECURITIES

200,000.00	Hotel Adelphia First Mortgage 5¾% Bonds (R)	$ 80,000.00
200,000.00	Alabama Power Co. First & Rfdg Mortgage 4½'s, 1967	156,000.00
146,000.00	Alabama Power Co First Mortgage Lien & Refunding 5's; 1956	128,800.00
246,000.00	Allentown-Bethlehem Gas Co. First Mortgage 3¾'s; 1965 (R)	245,692.50
175,000.00	Arkansas Louisiana Gas Co. First Mortgage 4's; 1951	171,500.00
85,000.00	Bell Telephone Co. of Pennsylvania First & Refdg Mortgage 5's, Ser. "B"; 1948	85,000.00
207,000.00	Bell Telephone Co. of Pennsylvania First & Refdg Mortgage 5's, Ser. "C"; 1960	206,750.00
500,000.00	Bellevue-Stratford Hotel First Mortgage 5¾% & Bonds; 1935 (R)	125,000.00
100,000.00	Benjamin Franklin Hotel First Mortgage 6% Bonds, Ser. "A" (R) 1933	40,000.00
594,000.00	Brooklyn Edison Co., Inc. Consolidating Mortgage 3½'s, Series of 1936; 1966	585,954.19
9,000.00	Buffalo General Electric Co. First 5's; 1939	9,000.00
200,000.00	California Oregon Power Co. First Mortgage 4's; 1966	190,000.00
370,000.00	Central Hudson Gas & Electric Corpn. First & Refdg Mortgage 3½'s; 1965	365,971.58
221,000.00	Central Illinois Light Co. First & Consolidated Mortgage's 3½'s; 1966	221,000.00
442,000.00	Chesapeake & Potomac Telephone Co. of Virginia First 5's, Ser. "A"; 1943	442,372.50
717,000.00	Cincinnati Gas & Electric Co. First Mortgage 3¼'s; 1966	703,573.38
183,000.00	Cincinnati Gas & Electric Co. First Mortgage 3½'s; 1967	183,000.00
328,000.00	Cleveland Electric Illuminating Co. First Mortgage 3¾'s; 1965	329,670.00
314,000.00	Commonwealth Edison Co. First Mortgage 4½'s; Ser "C"; 1956	314,000.00
383,000.00	Commonwealth Edison Co. First Mortgage 4½'s, Ser "D"; 1957	383,000.50
73,000.00	Commonwealth Edison Co. First Mortgage 4's, Ser "F"; 1981	72,600.91
229,000.00	Connecticut Light & Power Co. First & Refdg Mortgage 3½'s, Ser "F"; 1966	226,854.54
127,000.00	Connecticut Light & Power Co. First & Refdg Mortgage 3¼'s, Ser "G"; 1966	126,410.39
240,000.00	Connecticut River Power Co. First Mortgage 3¾'s, Ser "A"; 1961	198,000.00
322,000.00	Consolidated Gas, Electric Light & Power Co. of Balto. First Refdg Mortgage 3½'s, Ser "N"; 1971	318,685.75
650,000.00	Consumers Power Co. First Mortgage 3½'s, Series of 1936; 1970	649,210.99
124,000.00	Dayton Power & Light Co. First & Refdg Mortgage 3½'s, 1960	120,885.00
299,000.00	Delaware Power & Light Co. First Mortgage 4½'s; 1971	298,500.00
254,000.00	Detroit Edison Co. Gen'l & Refdg Mortgage 4's, Ser "F"; 1965	253,622.50
1,100,000.00	Duquesne Light Co. First Mortgage 3½'s; 1965	1,056,100.61
219,000.00	Edison Electric Illuminating Co. of Boston First Mortgage 30 Yr. 3½'s, Ser "A"; 1965	218,232.50
16,000.00	Edison Electric Illuminating Co. of Brooklyn First Consolidated 4's; 1939	16,000.00
300,000.00	Houston Lighting & Power Co. First Mortgage 3½'s; 1966	300,000.00
56,000.00	Illinois Bell Telephone Co. First & Refdg Mortgage 3½'s. Ser "B"; 1970	56,000.00
501,000.00	Louisville Gas & Electric Co. First & Refdg Mortgage 3½'s, 1966	462,257.00
26,000.00	Newark Consolidated Gas Co. Consolidated Mortgage 5's; 1948	26,000.00
740,000.00	New England Power Co. First Mortgage 3¼'s, Ser "A"; 1961	738,000.00
30,000.00	New England Telephone & Telegraph Co. First Mortgage 5's, Ser "A", 1952	30,000.00
170,000.00	New York Dock Co. First Mortgage 4's; 1951	102,000.00
383,000.00	New York Edison Co., Inc. First Lien & Refdg Mortgage 3¼'s, Ser "D"; 1965	376,982.45
747,000.00	New York Edison Co., Inc. First Lien & Refdg Mortgage 3¼'s, Ser. "E"; 1966	738,034.87
500,000.00	New York & Queens Electric Light & Power Co. First & Consolidating Mortgage 3½'s, Series of 1936; 1965	460,000.00
240,000.00	New York Telephone Co. Refdg. Mortgage 3¼'s, Ser "B"; 1967	240,000.00
300,000.00	New York & Westchester Lighting Co. Gen'l Mortgage 4's; 2004	279,000.00
650,000.00	Pacific Gas & Electric Co. First & Refdg. Mortgage 3¾'s, Ser. "H"; 1961	643,500.00
345,000.00	Pacific Telephone & Telegraph Co. Refdg Mortgage 3¼'s, Ser. "B"; 1966	339,663.60
561,000.00	Pacific Telephone & Telegraph Co. Refdg. Mortgage 3¼'s, Ser. "C"; 1966	550,980.00
462,000.00	Packard Building First Mortgage 5% Bonds, Series "A"; 1943	452,760.00
35,000.00	Pennsylvania Building First Mortgage 6% Bonds, Ser. "A", 1934 (R)	35,000.00
326,000.00	Pennsylvania Water & Power Co. First Mortgage 5's; 1940	325,927.50
103,000.00	Pennsylvania Water & Power Co. First Refdg. Mortgage 4½'s, Ser. "B"; 1968	99,813.46
1,501,000.00	Philadelphia Electric Co. First & Refdg. Mortgage 3½'s; 1967	1,500,062.50

REPORT OF THE AUDITORS OF THE WESTERN SAVING FUND SOCIETY OF PHILADELPHIA FOR THE YEAR 1937—(Cont

Par Value		Book
1,022,000.00	Potomac Electric Power Co. First Mortgage 3¼'s; 1966	1,001.
375,000.00	Providence Gas Co. First Mortgage 4's, Series "B"; 1963	373.
1,000,000.00	Public Service Electric & Gas Co. First & Refdg. Mortgage 3¼'s, 1966	980.
570,000.00	Southern California Edison Co., Ltd. First & Refdg. Mortgage 3¾'s, Ser. "A"; 1960	552.
300,000.00	Southern California Edison Co., Ltd. First & Refdg. Mortgage 3¾'s. Ser. "B"; 1960	295.
148,000.00	Southwestern Bell Telephone Co., First & Refdg. Mortgage 3½'s. Ser. "B"; 1964	147.
100,000.00	Stanley Real Estate First Mortgage 5½% Sinking Fund Gold Bonds; 1945	70.
590,000.00	Union Electric Co. of Missouri First Mortgage & Collateral Trust 3¾'s; 1962	590.
115,000.00	West Penn Power Co. First Mortgage 4's, Series "H"; 1961	113.
739,000.00	West Penn Power Co. First Mortgage 3½'s, Series "I"; 1966	729.
$ 22,197,000.00		$ 21,168,

REPORT OF THE AUDITORS OF THE PHILADELPHIA SAVING FUND SOCIETY

The subscribers, duly appointed by the President Judges of the Courts of Common Pleas of Philadelphia County, to audit and settle the Accounts of The Philadelphia Saving Fund Society, under the provisions of the Third Section of the Supplement to the "Act" incorporating the said Society, approved March 15, 1824, having been duly qualified, respectfully report:—

That, in the performance of the duties assigned them, they have audited and settled the Books and Accounts of The Philadelphia Saving Fund Society for the year ending the thirty-first day of December, 1937, and have exa and ascertained the amount of the Bonds and Mort Real Estate, Public Loans, Railroad Loans, and the evidences of the property and effects of the said S and agreeably thereto have made out the subjoined ment, which agrees with the books at that date exhibits the situation and condition of the said The delphia Saving Fund Society on the first day of Ja 1938.

FRANCIS BIDDLE
EMILY C. GUGLEIN
T. TRUXTON HARE
Auditors.

PUBLIC LOANS

UNITED STATES BONDS

ASSETS

			Par Value	As Charg
Treasury Notes	1939	2⅛%	$ 2,950,000.00	$ 2,977,0
Treasury Notes	1939-1941	1⅜	3,390,000.00	3,389,4
Treasury Notes	1940	1½	6,700,000.00	6,695,6
Treasury Notes	1940	1⅝	5,200,000.00	5,222,2
Treasury Notes	1942	1¾	2,300,000.00	2,300,0
Treasury Bonds	1941-1946	3¼	8,630,000.00	8,671,9
Treasury Bonds	1945-1953	2½	5,110,000.00	5,099,9
Treasury Bonds	1947	3⅜	250,000.00	250,0
Treasury Bonds	1947-1959	2¾	17,000,000.00	17,000,0
Treasury Bonds	1948-1955	3	12,000,000.00	12,239,3
Treasury Bonds	1949-1952	3⅛	4,950,000.00	4,950,0
Treasury Bonds	1952	4¼	8,600,000.00	8,612,9
Treasury Bonds	1960	2⅞	5,000,000.00	5,000,0
Federal Farm Mortgage	1947	2¾	4,000,000.00	4,025,8
Federal Farm Mortgage	1947-1949	3	6,500,000.00	6,531,2
Federal Farm Mortgage	1934	3¼	900,000.00	900,0
Home Owners' Loan	1939	1½	250,000.00	250,0
Home Owners' Loan	1944	2¼	1,025,000.00	1,025,0
Home Owners' Loan	1949	2¾	3,991,875.00	3,991,8
Home Owners' Loan	1952	3	3,250,000.00	3,248,2
Dominion of Canada	1944	2¼	1,016,000.00	1,010,9
Dominion of Canada	1945	2½	1,500,000.00	1,462,1
Dominion of Canada	1961	3¼	4,000,000.00	3,978,5
Dominion of Canada	1967	3	2,000,000.00	1,914,4

STATE BONDS

Illinois, State	1948-1952	4 %	$ 1,550,000.00	$ 1,542,2
New Jersey, State	1940-1941	3¼	225,000.00	222,5
Pennsylvania—Tax Anticipation Notes	1938	1½	3,000,000.00	3,000,0
Pennsylvania, State	1938	3¾	125,000.00	125,0
Pennsylvania, State	1946-1949	3	2,000,000.00	2,181,4
Tennessee, State	1945	4½	250,000.00	250,0
West Virginia, State	1942-1947	4¼	208,000.00	208,0
West Virginia, State	1946	4½	10,000.00	10,0

COUNTY BONDS

Allegany County, Md.	1947-1952	4¼%	$ 183,000.00	$ 183,0
Allegheny County, Pa.	1939	4	20,000.00	19,6
Allegheny County, Pa.	1939-1955	4¼	872,000.00	871,9
Anne Arundel County, Md.	1938-1939	4½	40,000.00	40,0
Atlantic County, N. J.	1938-1948	4½	284,000.00	249,9
Atlantic County, N. J.	1939-1946	5	150,000.00	135,0
Atlantic County, N. J.	1945-1949	4	103,000.00	93,2
Baltimore County, Md.	1944-1966	4½	478,000.00	478,0
Bergen County, N. J.	1938-1939	4¼	80,000.00	80,0
Bergen County, N. J.	1939-1955	4½	544,000.00	544,0
Buncombe County, N. C.	1976	¼	100,000.00	23,0
Cambria County, Pa.	1938-1945	4¼	158,000.00	158,0
Camden County, N. J.	1951-1960	4¼	223,000.00	223,0
Cape May County, N. J.	1938-1944	5	100,000.00	100,0
Cape May County, N. J.	1938-1952	4½	323,000.00	323,0
Chautauqua County, N. Y.	1938-1939	5	350,000.00	350,0
Cook County, Ill.	1956	4	691,000.00	672,6
Cuyahoga County, Ohio	1938-1949	4½	175,000.00	175,0
Cuyahoga County, Ohio	1939-1948	6	64,500.00	64,5
Cuyahoga County, Ohio	1944-1951	4¼	272,000.00	271,3
Dallas County, Rd. Dist. No. 1, Texas	1950-1953	4½	200,000.00	200,0
Davidson County, N. C.	1949-1960	3¼	128,000.00	128,0
Dillon, Florence, Williamsburg, Colleton, Beaufort and Jasper Counties, S. C. (Coastal Highway Bonds)	1939	4½	50,000.00	50,0

PORT OF THE AUDITORS OF THE PHILADELPHIA SAVING FUND SOCIETY FOR THE YEAR 1937 (Cont'd)

			Par Value	As Charged
County, Fla.	1938-1939	5	$ 36,000.00	$ 36,000.00
County, N. J.	1952-1955	3½	246,000.00	246,000.00
du Lac County, Wis.	1938-1941	4½	33,000.00	33,000.00
ch County, N. C.	1938-1956	4½	135,000.00	135,000.00
lin County, Ohio	1938-1940	4½	47,000.00	47,000.00
ville County, S. C.	1938-1943	4½	140,000.00	140,000.00
ord County, N. C.	1938-1943	4¼	300,000.00	300,000.00
rd County, N. C.	1940-1950	4½	204,000.00	204,000.00
ton County, Ohio	1938-1946	5	70,000.00	70,000.00
ton County, Tenn.	1947-1958	4½	416,000.00	416,000.00
County, Texas	1938-1951	4½	100,000.00	100,000.00
County, Texas	1944-1947	4¾	50,000.00	50,000.00
County, Houston Ship Channel, Nav. Dist., Texas	1945-1958	4½	400,000.00	400,000.00
on County, N. J.	1938-1950	4½	822,000.00	822,000.00
County, Wash.	1938-1949	4½	169,000.00	169,000.00
County, Tenn.	1947	5	150,000.00	150,000.00
n County, Pa.	1941	4¼	165,000.00	165,000.00
County, Ohio	1938-1947	4½	172,000.00	172,000.00
County, Ohio	1938-1939	5	11,000.00	11,000.00
County, Ohio	1945-1954	4½	390,000.00	390,000.00
nb County, Mich.	1957	5	64,000.00	54,400.00
ning County, Ohio	1938	4½	1,000.00	988.00
ning County, Ohio	1938-1941	4½	76,000.00	76,000.00
ning County, Ohio	1938-1943	4¾	74,000.00	74,000.00
ning County, Ohio	1939	5	21,000.00	21,000.00
sex County, N. J.	1939-1943	4¼	168,000.00	168,000.00
ukee County, Wis.	1943-1946	4¾	255,000.00	255,000.00
outh County, N. J.	1938-1948	4½	270,000.00	270,000.00
omery County, Md.	1938-1962	4½	745,000.00	745,000.00
omery County, Ohio	1938-1944	6	107,000.00	101,650.90
omery County, Ohio	1938-1946	5	66,100.00	62,795.00
omery County, Ohio	1938-1948	4¾	64,000.00	60,800.00
omery County, Ohio	1938-1950	4½	40,000.00	38,000.00
County, N. J.	1938-1941	4½	49,000.00	49,000.00
omah County, Ore.	1938-1954	4½	257,000.00	257,000.00
omah County, Ore.	1945-1951	4¾	153,000.00	153,000.00
nd County, Mich.	1958	3-4½	49,000.00	41,650.00
County, N. J.	1938-1949	4¼	453,000.00	453,000.00
nd, Lexington & Saluda Counties, S. C. (Highway Bonds)	1940-1942	4½	34,000.00	33,957.50
County, Ohio	1938	4½	7,000.00	7,000.00
County, Tenn.	1938-1941	4¾	120,000.00	120,000.00
County, Tenn.	1949	4½	300,000.00	300,000.00
s County, N. J.	1938-1950	4½	200,000.00	200,000.00
nburg County, S. C.	1938-1947	4½	153,000.00	153,000.00
nburg County, S. C.	1953-1957	3½	100,000.00	100,000.00
County, Ohio	1938	4½	35,000.00	35,000.00
County, N. Y.	1942-1943	3.40	145,000.00	144,718.75
s County, Ohio	1938	6	42,000.00	42,000.00
ns County, Ohio	1938-1940	4½	67,000.00	60,970.00
s County, Ohio	1939-1940	5	41,000.00	38,310.00
t County, Water Control and Imp. Dist. No. 1, Texas	1938-1971	4½	476,000.00	474,685.00
ull County, Ohio	1938-1939	6	25,000.00	25,000.00
ull County, Ohio	1938-1943	4¾	74,000.00	74,000.00
ull County, Ohio	1941-1942	4½	11,500.00	11,500.00
s County, Okla.	1940-1942	5	62,000.00	62,000.00
s County, Okla.	1943-1948	4¾	138,000.00	138,000.00
t County, N. J.	1938-1947	4½	50,000.00	49,584.23
t County, N. J.	1938-1960	4½	520,000.00	520,000.00
o County, Pa.	1938-1949	4¼	161,000.00	161,000.00
County, Mich.	1938-1941	4¾	150,000.00	150,000.00

MUNICIPAL BONDS

on Township, Pa.	1938-1948	4½	$ 49,000.00	49,000.00
on Township, School District, Pa.	1938-1958	4½	60,000.00	60,000.00
City, Ohio	1938-1951	4½	184,000.00	184,000.00
ny City, School District, Pa.	1938	4	8,000.00	8,000.00
ny City, School District, Pa.	1938	4½	69,000.00	69,000.00
lo City, Texas	1947-1951	3½	125,000.00	125,000.00
ore City, Md.	1943	5	300,000.00	300,000.00
ore City, Md.	1954	4	20,000.00	18,000.00
hem Borough, South, Pa.	1942	4½	42,000.00	42,000.00
port City, Conn.	1938-1939	4	39,000.00	39,000.00
o City, N. Y.	1937-1940	3.80	466,000.00	466,000.00
o City, N. Y.	1945	3.40	250,000.00	250,000.00
n City, N. J.	1938-1943	4¼	345,000.00	331,200.00
n City, N. J.	1938-1944	5	20,000.00	20,000.00
idale City, School District, Pa.	1941-1945	4½	34,000.00	34,000.00
idale City, School District, Pa.	1941-1951	4¾	90,000.00	90,000.00
ston City, Ind. School District, W. Va.	1938-1948	5	90,000.00	90,000.00
nooga City, Tenn.	1937-1950	4½	150,000.00	150,000.00
nooga City, Tenn.	1956-1959	4½	125,000.00	125,000.00
City, School District, Pa.	1938	4½	35,000.00	35,000.00
o. Sanitary District, Ill.	1955	4½	1,424,610.30	1,424,610.30
o. Sanitary District, Ill.	1956	4½	643,500.00	643,500.00
nd City, Ohio	1940-1941	4½	437,000.00	437,000.00
ton City, Ky.	1938-1959	4½	166,000.00	166,000.00
ton City, Ky.	1937-1941	4½	110,000.00	110,000.00
City, Ohio	1938-1950	4½	35,820.70	35,820.70
City School District, Ohio	1940-1946	4½	167,000.00	167,000.00
City, Mich.	1943-1953	4½	541,000.00	541,000.00
City, Mich.	1954	4	600,000.00	584,947.08
City, Mich.	1932	4½	35,000.00	31,504.35
Providence Town, R. I.	1938-1948	4½	100,000.00	99,496.11
th City, N. J.	1938-1954	4½	32,000.00	32,000.00
th City, N. J.	1942-1952	4½	175,000.00	175,000.00
o City, Texas	1942-1956	4½	125,000.00	125,000.00
ty, Pa.	1938-1950	4½	440,000.00	440,000.00
orth City, Texas	1941-1954	4½	197,000.00	197,000.00
orth City, Texas	1954-1956	3½	284,000.00	284,000.00
n Rapids City, Mich.	1944-1953	4½	280,000.00	280,000.00
ille City, School District, S. C.	1949-1955	3½	101,000.00	101,000.00

REPORT OF THE AUDITORS OF THE PHILADELPHIA SAVING FUND SOCIETY FOR THE YEAR 1937 (Cont'd

			Par Value	As Charged
Hamilton City, Ohio	1938-1952	5 %	$ 177,000.00	$ 177,000.00
Hamilton City, School District, Ohio	1938-1939	4½	42,000.000	42,000.00
Hanover Township, Pa.	1938-1947	4½	140,000.00	140,000.00
Harrisburg City, Pa.	1938-1946	4¼	90,000.00	90,000.00
Hazelton City, School District, Pa.	1938-1945	4½	56,000.00	56,000.00
Houston City, Ind. School District, Texas	1950-1966	3	338,000.00	332,377.33
Huntington City, W. Va.	1954	4½	41,000.00	41,000.00
Huntington City, Ind. School District, W. Va.	1938	4½	3,000.00	3,000.00
Irvington Town, N. J.	1942-1947	4¾	200,000.00	200,000.00
Irvington Town, N. J.	1942-1949	4½	120,000.00	120,000.00
Jacksonville City, Fla.	1938	5	200,000.00	200,000.00
Jacksonville City, Fla.	1951-1956	3	550,000.00	548,750.00
Jersey City, N. J.	1938-1948	4½	473,000.00	473,000.00
Kearny Town, N. J.	1943-1955	4½	400,000.00	402,000.00
Knoxville City, Tenn.	1938-1967	4½	510,000.00	510,000.00
Knoxville City, Tenn.	1944	4¾	25,000.00	25,000.00
Los Angeles City, Cal.	1938-1948	4½	368,000.00	368,000.00
Lower Merion Township, School District, Pa.	1940	4½	15,000.00	15,000.00
Mahoning Valley Sanitary District, Ohio	1945-1949	4¼	91,000.00	91,000.00
Mahoning Valley Sanitary District, Ohio	1947-1948	4¾	100,000.00	100,000.00
McKeesport City, Pa.	1938-1939	4	13,000.00	13,000.00
Memphis City, Tenn.	1944-1951	4½	110,000.00	110,000.00
Memphis City, Tenn.	1945-1953	4¾	58,000.00	58,000.00
Memphis City, Tenn.	1953-1957	3	150,000.00	150,000.00
Memphis City, Tenn.	1956-1965	3¼	126,000.00	126,000.00
Memphis City, School District, Tenn.	1938-1956	4½	252,000.00	252,000.00
Memphis City, School District, Tenn.	1945-1954	4¾	42,000.00	42,000.00
Minneapolis City, Minn.	1938	3½	60,000.00	60,000.00
Montclair Town, N. J.	1938-1951	4½	210,000.00	210,000.00
Morristown Town, N. J.	1940-1951	4½	240,000.00	240,000.00
Nashville City, Tenn.	1938-1948	5	130,000.00	130,000.00
Nashville City, Tenn.	1938-1953	4½	204,000.00	204,000.00
Newark City, N. J.	1938	4¼	130,000.00	130,000.00
Newark City, N. J.	1945-1954	4½	464,000.00	464,000.00
New Brunswick City, N. J.	1938-1968	4¼	109,000.00	109,000.00
New York City, N. Y.	1938-1941	3¾	405,000.00	405,000.00
New York City, N. Y.	1939-1958	4¼	1,600,000.00	1,609,000.00
New York City, N. Y.	1945-1959	4½	3,500,000.00	3,503,500.00
New York City, N. Y.	1976	3½	600,000.00	600,000.00
Northampton Borough, School District, Pa.	1941-1956	4½	135,000.00	135,000.00
Oakland City, Cal.	1938-1966	4½	168,000.00	168,000.00
Oklahoma City, Okla.	1938-1941	4½	303,000.00	303,000.00
Oklahoma City, School District, Okla.	1951	4½	39,000.00	39,000.00
Overpeck Township, School District, N. J.	1938-1941	4½	52,000.00	52,000.00
Passaic City, N. J.	1941-1947	4½	185,000.00	185,000.00
Pawtucket City, R. I.	1942-1951	4½	100,000.00	100,000.00
Peoria City, Ill.	1938-1943	4½	102,000.00	102,000.00
Philadelphia City, Pa.	1938-1947	4	8,292,500.00	8,044,632.50
Philadelphia City, Pa.	1948-1979	4½	4,336,000.00	4,336,000.00
Philadelphia City, Pa.	1952-1980	4¼	4,715,000.00	4,714,637.50
Philadelphia City, School District, Pa.	1938	4	10,000.00	9,941.39
Philadelphia City, School District, Pa.	1939-1947	4¼	1,021,000.00	1,021,000.00
Philadelphia City, School District, Pa.	1943-1944	4½	60,000.00	60,000.00
Pittsburgh City, Pa.	1938-1939	4	25,000.00	25,000.00
Pittsburgh City, Pa.	1938-1940	4½	229,000.00	229,000.00
Pittsburgh City, Pa.	1939	4¼	43,000.00	41,280.00
Pontiac City, Mich.	1964	4-4½	100,000.00	81,050.00
Portland City, Ore.	1944-1960	4½	222,000.00	222,000.00
Raleigh City, N. C.	1938-1939	4½	50,000.00	50,000.00
Rockford Sanitary District, Ill.	1938-1947	4¼	12,000.00	11,925.00
San Antonio City, Texas	1953-1956	3¼	64,000.00	64,000.00
San Antonio City, Ind School District, Texas	1940-1955	4¼	243,000.00	243,000.00
Sandusky City, Ohio	1938-1947	4½	30,000.00	30,000.00
Schenectady City, N. Y.	1939-1942	3.60	78,000.00	77,992.50
Scranton City, School District, Pa.	1939	4	25,000.00	22,750.00
Scranton City, School District, Pa.	1940-1952	4¼	637,000.00	637,000.00
Seattle City, Wash.	1938-1941	4½	195,000.00	195,000.00
Toledo City, Ohio	1938-1953	4½	88,000.00	88,000.00
Toledo City, School District, Ohio	1941-1944	4½	100,000.00	100,000.00
Toledo City, School District, Ohio	1942-1946	4¼	16,000.00	15,904.38
Toledo City, School District, Ohio	1943-1946	5	60,000.00	60,000.00
Trenton City, N. J.	1941-1953	4½	553,000.00	553,000.00
Union City, N. J.	1938-1954	4½	210,000.00	210,000.00
Union City, N. J.	1940-1943	4¾	135,000.00	135,000.00
West Orange Town, N. J.	1938-1958	4½	121,000.00	121,000.00
Wilkinsburg Borough, School District, Pa.	1938	4	8,000.00	8,000.00
Wilkinsburg Borough, School District, Pa.	1939-1940	4¼	2,000.00	2,000.00
Winston-Salem City, N. C.	1938-1961	4½	427,000.00	427,000.00
Winston-Salem City, N. C.	1959-1961	4¾	50,000.00	50,000.00
Winston-Salem City, N. C.	1962-1963	2¾	51,000.00	50,617.50
Woonsocket City, R. I.	1938-1964	4¼	174,000.00	173,099.13

RAILROAD LOANS

Allegheny Valley, (Penna.)	1942	4 %	$ 2,004,000.00	$ 2,004,000.00
Atchison, Topeka & Sante Fe	1995	4	665,000.00	643,300.00
Baltimore & Ohio	1948	4	1,102,000.00	991,800.00
Baltimore & Ohio	1948	5	1,400,000.00	1,312,738.65
Beech Creek (New York Central)	1951	3½	225,000.00	218,000.00
Canadian Pacific (Equipment Trust)	1938-1945	4½	1,365,000.00	1,365,000.00
Canadian Pacific (Equipment Trust)	1944	5	229,000.00	229,000.00
Catawissa (Reading)	1948	4	650,000.00	653,400.00
Central of Georgia (Macon & Northern Div.)	1946	5	126,000.00	18,900.00
Central of Georgia (Mobile Div.)	1946	5	150,000.00	26,325.00
Central of Pacific (Southern Pacific)	1949	4	3,496,000.00	3,376,582.40
Central of Pacific Through Short Line (So. Pac.)	1954	4	724,000.00	679,697.82
Chesapeake & Ohio (Rich. & All'y Div. 2nd)	1989	4	155,000.00	143,693.05
Chesapeake & Ohio	1998	3½	3,000,000.00	2,985,000.00
Chesapeake & Ohio Equipment Trust	1938-1939	5	73,000.00	73,000.00
Chesapeake & Ohio Equipment Trust	1938-1944	4½	275,000.00	273,971.94
Chesapeake & Ohio Equipment Trust	1944	2¼	209,000.00	208,477.50
Chicago, Mil. & St. Paul (C. M. St. P. & P.)	1989	4	1,250,000.00	309,375.00

REPORT OF THE AUDITORS OF THE PHILADELPHIA SAVING FUND SOCIETY FOR THE YEAR 1937 (Cont'd)

RAILROAD LOANS (Continued)			Par Value	As Charged
Chicago, Mil. & St. Paul (C. M. St. P. & P.)	1989	4½%	$ 600,000.00	$ 168,000.00
Chicago, Rock Island & Pacific	1988	4	1,896,000.00	303,360.00
Chicago, Rock Island & Pacific Rwy. Co. Equipment Trust				
Chicago Certificates of Indebtedness	1947	3½	1,277,150.00	1,015,821.00
Chicago, Union Station Company, Series "E"	1963	3¼	198,000.00	198,000.00
Cincinnati, Union Term. Company, Series "D"	1971	3½	658,000.00	658,000.00
Cleveland & Pittsburgh, Series "A" (Penna.)	1942	4½	670,000.00	670,000.00
Cleveland & Pittsburgh, Series "B" (Penna.)	1942	4½	235,000.00	235,000.00
Cleveland & Pittsburgh, Series "A" (Penna.)	1977	4½	2,104,000.00	2,103,862.50
Cleveland Union Terminals Co., Series "C"	1977	4½	414,000.00	376,740.00
Columbia & Port Deposit (Penna.)	1940	4	411,000.00	405,775.00
Columbus & Toledo (Chesapeake & Ohio)	1955	4	679,000.00	679,000.00
Connecting (Penna.)	1951	4	2,597,000.00	2,503,508.00
Detroit River Tunnel (Detroit Terminal & Tunnel) (Michigan Central)	1961	4½	780,000.00	779,313.75
East Tenn., Va. & Georgia (Southern)	1956	5	491,000.00	459,465.59
Erie Equipment Trust	1938-1944	4½	470,000.00	461,818.39
Harrisburg, Ports., Mt. Joy & Lanc. (Penna.)	1943	4	422,000.00	414,615.00
Indianapolis Union, Series "B"	1986	3½	600,000.00	599,880.00
Kansas City Terminal	1960	4	2,000,000.00	1,875,000.00
Kentucky Central (Louisville & Nashville)	1987	4	775,000.00	713,386.95
Lehigh Coal & Navigation	1948	4	495,000.00	470,250.00
Lehigh Coal & Navigation Series "C"	1954	4½	205,000.00	203,634.92
Lehigh Valley Navigation	1948	4	1,361,000.00	1,197,680.00
Lehigh Valley of New York (Lehigh Valley)	1940	4½	1,220,000.00	994,300.00
Nashville, Chatt. & St. Louis (A. C. L.)	1978	4	331,000.00	231,700.00
New York Central Equipment Trust	1941-1945	4½	210,000.00	209,407.64
New York Chicago & St. Louis Equip. Trust	1946-1949	3	301,000.00	301,000.00
New York Connecting Series "A"	1953	4½	1,240,000.00	1,234,530.00
New York Connecting Series "B"	1953	5	261,000.00	261,000.00
New York & Erie	1938	4½	3,844,000.00	3,639,696.81
New York & Erie	1947	4	1,194,000.00	1,134,300.00
New York Pennsylvania & Ohio (Erie)	1950	4½	234,000.00	233,940.00
New York Short Line (Reading)	1957	4	95,000.00	91,707.50
North Pennsylvania (Reading)	1953	2.30	2,147,000.00	1,827,950.00
Northern Central (Penna.)	1974	4½	528,000.00	522,285.00
Northern Pacific	1997	4	3,173,000.00	2,792,240.00
Ohio Connecting (Penna.)	1943	4	884,000.00	884,000.00
Pennsylvania	1943	5	3,289,000.00	3,119,937.50
Pennsylvania	1960	4½	3,630,000.00	3,630,000.00
Pennsylvania Equipment Trust	1938-1939	5	114,000.00	114,000.00
Pennsylvania Equipment Trust	1938-1941	4½	302,000.00	298,330.56
Pennsylvania Equipment Trust	1945-1950	2½	1,924,000.00	1,382,945.12
Pa. & N. Y. Canal & R. R. (Lehigh Val.)	1939	4	73,000.00	64,970.00
Pa. & N. Y. Canal & R. R. (Lehigh Val.)	1939	4½	119,000.00	108,290.00
Pa. & N. Y. Canal & R. R. (Lehigh Val.)	1939	5	93,000.00	85,722.73
Pa. Ohio & Detroit Series "A" (Penna.)	1977	4½	517,000.00	441,[illegible]
Philadelphia, Baltimore & Wash. (Penna.)	1943	4	2,761,000.00	2,761,[illegible]
Philadelphia & Reading	1943	4½	563,000.00	553,[illegible]
Philadelphia & Reading	1947	4	2,551,000.00	2,551,630.00
Pittsburgh, Virginia & Charleston (Penna.)	1943	4	1,645,000.00	1,[illegible]
Reading Company, Series "A"	1997	4½	1,189,000.00	1,033,380.00
Reading Company Equipment Trust	1941-1945	4½	575,000.00	574,687.50
St. Paul & Duluth (Northern Pacific)	1968	4	43,000.00	41,[illegible]
Scioto Valley & New Eng. (Norfolk & West.)	1989	4	360,000.00	342,260.00
Southern Equipment Trust	1938	4	225,000.00	214,302.00
Southern Equipment Trust	1938	5	6,000.00	6,000.00
Southern Equipment Trust	1938-1941	4½	215,000.00	209,777.54
Union Pacific	1947	4	206,000.00	206,000.00
United New Jersey R. R. & Canal (Penna.)	1944	4	817,000.00	817,000.00
United New Jersey R. R. & Canal (Penna.)	1951	3½	55,000.00	55,000.00
Washington Terminal	1945	3½	200,000.00	174,701.23
Washington Terminal	1945	4	605,000.00	599,940.00
West Shore (New York Central)	1961	4	713,000.00	554,006.25

PUBLIC UTILITY AND MISCELLANEOUS LOANS				
Allentown-Bethlehem Gas Co. (U. G. I.)	1965	3½%	$ 245,000.00	$ 245,000.00
American Telephone & Telegraph Co.	1961	3¼	1,000,000.00	997,406.25
Atlantic City Electric Co.	1964	3¼	695,000.00	689,350.00
Boston Edison Company	1965	3½	1,250,000.00	1,250,000.00
Brooklyn Edison Company, Inc. (Cons. Ed. of New York)	1966	3½	900,000.00	900,000.00
Central Hudson Gas & Electric Corporation	1965	3½	1,000,000.00	1,000,000.00
Central Ill. Light Company (Commonwealth & Southern)	1966	3½	350,000.00	350,000.00
Cincinnati Gas & Electric Co. (Col. G. & E.)	1966	3½	900,000.00	900,000.00
Cincinnati Gas & Electric Co. (Col. G. & E.)	1967	3½	200,000.00	200,000.00
Cleveland Electric Illuminating Co. (North American Co.)	1965	3¼	217,000.00	217,000.00
Commonwealth Edison Company	1981	4	2,360,000.00	2,227,425.00
Connecticut Light & Power Co. (U. G. I.)	1966	3¼	385,000.00	385,000.00
Consolidated Gas, Electric Light & Power Co. of Baltimore	1965	3½	750,000.00	750,000.00
Consolidated Gas, Electric Light & Power Co. of Baltimore	1971	3¼	910,000.00	910,000.00
Consumers Power Company (Commonwealth & Southern)	1965	3½	500,000.00	495,000.00
Consumers Power Company (Commonwealth & Southern)	1965	3¼	500,000.00	500,000.00
Consumers Power Company (Commonwealth & Southern)	1966	3½	425,000.00	425,000.00
Consumers Power Company (Commonwealth & Southern)	1970	3½	1,000,000.00	1,000,000.00
Continental Pass. Ry. Company (P. R. T.)	1959	4	280,000.00	168,000.00
Dayton Power & Light Co. (Col. Gas & Elec.)	1950	3½	174,000.00	173,130.00
Detroit Edison Company	1961	3½	175,000.00	173,281.25
Detroit Edison Company	1965	3½	270,000.00	270,000.00
Duquesne Light Co. (Standard Gas & Elec.)	1965	3½	1,750,000.00	1,750,000.00
Edison Elec. Illuminating Co. of Brooklyn (Brooklyn Edison)	1939	4	10,000.00	10,000.00
Erie County Electric Company (U. G. I.)	1[illegible]	3½	356,000.00	356,000.00
Hallowell, J. Wallace, S. E. Cor. Walnut & Watts Sts., Phila.	1[illegible]	5[illegible]	300,000.00	300,000.00
Houston Lighting & Power Company	1[illegible]	5	500,000.00	500,000.00
Illinois Bell Tel. Co. (A. T. & T.)	1[illegible]	3½	600,000.00	600,000.00
Inland Steel Company	1[illegible]	3½	163,000.00	163,000.00
Kansas City Power & Light Co. (United Lt. & Power)	1[illegible]	3½	1,000,000.00	1,000,000.00
Louisville Gas & Electric Co. (Standard Gas & Electric)	1[illegible]	3½	300,000.00	300,000.00
New England Telephone & Telegraph Co. (Amer. Tel. & Tel.)	1[illegible]	4½	239,000.00	238,792.81
New York & Queens Elec. Lt. & Pr. Company (Cons. Ed. Co. of N. Y.)	1[illegible]	3½	505,000.00	505,000.00
New York Edison Company, Inc. (Cons. Ed. Co. of N. Y.)	1[illegible]	3½	750,000.00	750,000.00
New York Edison Company, Inc. (Cons. Ed. Co. of N. Y.)	1[illegible]	3½	800,000.00	800,000.00

REPORT OF THE AUDITORS OF THE PHILADELPHIA SAVING FUND SOCIETY FOR THE YEAR 1937 (Cont'd)

			Par Value	As Charged
New York Gas & Electric Light, Heat & Power Company (New York Edison)	1949	4 %	$ 195,000.00	$ 192,887.50
Niagara Falls Power Company (Niagara Hudson Power)	1966	3½	500,000.00	500,000.00
Oklahoma Gas & Electric Company (Standard Gas & Electric Company)	1966	3¾	450,000.00	450,000.00
Pacific Gas & Electric Company	1966	3½	800,000.00	800,000.00
Pacific Telephone & Telegraph Company (Amer. Tel. & Tel.)	1966	3¼	1,535,000.00	1,535,000.00
Packard Building, Series "A"	1943	5	800,000.00	800,000.00
Pennsylvania Water & Power Company	1940	5	48,000.00	48,000.00
Philadelphia Electric Company (U. G. I.)	1967	3½	2,387,000.00	2,384,722.50
Public Service Electric & Gas Co. (Public Service Corp. of N. J.)	1966	3¼	2,000,000.00	2,000,000.00
Southern California Edison Co., Ltd.	1960	3¾	250,000.00	250,000.00
Southern California Edison Co., Ltd.	1960	4	1,000,000.00	1,000,000.00
Southwestern Bell Telephone Company (Amer. Tel. & Tel.)	1964	3½	830,000.00	830,000.00
Standard Oil Co. (New Jersey)	1961	3	715,000.00	698,425.00
United Electric Company of New Jersey (Public Service Corp. of N. J.)	1949	4	302,000.00	299,551.62
West Penn Power Company (Amer. Water Works & Electric Company)	1961	4	1,320,000.00	1,276,965.00
West Penn Power Company (Amer. Water Works & Electric Company)	1966	3½	194,000.00	194,000.00

	Par Value	As Charged
Public Utility & Miscellaneous Loans	$35,030,000.00	$34,702,936.93
Railroad Loans	74,924,150.00	68,616,564.51
Public Loans	177,611,479.83	177,482,052.18
	$287,565,629.83	$280,801,553.62

Public, Railroad and Public Utility and Miscellaneous Loans as Charged above		$280,801,553.62
Bonds and Mortgages ... $47,151,779.71		
Less Reserve ... 3,074,949.34		44,076,830.37
Ground Rents		7,500.00
Main Office, five Branches, 12th & Market Streets Office Building, and Real Estate for Society's use		7,559,173.65
Other Real Estate acquired and held for sale ... $26,313,026.16		
Less Reserve ... 9,371,726.49		$16,941,299.67
Suspense Account ... $ 1,040,656.41		
Less Reserve ... 820,000.00		220,656.41
Other Assets		531,870.82
Cash		20,453,423.74
		$370,592,308.28

LIABILITIES

Due to 552,659 Depositors	$347,160,399.79
Surplus and Contingent Funds	22,567,408.49
Ground Rents	834,000.00
	$370,592,308.28

	Par Value	As Charged
Depositors' United States Loans	$1,106,650.00	
United States Loans Depositors' Account		$1,106,650.00

REPORT OF THE DELAWARE RIVER JOINT COMMISSION OF PENNSYLVANIA AND NEW JERSEY FOR THE YEAR 1937

George H. Earle, Chairman
S. Davis Wilson
F. Clair Ross
Warren R. Roberts
John B. Kelly
James P. Clark
John A. McCarthy
George Gordon Meade
Arthur C. King, Vice Chairman
Frank L. Suplee
I. Norwood Griscom
Barton F. Sharp
Alfred Cooper
A. Matlack Stackhouse

Joseph K. Costello, General Manager
John B. Kates, Treasurer

COUNSEL

T. Harry Rowland
Adrian Bonnelly

ANNUAL REPORT OF THE DELAWARE RIVER JOINT COMMISSION OF PENNSYLVANIA AND NEW JERSEY

To the Honorable: The Legislatures of the Commonwealth of Pennsylvania and the State of New Jersey and the Council of the City of Philadelphia.

During 1937, 12,293,129 vehicles crossed the Delaware River Bridge. Gross receipts from bridge operation, including the return from the rail transit line, amounted to $2,969,423.52. The cost of operating and maintaining the bridge for the year was $452,810.03. After provisions for interest requirements on the bonded indebtedness, the net income for 1937 amounted to $999,027.85. Of this amount, the Commission expended $200,000 for the redemption of bonds maturing September 1. Bonds now outstanding amount to $37,520,000. As of December 31, the Sinking Fund amounted to $910,133.30 and the Surplus Fund to $2,893,411.86. The Commission has cash totaling $908,001.07.

The year was the second best in the history of the bridge as regards traffic. Only in 1931, when 12,308,225 vehicles used the structure was this year's traffic mark exceeded. Compared with 1936, the increase was 15.81 per cent. Receipts, however, were 3.21 per cent less than those of 1936 due to the fact that, on February 1, the Commission reduced the rate for passenger cars and light trucks from twenty-five cents to twenty cents and, on March 1, inaugurated the sale of commutation tickets at the rate of forty for $6.00. In January, the Commission ordered the reductions to be tried out for an experimental period expiring August 31, 1937. As it became evident that all obligations could be met with the reduced rates, the Commission, in August, directed that these be continued indefinitely. These are the lowest toll charges of any bridge of comparable size in the country.

In December, the daily average of commuters was 2,981. Commutation tickets are sold in books and are good for

use within thirty days from the date of purchase. A book is sold for the passage of a particular vehicle as identified by the license number. No refund is given for unused tickets.

In 1937, the Delaware River Bridge received 73.67 per cent of the total cross-river traffic in the vicinity of Philadelphia. The balance was distributed among the ferries and the Tacony-Palmyra Bridge. In 1936, the Delaware River Bridge's share was 72.13 per cent. Total cross-river traffic in 1937 was 16,686,810; in 1936, 14,714,584. While cross-river traffic increased by 13.4 per cent, the bridge participation was swelled by 15.81 per cent.

Simultaneously with toll reductions on this bridge, a corresponding cut was made by the Tacony-Palmyra Bridge and the Pennsylvania Ferries.

Since the opening of the bridge on July 1, 1926, traffic, receipts and expenses were:

	Traffic	Gross Receipts	Expenses	Net Receipts
1937	12,293,129	$2,969,423.52	$452,810.03	$2,516,613.49
1936	10,614,475	3,087,967.87	461,260.86	2,606,707.01
1935	10,156,929	2,899,563.25	441,146.59	2,458,416.66
1934	9,981,615	2,846,116.26	429,412.63	2,416,703.63
1933	9,886,705	2,820,018.71	418,516.46	2,401,502.25
1932	10,804,557	3,091,576.91	456,397.44	2,635,179.47
1931	12,308,225	3,479,337.93	430,856.72	3,048,981.21
1930	12,285,359	3,517,730.64	500,597.53	3,017,133.11
1929	11,615,609	3,331,754.46	398,498.20	2,933,258.26
1928	9,725,470	2,827,786.83	378,590.01	2,449,196.82
1927	8,593,201	2,435,784.40	346,678.59	2,093,921.89
1926 (½ year)	4,137,674	1,110,108.38	158,109.47	946,632.83

A gratifying feature of 1937 traffic was the breaking of the all-time record for twenty-four hour travel over the Delaware River Bridge. On August 15, 70,175 vehicles crossed. On July 18, the record was set at 68,143 vehicles which figure was exceeded a week later with the passage of 68,515.

MAY WIDEN ROADWAY

The Commission feels, when the number exceeds 90,000 in one day, that consideration must be given to widening the bridge roadway to eight lanes. This can be done by taking over the unoccupied space originally set apart for the use of trolleys. It has been estimate that the improvement could be made for less than $1,000,000. It would, however, be of little advantage to widen the roadway unless streets in both Philadelphia and Camden are also improved.

On January 8, construction of the Maintenance Building at Fourth and Linden Streets, Camden, to house the workshops and motor equipment was begun. On July 21, the building was completed. Prior to that time, the maintenance departments were located in unsuitable quarters under the bridge in Philadelphia. The new Maintenance Building cost $130,604.88 of which the Federal Emergency Administration of Public Works furnished $57,230.71 as a grant.

Bids for construction of new toll houses at the Camden end of the bridge were opened October 22 and the following contracts awarded:

No. 29-AXA	H. John Homan Company 213 Haddon Avenue, Collingswood, New Jersey	$104,500
No. 29-AYA	Philadelphia Piping and Equipment Company 1605 Rockland Street, Philadelphia, Pa.	12,992
No. 29-AZA	Morris Newmark and Brother 1814 Ludlow Street, Philadelphia, Pa.	14,865
	Total	$132,357

The contractors begun work on November 1 and, aided by especially good weather, made rapid progress. At the end of the year, there was every reason to believe that the toll houses could be put into use around February 1. This improvement consists of two end houses, each two stories high, of brick and masonry connected by a copper-covered roof extending across the toll area and affording protection to motorists and collectors over twelve lanes. Two toll collectors can be used upon each lane thereby affording facilities vastly superior to those formerly available. Even with the necessity of making change, the volume of traffic will be handled more expeditiously than when the flat quarter rate prevailed.

In connection with the building of the toll houses, the opportunity to revise the grades of the toll area to provide better drainage of surface waters was taken. The old toll houses were built just before the bridge opened in 1296. Inasmuch as no roof extended above them, both motorist and collector suffered in bad weather.

The most important problem now facing the Commission is to find some means of improving bridge approaches in Philadelphia. This subject has been discussed at length since building of the structure began in 1922 but, to date, the only betterment has been the widening of Race and Vine Streets for but a short distance from the Philadelphia Plaza. At the December meeting, the Commission requested the new Philadelphia Housing Authority to locate one of its slum-clearance projects along Vine Street to wipe out a most unsavory neighborhood and to permit the widening of the street to accommodate bridge traffic. The Commission will request the Legislature of Pennsylvania to widen Vine Street as far west as the Parkway at the expense of the Commonwealth. If this improvement can be brought about, the relief to the motoring public would be great.

The Commission plans to submit to the Legislature the suggestion of widening Vine Street to fifty feet between curbs from Franklin to Ninth Street, thence to the Parkway providing a dual highway with separate fifty-foot roadways to accommodate east and westbound traffic. A sketch of this suggested improvement is contained in this report.

RAIL TRANSIT PATRONAGE INCREASES

The rail transit line which was put into operation June 7, 1936 carried 4,743,310 passengers in 1937. The Commission's share of the receipts at two and one-half cents per passenger was $118,582.76. Monthly business of the line showed an increase during the year. The line has not attracted the volume of business anticipated prior to the opening. Part of this may be due to the fact that passengers are compelled to transfer at Eighth and Market Streets, Philadelphia to the Market Street subway. This transfer would not be required if the Eighth Street-Locust Street subway were completed by the City of Philadelphia. When this improvement is made, passengers from Camden will be able to reach Broad Street, Philadelphia without change of trains.

The total cost of the rail transit line, without making allowance for the claims of three contractors against the Commission, was $10,726,992.72. Of this amount, the Federal Emergency Administration of Public Works furnished $2,272,499.89 as a free grant. The Commission is claiming an additional sum of $67,032.45, which the Government disputes.

The lease of the rail transit line from the Commission to the Philadelphia Rapid Transit Company was automatically extended for a period of four years from June 30, 1937. This lease provides that four-months' notice of desire to terminate must be given in writing by either party before the expiration date. No notice was received within the time provided but, on May 26, Trustees of the Company petitioned the Federal Court in Philadelphia to reject the lease on the ground that the Company has suffered sizable losses. The Commission directed counsel to take all necessary legal measures to oppose the petition. This suit has not been brought to trial and the Company has continued to operate the line under the terms of the lease.

At the close of the year, the three suits brought by contractors on issues arising out of construction of the line had not yet been tried. The plaintiffs are Builders, Incorporated, contractor for the Philadelphia section of subway; The Marcus Contracting Company, Incorporated, builders of part of the Camden subway and E. R. Morehouse Company, Incorporated which laid the rails and ties throughout the line. These contractors claim they were forced to pay excessive wages and were subjected to undue delays.

The contract for re-painting the entire bridge will be awarded in 1938. This will be the largest single item of expense to be met by the Commission during the year.

On March 25, the Commission authorized renewal of the All Risk and Use and Occupancy insurance in the respective amounts of $10,000,000 and $500,000 for a period of three years beginning April 15, 1937 at a total cost of $43,000. This was a reduction of $8,000 from the previous cost of similar insurance.

LOSS OF COMMISSIONER HIRES

The Commission records with deep regret the death

on October 14 of Mr. Lucius E. Hires of Salem, New Jersey who had been a member of the body since July 1, 1929. Mr. Hires was most faithful and painstaking in the discharge of his duties and his loss is keenly felt by his associates.

On April 30, Mr. Walter S. Anderson, Treasurer of the Commission since April 1, 1930, died. He was succeeded by former Judge John B. Kates who resigned as a commissioner after serving for fifteen years.

Up to the end of the year, no appointments have been made to the Commission to replace Mr. Hires and Judge Kates. At the May meeting, Mr. Arthur C. King of Toms River, New Jersey was elected Vice-Chairman in Judge Kates' stead.

The terms of office of the Pennsylvania State Treasurer, Charles A. Waters and Audit-General Frank E. Baldwin expired in May. Their places were taken upon the Commission by Mr. F. Clair Ross, State Treasurer and Mr. Warren R. Roberts, Auditor-General.

By authority of a certified concurrent resolution of the Senate and House of Representatives of the Commonwealth of Pennsylvania dated January 11, 1937, Messrs. Edward Browning, Jr. and James P. Clark were formally accepted as members of the Commission in lieu of Messrs. Thomas B. Smith and Richard Weglein.

The suit of Mr. Smith and Mr. Weglein challenging their removal from the Commission was not tried up to the end of the year.

On May 13, Mr. James C. Crumlish, Pennsylvania counsel for the Commission, resigned upon his appointment to the Common Pleas bench, Phialdelphia County, by Geovernor Earle. Mr. Adrian Bonnelly, Philadelphia, was appointed his successor.

On August 5, Mr. Edward Browning, Jr. resigned from the Commission and Governor Earle appointed to his place Mr. George Gordon Meade effective October 1.

On October 21, the Commission was forced to lodge a formal protest with officials of the Bureau of Internal Revenue, Washington against the attempt of the Federal Government to tax Commission bonds. This same issue has been raised against bodies similar to this commission in other parts of the country. A formal ruling has been given in other cases that bonds issued by such bodies are exempt from tax. Counsel for the Commission have prepared and submitted briefs to the Government upon this subject.

On May 18, Governor Earle signed the bill making Commission employees eligible for membership in the Pennsylvania State Employees' Retirement System. The Commission subsequently entered into an agreement with the Pennsylvania State Employees' Retirement Board to carry out the provisions of the act. All employees of the Commission, irrespective of residence in either Pennsylvania or New Jersey, were enrolled.

At the December meeting, the Commission adopted a resolution providing that employees shall not be dismissed from service except upon written charges to be passed upon by the Commission. The Commission feels that these two actions have greatly aided the morale of its staff.

During 1937, accidents upon the bridge totaled 47; 69 arrests were made; 707 disabled cars removed; 14 fires extinguished; one suicide and one death by leaping from the bridge occurred on the high-speed line.

The bridge was maintained in excellent condition throughout the year. Various minor repairs and adjustments were made by the maintenance force of the Commission.

The Commission cordially invites the Legislatures of the Commonwealth of Pennsylvania and the State of New Jersey and the Council of the City of Philadelphia to inspect the structure at any time.

Respectfully submitted,

THE DELAWARE RIVER JOINT COMMISSION

George H. Earle, Chairman	Arthur C. King, Vice-Chairman
S. Davis Wilson	Frank L. Suplee
F. Clair Ross	I. Norwood Griscom
Warren R. Roberts	Barton F. Sharp
John B. Kelly	Alfred Cooper
James P. Clark	A. Matlack Stackhouse
John A. McCarthy	
George Gordon Meade	

Joseph K. Costello, Secretary-General Manager

December 31, 1937.

APPENDICES

DISTRIBUTION OF VEHICULAR TRAFFIC ACROSS THE DELAWARE RIVER

(Among Ferries and Bridges Within 10 Miles of the Delaware River Bridge.)

FOR YEAR—1937

Month	Ferry vehicles		Tacony-Palmyra bridge	Total vehicles other than the Dela. river bridge	Delaware river bridge	Total cross river traffic	Tacony-Palmyra bridge—Share of traffic	Delaware river bridge—Share of traffic
	Penn. R. R.	Phila. & Reading						
January	92,039	75,999	84,790	252,828	730,545	983,373	8.62%	74.29%
February	81,754	67,342	84,702	233,798	733,554	967,352	8.75	75.83
March	103,929	81,295	95,649	280,873	886,566	1,167,438	8.19	75.94
April	106,654	88,482	123,765	318,221	924,758	1,242,979	9.95	74.40
May	112,060	106,758	190,998	409,816	1,114,167	1,523,983	12.53	73.10
June	121,542	109,801	202,987	434,330	1,149,918	1,584,248	12.81	72.59
July	135,514	32,846	284,730	553,090	1,354,899	1,907,989	14.93	71.01
August	135,983	127,037	287,014	550,034	1,350,204	1,900,238	15.11	71.05
September	124,601	106,593	199,410	430,604	1,129,480	1,560,084	12.78	72.39
October	111,773	93,037	139,830	344,640	1,021,832	1,366,472	10.23	74.78
November	101,718	80,787	115,775	298,280	939,509	1,237,789	9.35	75.90
December	98,620	78,247	118,126	289,993	957,697	1,247,690	9.07	76.76
Totals, 1937	1,322,741	1,148,224	1,922,716	4,293,691	12,293,129	16,686,810	11.52	74.67
Totals, 1936	1,211,280	1,246,694	1,642,135	4,100,109	10,614,475	14,714,584	11.16	72.13
% Change	+9.20	−7.90	+17.09	+7.16	+15.81	−13.40		

BALANCE SHEET December 31, 1937

ASSETS

Cash in Banks:			
Operating Funds		$ 730,283.10	
High-Speed Transit Project Construction Fund		95,059.04	
Operating Fund on deposit with Fiscal Agent for bond interest coupons, per contra		2,996.25	$ 828,338.39
Operating Funds on Hand:			
Toll Department		$ 10,000.00	
Petty Cash		500.00	10,500.00
Accounts Receivable:			
Balance receivable on High-Speed Transit Project grant requisitions filed with P.W.A.		$ 67,032.45	
Amount receivable from State of New Jersey for refund of gasoline tax		137.40	67,169.85
Sinking and Surplus Funds:			
Cash in banks	$ 72,158.93	$ 72,158.93	
Investment (at par) in Delaware River Joint Commission 4½'s—1938/40 (cost)	224,000.00	224,000.00	
Investment (at par) in U. S. Government obligations (cost $3,562,732.84)	605,000.00 $2,875,000.00	3,480,000.00	
Interest on investments accrued	8,974.37 13,411.86	27,386.23	3,803,545.16
Prepaid insurance premiums			38,094.76
Investments in Physical Property:			
Bridge		$ 33,205,994.82	
High-Speed Transit Project in process		10,726,992.72	
Maintenance Building in process		130,604.88	
Toll Houses improvements in process		40,511.28	44,104,103.70
			$48,851,751.86

LIABILITIES AND SURPLUS

Bonded Debt:			
4¼% Serial bonds maturing 1935/73—Total authorized		$41,000,000.00	
Less: Unissued ($2,842,000 reserved for High-Speed Transit Project)		2,880,000.00	
Total Issued		38,120,000.00	
Less: Redeemed		600,000.00	$ 37,520,000.00
Interest on Funded Debt:			
Accrued—not due		$ 531,533.33	
Coupons—not presented, per contra		2,996.25	534,529.58
Withheld from High-Speed Transit Project contract estimates payable		$ 103,813.92	
Retained amount due High-Speed Transit Project contractor		1,765.61	110,579.53
Surplus:			
Sinking and Reserve Funds:			
Reserve required to meet Bonded Debt at maturity		$ 466,000.00	
Reserve for Bond Surplus Fund		2,727,241.36	
			$ 3,193,241.36
Capital surplus provided in construction of:			
High-Speed Transit Project		$ 2,827,622.70	
Maintenance Building		57,230.71	
			$ 2,884,853.41
Balance of surplus accumulated in operations 7/1/31 to 12/31/37:			
Appropriated to cover capital expenditures invested in Property Account, Constructions and Additions		$ 1,273,518.29	
Balance of Surplus		3,335,029.19	
Total Surplus:		$ 4,608,547.48	10,686,642.75
			$ 48,851,751.86

STATEMENT OF OPERATIONS FOR CALENDAR YEAR ENDED DECEMBER 31, 1937

Receipts:		
Toll receipts		$2,842,126.10
High-Speed Line Fares to 11/30/37		117,858.60
Rentals		4,925.00
Interest received on bank balances		4,628.05
Miscellaneous		460.67
		2,970,098.42
Less: Federal Reserve Bank corrections of Camden Safe Deposit and Trust Company's cash	$129.10	
Ticket refunds	455.80	584.90
Gross Operating Income		2,969,423.52
Expenses (Operating):		
Salaries	$353,472.74	
Equipment	6,327.53	
Supplies	12,148.98	
Repairs	15,859.71	
Miscellaneous (including Light and Heat)	48,512.96	
Insurance (All Risk, Use and Occupancy)	15,063.99	
Insurance (Employees)	1,424.12	
Total Expenses		452,810.03
		2,516,613.49
Interest on Bonded Debt (1/1 to 12/31/37)	$1,580,124.49	
Miscellaneous	300.03	1,580,424.52
Net Operating Income		936,188.97
Non-Operating Income:		
Sinking Fund	$21,621.73	
Surplus Fund—less net premium paid—$33,179.69	41,217.15	62,838.88
Net Income		$999,027.85

SOURCES OF FUNDS PROVIDED AND THEIR DISPOSITION DURING CALENDAR YEAR ENDED DECEMBER 31, 1937

Funds were provided from the following sources:		
Net Income for year, per Operating Statement		$999,027.85
Elimination of Accruals:		
Deduct: Increase in Income Accruals at 12/31/37:		
Sinking Fund Income	$3,083.54	
Surplus Fund Income	7,573.32	
Amount receivable from State of N. J. for refund of gasoline tax	73.44	
Adjustment of Expense Accruals at 12/31/37:		
Prepaid insurance (paid in 1937)	33,051.28	
Bonded debt interest accrued 12/31/36 (paid 3/1/37)	534,363.67	
Deduct: Bonded debt interest accrued 12/31/37 (payable 3/1/38)	531,533.33	2,830.34 46,614.92
Net Cash Income From Operations		952,412.93

Other Receipts:		
Cash received from P.W.A. under Grant for High-Speed Transit Project	393,066.49	
Cash received from P.W.A. under Grant for construction of Maintenance Building	57,230.71	450,297.20
Total Net Funds Provided During Year		1,402,710.13
Which Were Applied and Accounted for as Follows:		
Funded Debt:		
Bonds redeemed	200,000.00	
Sinking Fund:		
Investments acquired	232,000.00	
Surplus Fund:		
Investments acquired	775,000.00	
Increase in Investments in Physical Property:		
Maintenance Building 49,395.73		
Improvements to Toll Houses . 40,511.28		
High-Speed Transit Project 29,747.92	119,654.93	
Reduction in High-Speed Transit Project estimates payable	43,232.86	
Applied to Surplus:		
Bonded debt interest adjustment	18,545.58	
Commission's assumption of employees' share of Pension Fund due prior to 7/1/37	9,908.64	
Net premium paid on Sinking fund investments acquired	14,505.38	
Total Funds Applied		1,412,947.39
Excess of Cash Disbursements over Receipts		10,137.26
Cash Balance—Beginning of year		918,138.33
Cash Balance—End of year		$908,001.07
Composed as follows:		
Operating Funds	740,783.10	
High-Speed Transit Project Construction Fund	95,059.04	
Sinking Fund	72,158.93	
	$908,001.07	

BOARD OF JUDGES OF THE COURTS OF COMMON PLEAS OF PHILADELPHIA COUNTY

August 31, 1938.

To the General Assembly of the Commonwealth of Pennsylvania:

Gentlemen:

By direction of the judges of the Courts of Common Pleas of the First Judicial District of Pennsylvania, I have the honor to transmit the following reply to the joint resolution of your honorable bodies of August 16, 1938, requesting the judges to inquire "into the administration by the present magistrates of the Magistrates Courts of Philadelphia and to institute such proceedings as shall be necessary for the removal of those magistrates found guilty of violating the provisions" of the Magistrates' Court Act of 1937:

"The preambles to the resolution recite general reports to the effect that the magistrates have been so neglectful of their duties during the recent summer months that at times, especially at weekends, magistrates have not been available to discharge the necessary public business of the criminal branch of their offices, to the inconvenience of the citizen arrested for alleged offenses and to the denial of his right to a prompt release on bail. The preambles also refer to Section 34 of the Magistrates' Court Act of 1937, which provides 'the judges of the Courts of Common Pleas shall have the power * * * to inquire into and consider any and all matters and things touching the administration of the business of the magistrates and the performance by them of their duties,' and it assumed that the request to the judges to investigate the magistrates is based upon the power thus apparently attempted to be conferred by that section of the Magistrates Court Act. The Supreme Court, however, has unanimously held, in the case of Rutenberg et al. v. Philadelphia, decided on January 3, 1938, in which the constitutionality of that act was under consideration, that the Legislature did not intend by Section 34 to confer upon the judges general inquisitorial or visitatorial powers over the magistrates, but only to confer such power as would enable the judges intelligently to make rules of practice for the magistrates, or to supervise and approve rules made by them, as was said by Mr. Justice Barnes, speaking for the Supreme Court in that case:

" 'To the extent that appeals lie from magistrates' courts to the Common Pleas by statute, or by certiorari pursuant to Article V, Section 10, or pursuant to Article V, Section 14 of the Constitution of this Commonwealth, or otherwise, the courts of Common Pleas, having such appellate jurisdiction, may be authorized to make rules of practice if the Board of Magistrates does not make them. The Common Pleas cannot be vested with power to make rules of practice governing matters concerning which magistrates are required to make returns to the Quarter Sessions Court, and we must assume and so hold, that the legislature did not intend to confer such power.

" 'With reference to section 34, the legislature is not empowered by the Constitution to subject the exercise of the jurisdiction conferred upon the Magistrates to the visitatorial power of the Common Pleas courts. We assume that the phraseology of Section 34 is not intended to bestow such power, but the legislative intention is to provide for such investigation as would enable a majority of the judges of the court of Common Pleas to exercise the powers conferred in Section 33 to approve the rules of practice made by the Board of Magistrates, or in default of such rules, to enable the majority of the judges of the courts of Common Pleas to make them. So considered it is our opinion that Sections 33 and 34 may be sustained.'

"From this decision of the Supreme Court, the General Assembly will understand that it is the law of the Commonwealth that the judges of the Courts of Common Pleas neither have, nor can constitutionally be given by the Legislature, the power to investigate or supervise the conduct of their offices by the magistrates, except to make or approve rules of practice for Magistrates Courts in matters coming before the Common Pleas on appeal, or as the conduct of a particular magistrate may come under judicial scrutiny in regular and established criminal proceedings. To undertake a general and non-judicial investigation of these officers would be without legal sanction, and an unwarranted intrusion into their affairs, which the judges cannot commit, and which they believe the General Assembly would very properly deprecate and condemn.

"A legally unauthorized inquiry would have all the characteristics of an extra-judicial activity. It would have no power to compel witnesses to appear and testify, its findings would be based upon information unsupported by the sanction of a binding oath, its decisions would bind no one, and it would be without power to issue process to enforce them. Thus all the attributes of a judicial function would be wanting in such an inquiry, and the judges who took part in it would exceed their powers and would be placed in an invidious and embarrassing position. This is manifest; for, if the information they receive in such an investigation should move them to cause legal proceedings to be begun to remove an offending magistrate from office, they would either occupy the dual and incompatible positions of being at once the accusers and judges of their own accusations, or would be unable to try the cases in their own courts and be compelled to call in foreign judges to perform that duty for them.

"The judges believe it to be their duty not to permit either of these situations to arise, and the only way to prevent this is to scrupulously refrain from engaging in such non-judicial work. The very acts of investigation and accusation would disqualify them from trying litigation in their own courts arising therefrom. It is improper for a judicial officer voluntarily to place himself in a position in which he could not at all times perform, as an unbiased and disinterested judge, each and every function of his office.

"The General Assembly will appreciate that the judges shall always be happy to serve it in any manner consistent with holding themselves free for the performance of the judicial functions with which they have been invested by the people. In this spirit, therefore, and in

order to comply with the request of the General Assembly as far as the proprieties will permit, the judges have asked the Mayor and Magistrates of the City to give them statements of the facts respecting the alleged recent break-down of the Magistrates Courts, if it occurred, and the reasons therefor. In response to this request, counsel for both the Mayor and the Magistrates have furnished the judges with such statements, which they have the honor to submit herewith for the information and consideration of the General Assembly."

Respectfully yours,

FRANCIS SHUNK BROWN, JR.,
Secretary.

DEPARTMENT OF LAW

City of Philadelphia
City Hall Annex

August 22, 1938

Hon. Raymond MacNeille,
Court of C. P. No. 3,
Philadelphia, Pa.

Dear Judge MacNeille:

In accordance with your request, I submit herewith a report on the designation of magistrates for the 24-hour Court established by the Magistrates Act of 1937.

Immediately after the Supreme Court had passed upon the act, the Mayor, on January 31, 1938, designed four magistrates to sit in this court and suggested that they arrange between themselves for the continuous maintenance of the court. I attach a copy of one of these letters.

Thereafter, there was some complaint as to the facilities at night in Room 190 City Hall, which is the office of the Board of Magistrates. The stenographers who take the testimony in the district courts were moved in there, and there were other reasons given which were matters of comfort and convenience. We were unable to provide sleeping quarters and the magistrates, therefore, stayed late at night until apparently all necessity for their presence had ceased, and then for a period we placed a City Hall guard there who could 'phone the magistrate at his home in case of need. Later, the magistrates sat in Room 102, which is the Foot Traffic headquarters and where conditions were cleaner and better.

For the month of February the Mayor had assigned magistrates without being able to obtain knowledge of whether or not they had other duties to perform in the daytime. Subsequently, at the suggestion of the Board of Magistrates, we were furnished with their list of assignments and the Mayor designated those who were not engaged in the daytime. During February four magistrates were assigned; during March, two magistrates; during April, five magistrates; during May, five; and during June, three.

On the July and August list, because of men being out of town for vacations, there were no available magistrates unassigned. It was understood, however, that one or more of them would be in town and ready to act in case of call. No formal assignment was therefore made at the beginning of July. There was some report of delays in reaching magistrates on Sundays, and in the first week of August, Mr. Ryan made definite arrangements with the Clerk of the Board of Magistrates that Magistrate Myers would be at his home and ready for any calls for August 7th and August 14th. Mr. Ryan confirmed this by talking to the Magistrate, and told him that since the Mayor was away from his office, the Magistrate was to consider himself as the designated magistrate for the weekend periods, when the only difficulty had arisen. This information was communicated to the office of the Superintendent of Police and was available to anyone who applied there.

For last Sunday, August 21st, five magistrates were available and this information was given to every police station house. The same procedure will be followed for next Sunday and for the Labor Day weekend.

The 1937 Magistrates Act provides that the Mayor shall designate a sufficient number of magistrates to conduct 24-hour service for the taking of bail. Some years ago the matter was handled in a satisfactory manner by the magistrates themselves by having a list made up whereby each one of the twenty-eight magistrates was designated in succession for one night. If circumstances arose preventing anyone from acting he was required to exchange dates with another magistrate. This service ran from 9:00 P. M. through the night. While this was a practical way of handling the matter, it apparently cannot be used for the 24-hour court established by the 1937 Act since there is a provision that the same magistrate shall not be assigned for consecutive months, and no one assigned more than once in six months. Since there are twenty-eight magistrates, each of whom may serve only once in six months, the maximum number assignable under a strict interpretation of the act, allowing for possible sickness or disability, would be four each month. Insofar as possible, it will be the Mayor's policy to assign men who are not required to be in station houses for morning hearings.

The Mayor's Court has been held in a number of decisions to be separate and apart from the system of twenty-eight magistrates courts established by the Constitution and subsequent legislation. The most recent is that of O'Malley vs. Wilson, Mayor, in which the Chief of the Board of Magistrates sought the right to assign the magistrates to Central Station and the Court of Common Pleas No. 4 of Philadelphia reviewed the cases and refused him that right. The Court has variously been referred to as the "police station next to the Mayor's office" (when the Mayor's office was at Sixth Street), the "Central Court" and the "Central Station Court." The Mayor may either sit as magistrate in this court or appoint as a substitute one of the elected magistrates but not any other person (Renshaw's case). By Section 10 of the 1937 Act it is provided: "There shall be established a central police court in the city hall of the city of Philadelphia . . . " which shall be open twenty-four hours each day and to which the Mayor shall assign a sufficient number of magistrates. There is not and never has been a provision that a Mayor's court in Central Station shall be continuously open, and there has been no limitation upon the power of the Mayor to assign one magistrate continuously or any number of magistrates from time to time as his substitutes in his court. This Section 10, therefore, clearly creates a new court under new conditions and gives the Mayor the power of designation because the court is held in City Hall, leaving, by Section 11, the designation of magistrates to other police stations to the Chief of the Board of Magistrates.

It is the purpose of the Mayor, beginning again in September, to assign a sufficient number of magistrates to this new court to enable them to give continuous service. As a matter of practical fact, the only time when any trouble has arisen has been during the present vacation period.

I feel sure that the present cooperation between the Mayor, the Board of Magistrates, and the Police Department will obviate any future difficulty.

Very truly yours,

JOSEPH SHARFSIN,
City Solicitor.

JS:McI.

January 31, 1938.

Magistrate James W. McBride.
2915 North Taylor Street,
Philadelphia.

Dear Sir:

In accordance with the power vested in me, I hereby assign you during the month of February, 1938, to the Central Police Court in the City Hall of Philadelphia, ordered to be established by me by the Magistrates' Act of 1937, to be held in Room 190 City Hall.

The other appointees to this Court are Magistrates Roberts, Zweig and Rainey. I suggest that you contact

them and arrange for the twenty-four hour maintenance of the Court, which is required by the act.

Sincerely yours,
MAYOR.

BOARD OF MAGISTRATES
Philadelphia County
190-194 City Hall,
Philadelphia, August 23, 1938.

Board of Judges,
Courts of Common Pleas of Philadelphia County,
City Hall,
Philadelphia, Pa.

Att. Hon. James Gay Gordon

Gentlemen:

I beg to submit, on behalf of the magistrates of the City and County of Philadelphia, the following reports pertaining to the so-called central police court, provided by Section 10 of the 1937 Magistrates' Court Act.

It was the opinion of counsel for the Board of Magistrates, that the legislature, by the provision of Section 10, referred to the then existing central police station court which had for some time been conducted on the sixth floor of City Hall. This opinion arose by reason of the use of the very name by which that court had been known, by reason of its location in City Hall, and by reason of granting to the Mayor the power to designate magistrates who were to sit therein. It did not seem logical to assume that the legislature, with full knowledge of the long existing central station court in City Hall, to which the Mayor designated the magistrates who were to preside, intended that in addition to that court an additional court by the same name should be established in the same building and the Mayor again empowered to designate the presiding judges.

The matter was immediately discussed with the City Solicitor through James Ryan, his Assistant, representing the Mayor, and it was agreed that in view of the adjudicated cases the legislature was without authority to interfere with the then existing central police court at City Hall; that this was the Mayor's court and beyond the control of the legislature.

It was further agreed that it was the apparent intention of the legislature not to create any new system or court, but to insure to the people some specific court at which they might receive the service to which they are entitled, during twenty-four hours of each day.

Prior to these discussions the Mayor had in accordance with the act, designated four magistrates to sit during the month of February, 1938, in a so called central police court, in Room 190 City Hall. This continued during March, April, May and June. The facilities of Room 190 were nil. That room was unsuited to use for twenty-four hour service. No sleeping quarters were available, nor could any be had in City Hall.

It was soon necessary to utilize that room for the stenographic work required by the 1937 Magistrates' Court Act, and the designated Magistrates were moved to Room 102. Because of inadequate facilities, the assigned magistrates remained on duty each day until the apparent need of their services ended. A City Hall guard was in constant attendance who was able, on need, to reach the assigned magistrates by phone.

After the original assignments for the month of February had been made, it was agreed with the Mayor that he should continue to make the monthly appointments, in cooperation with the Board of Magistrates, which meant that after the Board of Magistrates had made its regular monthly assignment to divisional police courts and remaining police stations in the City of Philadelphia that the Mayor would designate, from among the remainder of magistrates unassigned, three or four of such magistrates, to be responsible for the twenty four hour per day service. This continued although it was immediately obvious that the magistrates so assigned had no functions to perform except possibly, at night and on Sunday. This because during the weekdays, all Magistrates were available at their several offices.

During July and August, because of vacation periods, all available magistrates were assigned to regular police station duties, and accordingly, none were available for assignment by the Mayor to the twenty four hour duty court. It was agreed, however, between the Chief Magistrate and the Mayor that at least one magistrate would be available at all times. At the request of the Assistant City Solicitor Ryan, the Chief Clerk of the Board of Magistrates made definite arrangements for Magistrate Elias Myers to be available at all times over the week-end of August 6th and 7th, and 13 and 14th. The availability of Magistrate Myers was communicated to the Superintendent of Police.

These specific dates are mentioned because of the recent reports in the newspapers reciting that no magistrate could be reached on the latter week end. An inquiry was immediately made and it is respectfully submitted that these reports, as published, were entirely unfounded and incorrect. The truth is, that the following magistrates were available during the time and at the places hereinafter stated:

Magistrate Elias Myers

On both Saturday, August 13th, and Sunday, August 14, 1938 presided at hearings in the 10th, 11th, 15th, 20th and 24th Police Districts. On Saturday, August 13th after hearings he was at his office until 3 P. M. and for the balance of that day was at his home. On Sunday, August 14th, after hearings, he was at his home throughout the entire day and night with the exception of the hours between 4:00 and 6:00 P. M.

Magistrate Jos. H. Rainey

Although unassigned, Magistrate Rainey was either at his office or his residence throughout the entire day and night of August 13th, on which day he allowed and signed several copies and bail. He was similarly present at his home all day and night on Sunday, August 14th. In point of fact upon reading the newspapers on that Sunday morning and noting the reported unavailability of any magistrate, he forthwith notified the police bureau, and on that day received several applications for and rendered considerable service to the public.

Magistrate Vincent J. Girard

Presided at hearings on Saturday, August 13th, at the 2d, 15th, 20th, 26th, 27th and 30th police districts. He was thereafter at his office until 8:00 P. M. when he left for the seashore. He returned the following morning Sunday August 14th, was at his office at 3 A. M. where he remained until 9 A. M. He then presided at hearings in the aforementioned police districts, returned to his office at 1 P. M. where he was in attendance until 3:45 P. M.

Magistrate Charles Amodei

Presided at hearings on Saturday August 13th in the 3rd and 19th police districts and thereafter was at his office during the entire afternoon. He was likewise at home beginning at 11 P. M. and throughout the entire night. On Sunday August 14th he presided at hearings at the 3d, 19th, 25th, 33d, and 37th police districts, and was in attendance at his office thereafter until 2. P. M.

Magistrate Charles Medway

Was in attendance at his office on Saturday, August 13th until 4:30 P. M. and was home on that night beginning at 11 P. M. and thereafter. Was at home on Sunday, August 14th, until 1 P. M., left and returned at 11 P. M.

Magistrate Jacob Dogole

Presided at hearings in the Central Police Court at City Hall on Saturday, August 13th; thereafter was in attendance at his office on that evening until 6 P. M.

In addition Magistrate Edward W. Henry and Magistrate Wm. J. Hess, were available at their offices, and later at their homes, on August 13th and 14th, 1938.

There is also submitted herewith a schedule of all hearings held on Saturday and Sunday, August 13th and 14th, which includes the presences of nine magistrates during the greater part of both of these days.

We feel confident that the present existing cooperation between the Mayor and the Board of Magistrates will obviate any further difficulty and prevent the recurrences of even such unfounded reports as were recently published.

Respectfully yours,
JOHN J. O'MALLEY
Chief Magistrate

Court No.	Magistrate	Dist. Att.	Stenog.	Saturday Aug. 13, 1938 Beg.	Saturday Aug. 13, 1938 End.	Sunday Aug. 14, 1938 Beg.	Sunday Aug. 14, 1938 End.	Covering Dists. Nos.	Div. Police Court Dist. & Address
1	Friedel	None	Anderson	9:00	9:30	9:00	9:30	1-17-41	41st Dist.—24th & Wolf Sts.
2	Dogole (Sat.) Amodei (Sun.)	Hassert (Sat.) Moore (Sun.)	Edwards (Sat.) Payne (Sun.)	8:30	9:00	9:45	12:30	25-33-37	33rd Dist.—7th & Carpenter Sts.
3	Zweig	John	Moyer	9:00	10:15	9:00	10:30	26-28-31-40	3rd Dist.—19th & Oxford Sts.
4	Amodei	Moore	Payne	9:00	10:30	8:30	9:40	3-19	19th Dist.—12th & Pine Sts.
5	Hess	Burke	Winterstein	9:00	10:30	9:00	11:00	12-18	12th Dist.—8th & Jefferson Sts.
6	Girard	Potok	Gans	9:30	10:30	9:30	10:45	26-30	26th Dist.—Trenton Ave. & Dauphin
7	Girard	Potok	Gans	10:50	12:00	11:00	11:45	5-15-20-27	15th Dist.—Paul & Roan Sts.
8	Roberts	Schwartz	Pierce	10:00	11:00	10:15	12:00	22-36-39	39th Dist.—22nd & Hunting Park Ave.
9	Roberts	Schwartz	Pierce	9:15	9:50	9:15	10:05	5-13-14-43	14th Dist.—Germantown Ave. & Haines
10	Crevey	Sporkin	Fagan	10:15	12:00	10:30	12:30	16-29-42	42nd Dist.—60th & Lancaster Ave.
11	Crevey	Sporkin	Fagan	9:15	10:00	9:15	10:15	21-32-38	38th Dist.—55th & Pine Sts.
Central	Dogole (A.M.) Myers (P.M.)	None None	McGinley Anderson	10:00	12:30	11:00PM	11:30		
Station Houses Dists. 6-7-8-9 " 10-11-24	Friedel Myers			9:15 9:00	10:30 10:30	9:15 9:00	10:30 10:30	10-11-24	

SECOND ACCOUNT OF THE COMMITTEE APPOINTED TO INVESTIGATE COSTS AND FUNCTIONS OF THE GOVERNMENT OF THE CITY OF PHILADELPHIA

October 13, 1938.

Balance as per First Account $18,187.27

Expenses since First Account:

1. Investigation of County Offices

Wm. N. Martin, Stenographer	$5,976.67
Thomas Divine, Auditor	709.00
W. A. Nemirow, Research	150.00
Sergeant At Arms Expense	168.00
A. A. Cheresboro, Investigator Exp.	6.86
A. Pemerantz, Stationery	45.99
Whiting Paper Co., Paper	151.00
U. S. Typewriter Ribbon Co.	12.00
Carbon & Ribbon Service Co.	231.50
Barclay Brothers, Photostats	57.40
Dictaphone Sales Corp., Records	30.63
Traveling Exp. of Committee to Cincinnati	145.35
Traveling Exp. of Committee to Harrisburg	10.40
Telephone & Telegraph	58.75
	$7,764.55

2. Expense Investigating Byberry

Wm. N. Martin, Stenographer	$3,090.26	
B. Fox, Mimeograph	163.75	
Allen Reproduction Co., Photostats	11.75	
A. Pemerantz & Co., Stationery	11.70	
Marx Stationery Co., Paper	79.67	
Travel. Exp. to Warren, Committee	95.60	
Travel. Exp. to Washington, Committee	31.30	
	$3,484.53	
		$11,249.08
Balance		$6,938.19

Respectfully submitted.
HARRY SHAPIRO,
Investigating Committee.

REPORT OF THE COMMISSION TO STUDY AND REPORT ON THE USE OF DEVICES AND METHODS OF TRANSMISSION OF INFORMATION IN FURTHERANCE OF GAMBLING

To The General Assembly of the Commonwealth of Pennsylvania:

Your Commission, appointed pursuant to an Act of Assembly approved October 11, 1938 and known as Act No. 27 and directed to make a careful and thorough investigation of the existing practices, means, machines, instruments and devices whereby information is knowingly gathered, obtained, disseminated and received in the furtherance of gambling, respectfully submits the following report of its findings and recommendations as to the changes and improvements necessary and desirable to correct imperfections, insufficiencies and defects in existing laws relating to gambling, to the end that the gambling evil may be more readily and completely eliminated.

EDWARD J. THOMPSON.
Chairman.

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Chapter
I. Introduction
II. The Nature of the Pool Selling Operation
III. The Private Wire, or Special Contract Leased Wire Service
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V. The Horse Racing Publications
VI. Growth and Development of the Monopoly in the Field of Disseminating Horse Racing Information
VII. Analysis of Existing Legislation
VIII. Recommendations
Drafts of Proposed Legislation

CHAPTER I.

INTRODUCTION.

This Commission, under the act creating it, was authorized and empowered to make a thorough investigation of existing practices and means whereby information is gathered and disseminated in furtherance of gambling, and to report its recommendations as to changes in the existing laws to the Extraordinary Session of the General Assembly, to the end that the gambling evil may be more readily and completely eliminated.

It must be stated at the outset that the type of gambling involved here concerns primarily the horse racing pool, or the commercialized betting on horse races. There is no other type of commercialized gambling approaching the proportions of this gigantic illegal enterprise. As will be developed later, this type of gambling is supported by an intricate and highly developed system of gathering, collating and disseminating race track information. The extent of these operations is nation-wide, and, in fact, penetrates the Canadian border. Within the confines of the United States the operations extend from border to border and coast to coast. Some conceptions of the proportions of this enterprise may be gleaned from the testimony of one witness who for the past twelve years has made an exhaustive survey of certain phases of this subject. He estimates that the amount of money wagered away from the track, that is, in illegal book-making establishments, in the United States, runs in the neighborhood of $4,000,000 a day.

Other types of pool selling are also in operation, such as football and baseball pools, but the size of these enterprises is circumscribed at present, and does not begin to approach the gigantic proportions of the horse race pool. The essential distinction between the operation of the football and baseball type of pool on the one hand, and the horse race pool on the other, is that the instantaneous dissemination over private telephone and telegraph wires of detailed and up-to-the-minute information concerning the event wagered upon is an integral part of the latter only.

For an intelligent study of this situation it was deemed necessary to probe into every phase of the subject matter so that a comprehensive picture of the modus operandi might be developed. Only by determining what factors are essential to the ultimate evil, namely, gambling in the form of pool selling, and by exposing the manner in which these factors are created and brought into play, could we hope to recommend legislation designed to strike successfully at the heart of this problem.

* * *

During the course of its work the Commission conducted eight public hearings in Philadelphia and Dauphin Counties, and took approximately 1,300 pages of testimony from 81 witnesses. Investigations were conducted on a wide scale throughout the State and also in other parts of the country, and the work was supplemented by extensive legal research. During the investigation two of the most important witnesses subpoenaed before the Commission, namely, Moses L. Annenberg and Walter H. Annenberg, attempted to halt its activities by an injunction suit started in Dauphin County Court. A temporary injunction was granted but was dissolved after a hearing and argument. An appeal taken to the Supreme Court of Pennsylvania is still pending at the time this is being written, although two arguments have been held and briefs have been filed, with the result that neither of these two witnesses has testified and the funds appropriated for the expenses of the Commission have remained unavailable.

The results of the investigation are embodied in this report, and have taken material form in two bills drawn by the Commission and already submitted to the General Assembly.

* * *

After the Commission was organized it designated Lemuel B. Schofield, Esq., of the Philadelphia Bar, as Counsel.

Mr. Schofield was ably assisted by a legal staff consisting of Charles Lakatos, Esq., Associate Counel, and Ellwood L. Englander, Esq., Albert Laub, Esq., and Morris H. Vernick, Esq., Assistant Counsel, all of the Philadelphia Bar and loaned to the Commission by the Pennsylvania Liquor Control Board. Their fidelity and loyalty has been outstanding. The Commission gratefully acknowledges their spendid work and wishes to express its appreciation to the Hon. Leo A. Crossen, Chairman of the Liquor Board, who made their services available.

The Commission also wishes to acknowledge its appreciation to Commissioner Percy W. Foote and Deputy Commissioner C. M. Wilhelm of the Pennsylvania Motor Police, for the services of a splendid corps of investigators under the general command of Sergeant Russell W. Frutchey, and consisting of Detective Benj. O. Lichty and Privates George Sauer, John Regna, Joseph P. McIlvaine, R. F. Gertzen, Howard W. Kisner, J. E. Mannion, Earl Moore and Michael C. Ryan. The members of the Motor Police did excellent work and the investigations assigned to them throughout the State were completed quickly, thoroughly and accurately.

The activities of the Pennsylvania Motor Police were complemented by Mr. Patrick J. McKewen, former Chief of County Detectives of Philadelphia County, whose able assistance the Commission gratefully acknowledges.

The Commission also wishes to express its appreciation for the valuable cooperation of the Federal Communications Commission, and the Pennsylvania Public Utility Commission, its counsel, John Kelly, Esq., and Mr. Frank Loftus, its telephone engineer.

Note:—

On November 25, 1938, the Supreme Court handed down a decision upholding the constitutionality of the Commission but declaring the subpoenas under which the witnesses Moses L. Annenberg and Walter H. Annenberg were called, to be too broad. It was held further that since the creation of the Commission was ancillary to carrying out the functions of the Special Session of the Legislature, its power must expire upon the termination of the Session.

CHAPTER II.

THE NATURE OF THE POOL SELLING OPERATION

Pool selling may be defined briefly as a system whereby a bettor is enabled to wager on an event the outcome of which is uncertain. As here used, it will generally refer to horse race pools.

The entire object of a bettor is to select and wager on a horse which will finish the race in either first, second or third position—since these horses are entitled to cash prizes at the race track, they are universally used for betting.

For the alleged purpose of enabling the bettor to select wisely, he is obligingly furnished with a fund of detailed statistical information concerning the past performances and estimated comparative racing abilities of each participant in the race. Special "tips" by "experts" are at his command. In addition, the bettor is supplied among other things with the line-up of the participants in the various races, the names of the jockeys, the weights carried, the post time, the 'scratches," or horses withdrawn, and the betting odds on each horse. These services are supplied by certain racing publications, and may be purchased at the regular newstands for sums ranging from 10 cents to 25 cents per copy for daily publications, and for sums as high as $10.00 for annual publications. Without at this time developing in detail the nature of these publications, suffice it to say that information concerning every conceivable fact in any way pertinent to the event is readily available to the bettor. Armed with this wealth of information and confident that he is fortified with the technical resources of a vast enterprise conducted for the sole purpose of supplying his needs, he proceeds to the book-making establishment where the pool selling operations are conducted.

Here he is furnished with additional services. It must be remembered that betting odds shift from time to time up to the very last moment when the race begins, these being determined in most cases by the pari-mutul machines at the race track. The bettor must be posted on the latest betting odds, and these cannot be supplied by the publications. In addition the bettor must be informed of the last-minute scratches, and these also cannot be supplied by the publications. Further still, the bettor must know the post positions or the starting position of each entrant in relation to the inside rail of the track; these the publications cannot supply, since they are determined shortly preceding each race. In brief, the bettor is accorded every convenience to enable him to develop his already extensive knowledge down to the moment the race is begun.

For this purpose the book-making establishment usually provides a loudspeaking device, commonly called a Teleflash system, connected to a private wire over which flows information whose ultimate origin is the race track itself. This information is posted in detail on "rundown" sheets, conspicuously located; and containing the line-up in each race, the jockeys, the weights, the scratches, the post positions, the betting odds, etc., etc., so that the bettor, if he is alert, will have a detailed picture of every known factor entering into the race. At some point during the course of these operations he makes his selection and places his bet with the book-maker, who records the identity of the bettor, the name of the horse, the race, and the amount wagered. He then waits for the running of the race.

It must be noted here that, aside from special instances, the bet is made directly with the book-maker, and does not pass through the pari-mutuel machines at the track. Therefore, the book-maker is directly affected by the hazards of the race. This fact is of the utmost significance in the entire system.

During the course of the race the Teleflash provides a graphic running description of the event, describes the relative position of the participants at various positions around the course, and anounces the winning horses within a space of a few minutes after they cross the finish line. Shortly thereafter and before the running of the next race, the official pay-off odds as determined by the pari-mutuels are called over the system and posted. Those bettors entitled to winnings are then paid off by the book-maker, and the cycle begins anew.

It is evident from a study of the mechanics of pool selling, and the testimony of numerous witnesses before the Commission conclusively demonstrates, that two principal aids are essential to successful pool selling operations. The first is the racing publication in all it forms; the second is the direct wire racing news service. The former not only supplies the data which bettors feel are invaluable for making selections, but reduces the problem of wagering to a pseudo-science and thereby lends considerable attraction to the hazard. The latter bridges the gap in information between the time the publications are printed and the post time, transplants the race, as it were, from the race track to the betting establishment by reason of the graphic descriptions sent over the wire, and further encourages betting by furnishing, immediately after each race, the information necessary for the "pay-off," thus stimulating the bettor either to recoup his losses or to enhance his winnings, as the case may be.

The direct wire race news service, in adition to its other uses, is the only means of protection the book-maker has against "past posting." This term refers to wagering on a winning horses after the race is run and the results are known. It is obvious that so long as this service is furnished to any one individual in a locality, the book-maker who does not subscribe lays himself wide open to this type of fraud. Without this service he cannot remain in business for a day. As a point of fact, testimony before the Commission shows that this scheme has been used by one news service to demonstrate to prospective customers that the direct wire is absolutely essential to the book-maker.

There is, it must be noted, another type of private wire, which supplies an added protection to the book-maker. It enables him to insure bets by a process known as "laying off" the bet. The situation often arises that for any one of a number of reasons bettors play heavily on one horse. If that horse should win, the book-maker would stand to lose a considerable sum of money. In such a contingency he can protect himself by placing his own bet through the pari-mutuel machines at the track, using the special wire, which relays the bet to a representative of the news disseminating agency at the race track. By this method the book-maker can cut any hazard down to zero. Book-makers conducting operations of any sizeable quantity find this wire essential to their business because it provides instantaneous service, enabling the book-maker to protect himself at a moment's notice.

The advantages of the book-making establishment in terms of convenience and accessibility are obvious. Only a minute portion of those who bet on horse races can afford the time and expense involved in attending races at the track. As a consequence pool selling (and by that term we do not include the pari-mutuel system of betting) has become a vast enterprise, penetrating practically every community in the Nation.

The dissemination of racing information through the medium of both the private wire and the racing publication has, in the course of years, become an integral part of this enterprise. Its appeal is three-fold: first, it directs its appeal toward the bettor, supplying him with the facts which he deems essential to successful wagering; second, it makes itself indispensable to the book-maker, enabling him to continue in business with the minimum of hazard; and, third, it acts as a perpetual stimulus to betting activities. Pool selling as it is constituted today would collapse were it deprived of this essential adjunct.

CHAPTER III.

THE PRIVATE WIRE, OR SPECIAL CONTRACT LEASED WIRE SERVICE.

As indicated in the preceding chapter, the terminal points of the private wire over which racing news is disseminated are the race track on the one hand, and the book-making establishment on the other. However, the wire is not an unbroken conduit, so that the information is transformed at several points along its path from the track to the book-maker.

The Nationwide News Service, Inc., with headquarters at 431 South Dearborn Street, Chicago, Illinois, is an organization engaged in gathering and disseminating racing information over telegraph and telephone lines on a nationwide scale. Its news service constitutes a complete monopoly. In order to illustrate the manner in which this service operates, we will take a typical example, tracing it from the race track into the book-making establishment:

Speaking as of September, 1937, the Nationwide News Service, Inc., has under special contract with the Long Lines Department of the American Telephone and Telegraph Company the use of Morse service over a private telegraphic line between the Latonia race track at Latonia, Kentucky, and 431 South Dearborn Street, Chicago, Illinois. Nationwide News Service, Inc. also has an agreement with the operators of the Latonia track whereby the Nationwide is granted the exclusive right to contract for private leased wire service into the track, excepting only the major press services such as the United Press and the Associated Press. During the Latonia racing season Nationwide News Service, Inc. maintains a staff of expert observers at the track for the purpose of gathering and reporting information on every phase of each race, as outlined in the preceding chapter. The Morse service furnishes the means whereby the track representatives of Nationwide are enabled to launch the information on its cross-country journey. (At some tracks the Morse service is replaced by a teletypewriter system. The mechanics of the system utilize an instrument at the transmitting and resembling a typewriter through which the typewritten message is converted into electrical impulses, and a similar instrument at the receiving end, which automatically converts the impulses into the original typewritten message.)

Thus the information sent from Latonia during the course of the races is received at a central headquarters in Chicago, where the message is fed to a telegraph operator, who relays it over a private Morse wire, also by special contract with the long Lines Department of the American Telephone and Telegraph Company, to the Penn Daily Sports, Inc., located at 1015 Chestnut Street, Philadelphia, Pa. The Penn Daily Sports, Inc., is its eastern Pennsylvania representative. This corporation handles the local dissemination of racing news, and has as of September 1937 a list of 142 subscribers to its service in Philadelphia and vicinity. Under special contract with the Keystone Telephone Company of Pennsylvania, 1015 Chestnut Street is connected by private telephone lines to each of the 142 subscribers. As the information comes in over the Morse wire it is decoded by a telegraph operator and relayed to an announcer who, by speaking into a microphone, transmits the news simultaneously to each of the 142 subscribers. (As will be developed later, 134 of these

subscribers were definitely proven to be book-making establishments.)

Thus it will be noted that while part of the system is leased from the American Telephone and Telegraph Company and involves interstate communication, the chain is interrupted at some point within the State where it is picked up and "fanned out" over intrastate wires under contract with the local telephone companies.

As to the interstate wire service, this is furnished under a special contract whereby the American Telephone and Telegraph Company leases to the Nationwide News Service, Inc. a portion of its wires, known as a "loop" or private system. It differs from the ordinary telephone service in that the entire system is leased by the subscriber at a fixed rental for either full-time or part-time service, as conditions, as conditions may require. The telephone merely supervises the service to see that it functions efficiently, but the operators are supplied by the subscriber. The loop is an independent closed circuit and cannot be connected to the remainder of the American Telephone and Telegraph Company system through its general telegraphic or telephonic exchanges. Certain points along the loop are tapped to allow for "drops," which are merely extensions off the loop furnishing service to particular points, such as 1015 Chestnut Street in the preceding illustration. The contractual relation remains at all times between the Nationwide News Service, or lessee of the loop, and the American Telephone and Telegraph Company, so that the latter may not know the identity of the drop except by reason of extraneous circumstances. This type of service is not unique with racing news dessimination, but is subscribed for by brokerage houses, press associations, newspaper associations, business organizations with branch offices, etc., etc.

The local distribution is also furnished through special contract, but here it is obtained from the local telephone companies, such as the Keystone or Bell systems. The local disseminating center is the focal point for the intrastate private wires, each of which terminates in the ultimate recipient of the service. Here, too, the contractual relation remains between the subscriber (in the above illustration the Penn Daily Sports, Inc.) and the telephone company, so that the latter would not, except by reason of extraneous circumstances, be aware of the identity of the ultimate recipient. As will be indicated later, however, the telephone companies do in fact generally know who the recipients of the service are and what the nature of their service is.

To gauge the extent of the operations of the Nationwide News Service, Inc., we must, of course, repeat our illustration many times over. And here we might touch briefly on some of the facts developed by the Federal Communications Commission in 1936 during the course of its investigation into certain phases of the special contract leased wire service, specifically as relating to the dissemination of information in furtherance of gambling. In February of 1936 there were but two companies engaged in the dissemination of this type of information, namely, the Nationwide News Service, Inc. and the Interstate News Company. The latter was a subsidiary of the former, so that Nationwide News had, in fact, a complete monopoly of this service. As of the above date this company had in service 17 master transmitting and receiving teletypewriters and 175 receiving teletypewriters scattered throughout the country, operated by a network of leased wires under contract with the American Telephone and Telegraph Company. In addition, the Nationwide operated 105 telegraphic receiving instruments and 58 full period leased telephone wires. In respect to geography, a summary of the cities and states covered by this service indicates that the Interstate News operated in 23 cities and 5 states, and that Nationwide operated in 34 states and 3 provinces in Canada, in approximately 200 cities, or in other words, in a total of 39 states in the Union and 3 provinces in Canada, in over 223 various cities. To complete the picture we merely note that each city to which service was furnished was in turn a distributing center for fanning out the information to numerous local subscribers. The ultimate customers of this service in every case investigated by the Federal Communications Commission were engaged in pool selling activities. There was not a single instance investigated other than newspaper and press associations, where the business of these customers was lawful.

The size of these operations is graphically illustrated by some figures developed during the Federal investigation. From April 1, 1931 to December 31, 1935, a period of a little less than 5 years, the revenue to the American Telephone and Telegraph Company for this type of service in use exclusively for the dissemination of racing information was $2,841,071.34. During the year 1935 the amount paid to the American Telephone and Telegraph Company exclusive of the 5 per cent Federal tax was $573,446.18. The revenue for the month of September, 1935 was $45,672.18. This income fluctuates somewhat monthly, depending upon the racing season. There are, furthermore, frequent connections and disconnections throughout the network as conditions vary. In addition to this revenue, that is, from actual rentals, it is estimated that the New York Bell Telephone Company alone receives $1,000 a day from incidental telephone calls as a result of this type of service. This was the estimate of Thomas E. McEntegart, attorney for the General News Bureau (later absorbed by the Nationwide News Service) as of May 17, 1934. During the year 1936 the Nationwide News Service, Inc., including its subsidiary, the Interstate News Company, was in fact the sixth largest customer of the Long Lines Department of the American Telephone and Telegraph Company.

All of the above are matters of public record brought out at public hearings, and the conclusions drawn are part of the report made to the Federal Communications Commission at that time. They are likewise part of the records of the present Legislative Commission as brought out in the testimony at its public hearings.

Bringing this picture down to date and developing it locally, we find that on October 1, 1938, the American Telephone and Telegraph Company had outstanding contracts for the dissemination of race track information with three corporations—the Nationwide News Service, Inc., the Delaware Sports Informant, Inc., and the seaboard News Service, Inc., (the latter two being subsidiaries of Nationwide.) The contract with the Nationwide yields the American Telephone and Telegraph Company a monthly revenue of $31,215.36, covers the United States and three provinces in Canada, and within the United States serves 148 cities in 24 states. During the past year the Nationwide network was connected with 24 race tracks throughout the country, various tracks being added and discontinued from time to time according to the racing seasons. (There was no contact with the two tracks in Louisiana, which fact should be considered in connection with the Louisiana statute prohibiting the dissemination of racing information.) This system passed through Pennsylvania, as of September 1, 1938, with drops at Harrisburg, Erie and Wilkes-Barre, but this local service was discontinued shortly thereafter, which fact is significant in connection with the activities of this Commission.

The contract with the Seaboard News Service, Inc. was entered into on September 8, 1938 (the significance of this date will also be noted), and this system now supplies the drop at Erie, Pa. from a line running from Buffalo, N. Y. to Erie. The monthly yield to the American Telephone and Telegraph Company is $480.30.

The contract with the Delaware Sports Informant, Inc. is dated November 8, 1937 (this date being significant since it marks the termination of the operations of the Penn Daily Sports, Inc. as a result of the activities of the Special October 1937 Grand Jury in Philadelphia County.) This contract yields the American Telephone and Telegraph Company $1,967.40 per month. The line originates at Claymont, Delaware, and supplies drops at the following points in Pennsylvania: Chester, Bryn Mawr, Upper Darby, Lansdowne, West Chester, Norristown, Wilkes-Barre, Shenandoah, Reading, Oxford Coatesville, Lancaster, York, Hanover, Lebanon and Harrisburg. The Delaware Sports Informant system also enters Pennsylvania through a drop at Camden, N. J. which in turn is connected with the Lombard Central office of the Bell Telephone Company in Philadelphia by means of 15 trunk lines. So that for one reason or another the Nationwide News Service, Inc. serves Pennsylvania through the name

of the Delaware Sports Informant, Inc., and the Seaboard News Service; whereas it serves the rest of the United States in the name of the Nationwide News Service, Inc.

Developing the Pennsylvania situation further the Commission finds that as of October, 1938 the interstate drops mentioned above are connected to 142 ultimate subscribers throughout the state, 134 of which testimony shows are undoubtedly illegal book-making establishments. This by no means presents the entire picture, due to the fact that since the investigation was necessarily limited, the telephone companies were only asked for locations connected with the Nationwide News and its subsidiaries through three or more drops. Consequently, we do not touch the locations serviced by one or two drops from the network, of which there are undoubtedly hundreds throughout the state, nor do we cover the hundreds of establishments where information is obtained over the telephone without private wire service.

An examination of the bank accounts of the constituent companies operating in Pennsylvania gives some idea of the extent of this enterprise.

The General News Bureau, as forerunner of the Nationwide News Service and later absorbed by it, had during the period 1931 to 1935 local offices at 1015 Chestnut St., Philadelphia, which was a focal point for the dissemination of horse racing information in Philadelphia and vicinity. During this period bank accounts were maintained at the First National Bank of Philadelphia and the Land Title Bank and Trust Company beginning with October 1931 and ending with January, 1935. Total deposits for this period—a little over three years—amounted to approximately $500,000. Penn Daily Sports, Inc., a subsidiary of Nationwide News Service, operating in Philadelphia and vicinity between July, 1936 and September, 1937, deposited approximately $190,000 in its account at the Land Title Bank and Trust Company. These figures, it must be remembered, do not reflect total receipts since salaries to employees and other incidental expenses were paid in cash, so that all receipts were not deposited in the bank accounts.

An idea of the vastness of the enterprise on a nationwide scale may be gleaned from the testimony of the eastern field representative for the General News Bureau. This witness stated that in the territory covered by him during the period 1931-1932, which included New England, New York, New Jersey, Eastern Pennsylvania, Baltimore and Washington, there were approximately 3,200 illegal book-making establishments served by General News Bureau. Some of these book-makers had, in turn, their own networks serving other customers, at times with the knowledge of the General News Bureau and at times without. In some localities there were as many as 25 book-makers per town where General News would serve but 5. A conservative estimate of the total number of book-makers in this territory places the figure at about 7,500. The average price paid to General News was $50 per week, so that the gross revenue per week amounted to $150,000, or $7,800,000 per year. The witness points out that this was an unusually slow period. In the Chicago area, as determined by him through numerous conversations with various company officials, there were 1,280 customers. At that time operations were carried on behind closed doors, due to incessant raids by the police. The average weekly price per customer was $80, the figure ranging from $35 to as high as $475, so that the gross revenue per week ran to approximately $100,000, or $5,000,000 per year. Thus the combined revenue from these two areas was approximately $14,000,000 per year. It was the boast of the company officials that the profits from the Chicago area alone would pay the total operating expenses for the United States and Canada.

CHAPTER IV.

THE ILLEGAL NATURE OF THE RACE WIRE SERVICE.

We have already touched at several points on the illegality of the operations of the ultimate subscriber to the race wire service. Taking the country as a whole, pool selling is made illegal and is condemned as a matter of public policy. Furthermore, while there may be some question as to whether criminal prosecution against the disseminators of information used by the book-makers to further their gambling activities can be successfully maintained under the laws of the various states, this is not so much because of the abence of essential criminality but rather because of the inherent difficulties of proof.

The results of the investigation by the Federal Communications Commission into this phase of the subject have already been noted. The ultimate customers of the service, in every instance investigated, were engaged in illegal activities, excepting only the nwspapers of general circulation and the press associations. The picture developed in Pennsylvania by our own investigation is equally conclusive, the inquiry here being conducted into two periods of operation, the first as of September, 1937, the second as of September 1, 1938, which marks the beginning of the activities of this Commission.

The basis of investigation into the first period was a list of subscribers seized by the State Police among the records of the Penn Daily Sports, Inc., 1015 Chestnut Street, Philadelphia. These records were in code form, there being a number opposite the name of each subscriber. The key to the code was also found among the records, and by this means a list of the names and addresses of the subscribers, and the amounts paid for the service, was obtained. This list showed 142 subscribers, three of which were newspapers of general circulation in Pihladelphia, and two of which were publishers of racing sheets. Of the 137 remaining subscribers, 78 were in Philadelphia, 39 in Pennsylvania in the vicinity of Philadelphia, and 20 outside of Pennsylvania. Individual investigations into each of these 137 subscribers resulted in the following disclosures: All 78 subscribers in Philadelphia, 37 of the 39 located in Pennsylvania outside of Philadelphia, and 19 of the 20 subscribers outside of Pennsylvania, were unquestionably operating as illegal bookmaking establishments. As to three of the establishments, no evidence of any kind could be secured, two of them being listed under erroneous addresses. So that of the 137 investigated on this list, 134 were conclusively shown to be illegal book-making establishments. As a result of the activities of the Special October 1937 Grand Jury, indictments have been returned in connection with 28 places located in Philadelphia County, 319 bills of indictment having been returned against 290 individuals. 49 of these persons have already been tried and convicted. The list further shows that these subscribers paid a total of $4,473.75 per week for the service, yielding a yearly revenue of over $230,000.00. (This figure exceeds by $40,000 the total deposits in bank made by the Penn Daily Sports, Inc. over a period of 15 months.)

The inquiry into the second period was based on a list of locations furnished by the telephone companies, which were serviced by three or more drops from the interstate circuit—this list contained 142 locations scattered throughout the state. Individual investigations conducted by this Commission into each of these establishments disclosed that 134 of the 142 places were unquestionably operating as illegal bookmaking establishments; as to the remaining eight, no definite information showing either legality or illegality could be obtained.

So that in summarizing of all of the subscribers checked, totaling 284, 268 have been positively proven to be illegal book-making establishments, and of the remaining 16, two were publishers of racing sheets, three were legitimate newspapers and the nature of 11 remained undetermined. The only subscribers definitely established to be conducting legal enterprises were the three newspapers mentioned above.

To contend, as the disseminators of this type of information have sometimes naively attempted to do, that they do not know to what end their subscribers use the information, is the sheerest absurdity. Not only is this ridiculous on its face, but it runs counter to all the evidence available.

There is an abundance of testimony produced before the Commission to show that the operators of this enterprise utilize every possible means for "pushing" their merchandise and that in this process they become intimately aware of the nature of their customers. Their

field agents are constantly on the road visiting the various establishments, making every effort to boost the price of their product. The amount is generally determined by the volume of business conducted in the particular book-making establishments—wherever feasible a periodic check is maintained on this item. When the subscriber is lax in his payments an agent is conveniently at hand to persuade him that punctuality is desirable. To forestall interference by the police, agents are instructed to pay for "protection" so that the business can continue unmolested. The following matters conclusively prove knowledge of illegality on the part of the disseminators of this type of information.

One of the problems encountered in this enterprise is the "bootlegging" of service, which is accomplished by tapping the private wire. It is the field agent's duty to curb this practice. For this purpose he is furnished with a galley of the subscribers to the Min-Haf sheet in the particular town being covered. This sheet, generally called a "rundown" sheet, is used solely and exclusively in illegal horse race book-making establishments, and is indicated elsewhere, contains in printed form the names of the various races and the entrants in each race; the remainder of the sheet has blank spaces for posting the names of the jockeys, the weights carried, the scratches, the betting odds, etc. The agent knows that if there are 30 subscribers to the sheet and only 10 subscribers to the wire service, 20 illegal establishments are receiving the wire service by the bootleg method. He thereupon takes proper steps to remedy the situation.

The second matter to be noted follows from the first, and concerns the method used to combat competition as in the case of the Greater New York News Service. This company had outbid General News for the concession at the St. Johns, Florida, track and thus supplied its own service from this track, while tapping the General News wires for service from the other tracks. The scheme, originated by a supervisor and field man for the General News Bureau (who testified before the Commission) and approved by J. M. Ragen, Vice President and General Manager of General News, was to withhold the results of races in certain localities by deadening the private wires, and at the same time to supply the winners to their customers over the regular telephone lines. Thus the customers of General News would be posted on the rsults of th races, while service to the customers of the Greater New York would be cut off. The field agent would then place a fairly heavy bet on a winning horse with a customer of the rival concern, and would thus be able to demonstrate the folly of using the Greater New York Service.

The last circumstance to be noted at this point is the service known in the General News Bureau as the Number 60 wire, which, as explained previously, is the special "lay-off" wire used by book-makers to insure unusual risks. This service was boosted by General News Bureau at every opportunity, since it was a source of additional revenue. No one would possibly contend that this facililty could be used by anyone other than a book-maker engaged in illegal pool selling activities.

So that we find not only that in every instance investigated, with the exception of the newspapers and press associations, the ultimate subscriber of this service is an illegal operator of a book-making establishment, but also that the disseminators of this type of information are fully and completely aware of the type of customers with whom they are dealing. In fact there can be no doubt that the owners and operators of the organization disseminating this information knowingly and deliberately aid and abet in the vast illegal system of book-making throughout the United States.

That the telephone companies are likewise in general aware of the illegal nature of the service for which these private wires are leased cannot seriously be doubted. In this connection the investigation conducted by the Federal Communications Commission is of special interest, and shows the evolution of the attitude of the American Telephone and Telegraph Company toward this subject.

In 1924, the standard special contract of the American Telephone and Telegraph Company contained the following provision:

> "Such service shall not be used by the patron for any purpose or in any manner directly or indirectly in violation of law, or in aid of any unlawful act or undertaking."

When the question arose whether in the State of New York the Company could lawfully refuse to furnish service to the General News Bureau, which was engaged in the dissemination of racing information, the General Attorney for the Long Lines Department wrote to the Company's General Counsel setting forth his opinion that service could be refused under the contract and that such refusal would not constitute an arbitrary or unreasonable discrimination. The following excerpt from the letter indicates the basis for this conclusion:

> "The policy of the State of New York as set forth in its statutes and decisions condemns bookmaking and pool rooms. These applicants must know that the great majority of their customers are bound to be owners of pool rooms and bookmakers. The cannot wilfully blind themselves to these facts and in fact set up their ignorance of what everybody knows in order to cooperate (in effect) with law-breakers . . . their connection with violation with violations of the law are so close that in view of the declared public policy practice and in view of the provisions of our standard contract furnish service in such cases."

But this policy was changed shortly thereafter under the following circumstances:

In December, 1926, Empire News requested a leased wire from New York to New Orleans for transmitting racing information When the American Telephone and Telegraph refused, Empire News signed a petition for a writ of mandamus to compel the American Telephone and Telegraph to furnish the service. These proceedings led to a review of the Company's policy by its attorneys, and as a result a new contract was prepared and the service furnished. The clause referred to above was replaced by a new provision which gave the company the option to terminate the service upon complaint of any "competent authority"—this phrase being interpreted to mean "any authorized public officer, prosecuting officer or police officer." The official policy of the American Telephone Company as of March, 1936 was, therefore, that such service will be furnished to all persons, even where such persons are specifically known to the Company to be using or intending to use such service in connection with gambling enterprises, and will be denied or discontinued only upon complaint of competent public authorities.

However, the evidence shows that the Company has continued to furnish these facilities even after competent public authorities have protested. So that the official policy of the Company is not a true reflection of its actual attitude. General Counsel for the American Telephone and Telegraph Company admitted before the Federal Communications Commission that public officials have from time to time called the Company's attention to the use of their facilities in connection with gambling enterprises, that enforcement officials have protested against the furnishing of facilities to persons who used them for such activities, and that in at least one or two instances facilities have been furnished to subscribers under such circumstances. That the Company goes even so far as to assist its subscribers in concealing the character of their activities is shown by the following extract from a memorandum of one of its counsel dated April 30, 1935:

> "The hostile attitude of the authorities in Grand Rapids was recently discussed with Mr. P. W. Setze of Chicago, Illinois, special representative of the Nationwide News Service, and it was agreed that one of our teletypewriter machines would be installed in Room No. 11, Grand Rapids Saving Bank Building, and from this central office patrons in Grand Rapids would be furnished information by telephone. The public, of course, will be denied access to this central office, which should avoid further trouble with the authorities insofar as our company is concerned."

The General Attorney for the Long Lines Department admitted that this memorandum bears no other interpretation.

The chief concern of the American Telephone and Telegraph officials seems to have been to avoid unfavorable public opinion. As indicated in a memorandum from the General Attorney of the Long Lines Department:

> "The basis for this attitude is undoubtedly the reluctance of our people to subject themselves to criticism on the score of furnishing wire facilities to a line of business which is looked upon unfavorably by large sections of public opinion."

In line with this policy, which is actual rather than official, the Company has knowingly furnished service to convicted persons under someone else's name, in the face of an agreement with police authorities to refuse such service to persons convicted of maintaining a gambling enterprise; has entered into arrangements whereby its patrons "will exercise more care in the selection of subscribers and will at least satisfy themselves, as the result of an investigation, first made, that any prospective subscriber is not persona non grata to local authorities who might be inclined to be hyper-sensitive;" has assisted in the preparation of the defense in a prosecution because it "could not have continued to do business in Evansville along the lines of this particular special contract service in the event of conviction," at the very time it was pretending to assist the prosecuting officials; and has in numerous other ways manipulated its operations with a view toward furnishing this service in any and all circumstances, so long as it could manage to avoid unfavorable publicity.

Notwithstanding this record of questionable practices, the officials of the Company insist that they are desirous of being relieved of the burden of this type of business—their main problem being that the elimination of the race news services would constitute unfair discrimination. But although it is the admitted policy of the company to seek to be relieved of unduly burdensome obligations by appeal to the Legislatures of the various States, the courts, or to the Federal Communications Commission, this has not in fact been the case where the "burden" of the race wire service was involved. The following excerpt from a memorandum of the General Attorney for the Long Lines Department is illuminating:

> "Section 5 (of the Louisiana Mouse Bill No. 152), particularly the provision prohibiting telephone companies from permitting their facilities to be used for communications relating to horse races, is very bad indeed. . . . It is not only bad in principle . . . but also from a practical standpoint in that at the present time at least, associations which sell information concerning horse races constitute a very substantial part of our leased wire business. New Orleans is one of the principle sources of news of this character, so that if this provision should become law, we would be affected in a substantial way, particularly from a revenue standpoint."

Testimony before the present Commission indicates that the local telephone companies are likewise aware of the nature of the business conducted by the racing news agencies. An excellent illustration is the installation contracted for by the General News Bureau, and furnished by the Keystone Telephone Comapny. Complete equipment for the local dissemination of information was maintained at 1015 Chestnut Street, Philadelphia, and at the same time a duplicate set-up was installed at 239 Dock Street, Philadelphia. In case of a raid on one establishment, connections would immediately be switched to the other, so that service would continue to flow uninterrupted.

The attitude of the companies has been, however, that they cannot under the law discriminate between subscribers. This General Counsel for the Bell Telephone Company of Pennsylvania appeared as a voluntary witness before this Commission and stated that the revenue involved is very small, and that a clarification of the situation would be welcome. He pointed out that the telephone company cannot discontinue service for any reason other than the failure to pay bills. He expressed the opinion that it is not feasible to make the telephone company a police force, and felt that it would be dangerous practice to grant the company the right to decide who is violating the law and who is not, and to refuse service as the result of their own findings. With the above reservation, he stated a clarification of the telephone companies' position would be highly desirable.

If, then, the telephone companies are sincerely desirous of being relieved of the burden of supplying service to subscribers who engaged in the dissemination of racing information, legislation designed to prohibit the telephone companies from serving this type of enterprise, based on regulatory measures which would relieve the company of the responsibility of determining who shall and who shall not receive this service, should be heartily approved by them.

CHAPTER V.

THE HORSE RACING PUBLICATIONS.

The Commission's investigation discloses that virtually all of the popular horse racing papers sold at local newsstands are printed in New York City, from which point they are circulated in Pennsylvania, with far greater speed and efficiency than the average newspaper of general circulation. The contents of the racing publications vary in quantity according to the prices paid therefor. Such publications as the Daily Racing Form and the New York Morning Telegraph, each of which retails for 25 cents, contain from 35 to 50 pages of printed matter in which every conceivable type of information pertaining to horse races, race tracks and race horses is set forth.

The major horse racing publication is the Daily Racing Form, a daily paper printed six days a week and circulated extensively throughout the United States and in portions of Canada. It is frequently referred to as the horse race bettor's "Bible". The Daily Racing Form is devoted almost exclusively to horse racing information. With the exception of advertisements concerning other racing publications sold to the public by the monopoly, little or no space is occupied by commercial advertising.

Somewhat similar to the Daily Racing Form is the New York Morning Telegraph, a paper published daily including Sundays. This sheet is not concerned exclusively with horse racing information, but also contains news pertaining to other sports, as well as the theatre and the motion-pictures. It carries commercial advertisements. The most important feature of the paper, however, is the horse racing data which occupies most of its space. The New York Morning Telegraph does not enjoy the nation-wide circulation of the Daily Racing Form, but is distributed in New York City and Vicinity.

Probably the most outstanding features of the Daily Racing Form and the New York Morning Telegraph are the elaborate, detailed charts. These are replete with symbols and abbreviations which can be understood only by a person thoroughly familiar with their interpretation Charts of past performances, covering the last ten or twelve races, contain a wealth of information concerning particular horses. Other charts furnish the reader with a complete detailed mass of information on past races at various tracks, showing the weights carried, the names of jockeys, the owners, the positions of the horses at the post, and at various points along the course, the betting odds before the race, the pay-off prices for the winners at the $2.00 mutuels, and the equivalent booking odds. At the bottom of the chart are brief comments relating to the performance of the various horses in the race.

The only racing publications which contain such charts are the Daily Racing Form and the New York Morning Telegraph. These charts are copyrighted by the monopoly and are widely sold throughout the country to newspapers of general circulation. The Associated Press also compiles charts of races run which are printed in the legitimate newspapers, but they are not as complete as those compiled and distributed by the monopoly. The Racing Form charts are assembled into weekly, monthly, quarterly and annual volumes and are sold to the upblic at prices varying from 35 cents for the weekly to $10.00 for the annual publication.

Probably the most important feature of all horse racing

papers is the selections or tips on probable winners. Every racing sheet contains a variety of tips and selections made by different handicappers, tipsters, and so-called experts. Testimony taken before the Commission has shown that there is a definite purpose behind the variety of tips appearing in the same publication, viz; "to give the gambling mechanism of the country a recognized percentage in favor of the 'house' ". If these papers would, by reason of the accuracy of their selections, substantially aid the bettor at the expense of the book-maker, the latter would soon pass out of existence. They actually serve as a guarantee of the perpetual activity of the gambling mechanism and thus assure a constant demand for the race wire service. The "accuracy" of the tipster was strikingly illustrated by testimony before the Commission: when a well-known tipster permitted one of his telephone operators to make selections in his obsence, the predictions were actually more successful than those of the "expert."

All horse racing publications contain one or more phone numbers which are furnished to the reader ostensibly for the purpose of supplying him with a source for obtaining the latest information on the results of the races. It is customary to include a code word which entitle the reader to the information he desires when he calls the designated telephone number. If the reader uses the code word contained in a ten-cent sheet,, he will not secure his information as quickly as if he uses a code word obtained from a 25 cent paper. Thus the purchase of the more expensive papers is encouraged. In order to decipher the information givn to him over the telephone, the reader must have a copy of the particular sheet from which he obtained the code word. To further encourage the purchase of the paper it is customary to print in each issue one or more tips in code, and the reader can decipher the code only be referring to the paper in which the key to the code is printed. These codes and their corresponding keys are constantly changed, usually once a week.

In addition to the customary racing sheets, there are mushroom publications which merely contain special tips and predictions which may sell for as high as $2.00 and which are very popular so long as the tipster is successful.

Conspicuously advertised in most of the sheets are specialized publications which allegedly contain "sure-fire" systems of selecting winning horses. These are also published by the monopoly. Another specialized type of publication furnishes the reader with the running time of horses clocked in early-morning workouts at the track, together with a description of their performance during these workouts.

The cheaper publications such as the Green Sheet, Daily Racing Tab and National Racing Program which sell for 10 and 25 cents per copy, are far scantier than the elaborate major publications—the Daily Racing Form and the New York Morning Telegraph. The cheaper papers usually contain but four pages of material furnishing the reader with the latest line-ups, jockeys, scratches, condition of the race tracks, betting odds and the all-important tips, selections, phone numbers and codes. These publications form a necessary part of the book-makers' equipment, but as indicated herein, if they were as successful and as accurate as they purport to be, the book-maker would not long remain in business.

CHAPTER VI.

GROWTH AND DEVELOPMENT OF THE MONOPOLY IN THE FIELD OF DISSEMINATING HORSE RACING INFORMATION.

An exhaustive study of the manner in which the dissemination of horse racing information has developed into a monopoly would require an extended investigation on a nation-wide scale, such as this Commission has neither had the time nor the resources to conduct. Nevertheless, the investigation made by the Commission has unearthed considerable data concerning the growth and development of this monopoly. The evidence available to the Commission clearly indicates that the present monopoly is the result of a steady, persistent expanding growth, during which virtually all independent agencies have been absorbed, and in many cases eliminated, by the most ruthless racketeering methods. The retermination of the individual or individuals who actually own and control the monopoly has been rendered difficult by the fact that its activities are conducted through the medium of a complex series of constantly shifting corporations and corporate set-ups. A careful analysis of the evidence, however, leads to the inescapable conclusion that a single individual owns and or controls the monopoly. In-so-far as the race wire service is concerned, the same conclusion was unequivocally reached by the Federal Communications Commission, which had previously conducted its own investigation on the subject.

The Race Wire System.

Testimony presented by representatives of the American Telephone & Telegraph Company before the Federal Communications Commission in March, 1936, discloses that from 1927 to 1935 there were 16 different agencies leasing wires from the American Telephone & Telegraph Company for the dissemination of horse racing information. Testimony further reveals that as of February 1, 1936, there were but two such agencies: the Nationwide News Service, Inc., and a subsidiary known as the Interstate News Service. At that time the Nationwide News operated in 34 states, covering 200 or more cities, and in three provinces of Canada, while the Interstate News operated in 23 cities over an area of six states.

Probably the first large organization to furnish up-to-the-minute horse racing information by private wire was the General News Bureau, which had been built up as a sporting news disseminating agency since 1907, by a well-known character in the gambling world. This organization was incorporated in Illinois in March of 1927, and shortly thereafter a 50 per cent interest in the business was sold to Cecelia Investment Company, a holding corporation owned and controlled by Moses L. Annenberg. As horse race betting became more popular and increased in magnitude, the business of the General News Bureau expanded, particularly in the area of Chicago, Illinois, but considerable competition was encountered from other independent sporting news agencies, such as the National News Company and the Empire News Company.

From 1927 to 1930, the General News Bureau had in its employ a Chicago news reporter known as Alfred "Jake" Lingle, whose services were utilized by reason of his influential connections, particularly with the Chicago police authorities. Lingle was vitally important to the General News Bureau in eliminating competition of rival agencies. Testimony indicates that intense rivalry existed between the General News Bureau and its two largest competitors, the National News Company and the Empire News Company. There is evidence, for example, of an advertisement clipped from a sporting publication wherein a $10,000 reward was offered for the arrest and conviction of gunmen who raided the plants of the National News Company and the Empire News Company in broad daylight, terrorizing the employees by brandishing firearms and destroying valuable equipment. In Chicago, the offices of the Empire News Company became the subject of repeated raids by the police, with the result that Empire resorted to the courts and obtained an injunction against the police. There then followed a series of raids against the customers of Empire News, namely, book-making establishments, which raids were made possible through the influence of "Jake" Lingle. By 1930 the Empire News "merged" with the General News Bureau, with the understanding that the Empire News was to retain its identity and to continue using its name, but both the name and the identity of the Empire organization soon disappeared. National News Company was likewise absorbed and eliminated. The General News Bureau then became known throughout the gambling world as "The Trust."

During the year 1930, Jake Lingle was found murdered, and it was reported that he died at the hands of a Capone lieutenant because of Lingle's refusal or inability to secure for Al Capone a share or interest in the business of the General News Bureau.

The following is a typical illustration of the brazen attitude adopted by the General News toward local courts.

In 1932 the police authorities at Annapolis, Md., after a series of raids upon gambling establishments and during prosecution of the book-makers involved, subpoenaed the General News Bureau for the purpose of determining the extent to which General News had been involved in gambling activities. The subpoena was ignored and a citation for contempt wa sissued, resulting in the imposition of a fine of $2,500. A second subjoena duces tecum, issued and served, was likewise ignored, and another fine of $10,000 was imposed. Although these sentences were appealed, they were sustained by Judge Urner in an opinion filed on June 20. 1932.

In April, 1934, a series of raids on gambling establishments operating in Washington, D. C., resulted in a Federal Grand Jury investigation, during which the General News Bureau was summoned. Representatives of General News testified in Washington, and promised on behalf of the corporation that racing news would not be sent into or disseminated in the city of Washington.

In 1933, the New York Morning Telegraph, Inc., a well-known sporting news publication, and the Interstate News Service, were receiving their up-to-the-minute horse racing information by wire from the Daily Form Publishing Company, a well-known horse racing publication in which Moses L. Annenberg had a 50 per cent interest. When trouble developed between Annenbrg and the co-owners of the Daily Racing Form Publishing Company, the supplying of this wire service was taken away from the Daily Racing Form and thereafter the information was supplied by the General News Bureau.

The business of the General News Bureau became quite extensive, spreading throughout the United Stats and portions of Canada. An inkling of the huge profits made by "The Trust" can be gained from the fact that from 1929 to 1934, over $900,000 had been turned over to the General News Bureau by a printing concern which had contracted with General News for the printing of wall-sheets, rundown sheets and other horse racing data for customers of the General News Bureau in the vicinity of Chicago. These sums of money represented the share of the General News Bureau in the net profits from the printing of this material, which was merely a side-line of the principal business of supplying horse racing information. The disclosure of the payment of these monies, over a period of five years, provoked dissension among the stockholders of the General News Bureau. The cause was to be found in the fact that these sums had been paid over to and retained by James M. Ragen, who represented the Annenberg faction in the General News Bureau, without disclosing such receipts or accounting therefor to the holders of the remaining 50 percent of the stock. Dissension among the stockholders had existed for some time by reason of the frequent unsuccessful efforts of M. L. Annenberg to acquire all the stock in the General News Bureau, and this culminated in an equity suit for an accounting between the two discordant factions, filed in Cook County, Illinois, in November of 1934. The situation was further aggravated by the fact that Annenberg had formed a competing race wire news agency called the Nation-wide News Service, to which Annenberg transferred his resources, including exclusive contracts with the race tracks for the broadcasting of horse racing information. The result was that the General News Bureau was unable to supply its customers with this highly important up-to-the-minute race wire service, and had to resort to furnishing information obtained by observing the races from outside the track with binoculars, and broadcasting descriptions by radio. There ensued a general reign of terror in Chicago, in December of 1934, during which time one book-maker was killed. Gangsters and gunmen were reported taking sides with the two factions involved in the General News Bureau controversy. Hostilities spread to Miami, Florida, where both factions were also represented, and a Chicago gambler was found murdered in the Everglades near Miami. Both killings were attributed to the hostilities directly resulting from the difficulties between the stock-holders in the General News Bureau.

It is of interest to note the answer filed by Moses L. Annenberg and the other defendants in the above-mentioned equity suit for an accounting. The answer averred that the complainants' Bill was on its face an attempt to share in the profits of an illegal enterprise, namely gambling, and should therefore not be entertained in a Court of Equity. The difficulties among the stock-holders were finally settled in January of 1935, by payment of a larg sum of money, in consequence whereof Moses L. Annenberg and his associates gained exclusive control of the General News Bureau.

The Nationwide New Service subsequently superseded the General News Bureau and the latter was eventually discontinued entirely. Although the Nationwide News Service had been incorporated in Illinois in August of 1934, another corporation under the same name was incorporated in November, 1934 in Delaware, and in April of 1935 the name of the Illinois corporation was changed to Illinois Nationwide New Serviie. The officers and directors of the two corporations were virtually the same. Other corporations, such as the Ohio Nationwide News Service, Nebraska News Service, Mohawk News Service and Texas News Service, were incorporated in various states, but were completely controlled subsidiaries of Nationwide News Service. Another subsidiary, the Morning Telegraph Sports News, was incorporated in July, 1935 for the purpose of supplying teleflash loudspeakers and hiring personnel, such as announcers, for the wire service. This corporation, after a short existence, was discontinued and later superseded by the Teleflash Loudspeaker Corporation, also a subsidiary, incorporated in October, 1935 for the purpose of supplying Telefiash loudspeakers. These are devices used for amplifying horse racing information transmitted over telephone wires.

During the years 1935 and 1936, the wire service monopoly encountered opposition in Miami, Florida, where Mayor E. G. Sewell, assisted by Director of Public Safety Andrew J. Cavanaugh, was waging a vigorous campaign against book-makers and gambling establishments. (These officials were in turn frequently attacked in the Miami Tribune, a daily tabloid owned by Moses L. Annenberg.) Testimony presented before the Commission by a former city editor of the Miami Tribune indicates that in 1935 M. L. Annenberg sponsored a candidate for Governor of Florida, to whom he personlly advanced $10,000, with the understanding that if elected, the candidate would sign two bills legalizing gamblin and handbook establishments. The candidate was defeated, but renewed efforts were made to have the two bills passed by the Florida Legislature. These efforts were not successful, and Mayor Swell's campaign against gambling on horse races continued. There is further testimony that in the 1936-1937 elections in Miami, M. L. Annenberg succeeded in having elected four out of the five city commissioners, with the result that Mayor Sewell and Director of Public Safety Cavanaugh were ousted, leaving a clear field to the book-makers. Within recent months. the then mayor of Miami and two city commissioners were indicted for attempting to extort bribes from the Florida Power & Light Company.

In Pennsylvania, the General News Bureau was registered as a foreign corporation as of February 14, 1931, and secured a Certificate of Authority as of November 28, 1933. In Philadelphia, General News maintained its headquarters at 1015 Chestnut Street. There is an abundance of testimony concerning the operation of the General News Burau in the local area under various managers. In 1929 there were at least six independent agencies in addition to General News Bureau, engaged in disseminating horse racing information by private wire in this vicinity. The Commission has heard testimony of witnesses, including one of the independent operators, to the effect that in 1929 the smaller agencies were receiving their racing information over leased wires from the National News and the Empire News, both of which were later "absorbed" by the General News Bureau. The testimony also reveals that the independent operators were browbeaten, intimidated and threatened with bodily harm until they relinquished their agencies to the General News Bureau. By 1931 or 1932, all independents had been eliminated and the General News Bureau had a complete monopoly in the Philadelphia Area.

Evidence brought before the Commission definitely

establishes the fact that in 1935 General News was superseded by the Nationwide News Service, Inc., which latter continued to operate in Philadelphia from 1015 Chestnut Street. One witness who had been employed as an inspector and repair man by the Keystone Telephone Company testified that because he refused to tap wires for the General News Bureau the manager of that organization caused him to be discharged. When he attempted to see this individual, the latter inflicted upon him a severe physical beating with a blackjack. After criminal prosecution for assault and battery failed to bring about a conviction of his assailant, the witness instituted a civil suit against the General News Bureau and its manager. The litigation was settled amicably by payment of a check of the Nationwide News Service, a photostatic copy of which is in evidence before the Commission.

The General News Bureau operated in Pittsburgh from 1930 to 1935, and was succeeded by the Nationwide News Service at the same address in February of 1935. In September, 1938, the testimony discloses, an auditor for Nationwide News Service requested cancellation of the lease at the Pittsburgh address, stating that the western Pennsylvania headquarters were being moved to Steubenville, Ohio. The reason assigned by him for this removal was the existence of political differences between Annenberg and the Philadelphia Inquirer on the one hand, and the present administration in Pennsylvania on the other. He stated, however, that Nationwide News Service expected to return to Pennsylvania in November, 1938.

In Philadelphia, the monopoly encountered interference from time to time from the police authorities, and new corporations were formed in rapid succession to carry on the service. The Penn Daily Sports Corporation was incorporated in July, 1936 and operated from 1015 Chestnut Street, but as a result of investigation by the Special October 1937 Grand Jury, during which its records were seized, this organization was discontinued. It was superseded by the Delaware Sports Informant, Inc., incorporated in October of 1937. The latter is still operating but no longer functions in Pennsylvania. Within recent months the Seaboard News Service was incorporated in Delaware (August, 1938). Evidence before the Commission definitely links these recently formed corporations to the parent organization, the Nationwide News Service, Inc. When operations became difficult at 1015 Chestnut Street the service was switched to and disseminated from a printing establishment located in the basement of 237-239 Dock Street, Philadelphia, where a sporting publication known as the Kames Score Card was printed. After September, 1938, however, the service was disseminated through Camden, N. J. It is significant that in September, 1938, when the present Commission was created for the purpose of investigating the transmission of gambling information, the Nationwide News and its subsidiaries moved from Pittsburgh, Harrisburg and Philadelphia to locations outside the State of Pennsylvania.

The Horse Racing Publications.

As in the case of the race wire system, a monopoly in the publising and distribution of horse racing publications has existed only during the past five or six years. Evidence secured by the Commission indicates that the same individual who owns and/or controls the monopoly in the race wire field, namely, Moses L. Annenberg, is also the dominant figure in the field of horse racing publications.

The beginning of the monopoly may be traced to 1921, when Moses L. Annenberg, in partnership with Joseph D. Bannon and Hugh E. Murray, purchased the Daily Racing Form, a well-established horse racing publication, which was to be developed into the leading, most elaborate and most extensively circulated horse racing sheet in the United States. Together with the above partners and another associate, Joseph A. Moore, Annenberg acquired a substantial interest in the New York Morning Telegraph, a well-established sporting and theatrical sheet which was widely distributed in the vicinity of New York City. With these papers as a nucleus, the combination of individuals above named subsequently acquired a string of other racing publications, including a paper known as the Daily Running Horse.

The founder of the Daily Running Horse, one Roi Tolleson, was a widely read race tipster and publisher, who owned other horse racing publications in the vicinities of Chicago and New York City, and who had developed a substantial following. There is evidence of much hostility between Tolleson and Annenberg, and Tolleson frequently attacked Annenberg and "The Trust" in his publications. Tolleson's printing plants in Chicago and New York City were raided by vandals at various times and valuable equipment was destroyed. These raids were attributed by Tolleson to Annenberg, and as a result of the hostility between the rival publishers, a number of libel suits were started. On one accasion, Annenberg prosecuted Tolleson for criminal libel. Tolleson eventually went out of business and his publications were discontinued.

By 1933, the Daily Racing Form was being printed and published in New York City, Chicago, New Orleans, Miami and Toronto, Canada, and circulated widely in the vicinities of these cities. The ownership and operation of the Daily Racing Form, New York Morning Telegraph and other horse racing publications were for some reason manipulated behind a complex series of corporations, holding companies and subsidiaries. In the latter part of 1933 dissention developed among the co-owners Bannon, Murray and Annenberg, by reason of an indictment which had been returned in the U. S. District Court in Baltimore, Md., against these individuals and others for sending through the mails certain obscene matter, particularly a magazine called the Baltimore Brevities. Bannon and Murray alleged that the obscene literature had been printed by Annenberg in the Baltimore plant of the Daily Running Horse, a subsidiary in which Bannon and Murray were financially interested, and that this had been done without their knowledge or consent. Bannon and Murray further alleged that Annenberg had demanded that they sell to him their stock in the various corporations through which their racing publications were owned, and that when this demand was refused, he deliberately embarked upon a campaign of price-cutting, and adopted other measures of unfair competition, as a result of which the revenues of the Daily Racing Form and associted papers were seriously impaired. It was alleged that Annenberg caused the price of the New York Morning Telegraph to be reduced to 10 cents, operating in direct competition with the Daily Racing Form, and that Annenberg, by virtue of his 50 per cent control of the enterprises in which they were jointly interested, had blocked numerous efforts on the part of Bannon and Murray to reduce the price of the Daily Racing Form to meet the competition offered by the New York Morning Telegraph. Bannon and Murray filed an equity suit against Annenberg, seeking an injunction, but the case was amicably settled by the payment by Annenberg of $2,000,000. In consequence thereof, Annenberg obtained complete control of the corporations which owned and operated the Daily Racing Form, the Daily Running Horse, the Chicago Telegraph and other associated enterprises. He later acquired control of the New York Morning Telegraph and the price of both the Daily Racing Form and the New York Morning Telegraph, which had at various times sold for 10 and 15 cents, was raised to 25 cents.

The Daily Racing Form is now printed and published in New York City, Chicago, Houston, Miami, Los Angeles, Seattle, Cincinnati and Toronto, Canada. In each of these cities separate printing establishments are maintained and the papers are circulated over a wide area throughout the United States and in portions of Canada. Other papers, such as the American Racing Record in Cincinnati, were purchased and discontinued in order to eliminate them as competitive factors. The Daily Running Horse has since been discontinued. Throughout the United States numerous other racing publications have been acquired by the monopoly, in some cases retaining the existing name, equipment and personnel of the publication, and in other cases discontinuing the publication entirely.

In the course of its investigation the Commission has watched with interest the progress of an equity suit now pending in the U. S. District Court for the Northern District of Illinois, which suit will probably have an important bearing on the future activities of the monopoly discussed herein. The suit was brought in May, 1937 by the Bulletin-Record Publishing Company, Inc., against Moses L. Annenberg, the Cecelia Company, Illinois Nationwide News Ser-

vice, Inc., James M. Ragen and others. The complainant alleges that it publishes the Chicago Turf Bulletin and Sports Record, popularly known and trademarked as "The Scratch Sheet", which has been in existence since 1925 and is circulated in 28 states. It is alleged that Moses L. Annenberg has acquired a monopoly in the field of disseminating horse racing information, and that he owns, controls and dominates a large number of corporation including the Illinois Nationwide News Service. It is further alleged that whereas the complainant formerly purchased its news requirements from the National News Company, it has been compelled to purchase them from corporations owned and controlled by Annenberg by virtue of the fact that he now has a complete monopoly in that field. It is alleged that repeated efforts have been made by representatives of M. L. Annenberg to purchase stock in the Bulletin-Record Publishing Company, and that after refusal of such demands, the price of the news service supplied to the complainant was raised to $500 per week, while other agencies in the vicinity pay but $50 per week for the same service. It is further alleged that Annenberg by and through his agents and representatives, has embarked on a campaign of unfair competition by publishing a horse racing sheet similar in appearance, name and price to the complainant's publication, Further, that news dealers and retail distributors who normally sell the complainant's publication have been threatened and intimidated by agents of M. L. Annenberg, into encouraging the sale of Annenberg's publication and refraining from selling the complainant's. The complainant seeks an injunction restraining these alleged unfair trade practices.

Testimony presented before the Commission reveals that an important adjunct of the monopoly is the furnishing of wall sheets and rundown sheets, commonly known as "Min-Haf sheets", which invariably form a part of the equipment in book-making establishments. Raids conducted on book-making establishments throughout the country have frequently disclosed the presence of these sheets. A former manager of the General News Bureau has testified that had been supplied with a list of subscribers to these sheets for the purpose of ascertaining the extent to which the dissemination of sporting news by leased wire was being "bootlegged" or "wild-catted" in various sections where the news service is supplied by the monopoly. Investigation indicates that the printing and distribution of Min-Haf sheets are likewise a part of the race wire monopoly. Until March, 1930, these sheets were printed and distributed by an independent agency known as the Walmin Press, Inc., located in New York City. In April of 1930, the monopoly acquired control of this corporation and its name was changed to Min-Haf Distributing Company. Thereafter, the printing of such material became part of the activities of the General News Bureau, and later, of the Nationwide News Service. In addition to the horse racing publication above named, the monopoly publishes and circulates in the Philadelphia area the Daily Racing Guide, the Daily Racing Tab and the Armstrong Sheets, in which category are included the William Armstrong Daily Sport Sheet, the National Racing Program and the Green Sheet.

CHAPTER VII.

ANALYSIS OF EXISTING LEGISLATION.

A review of the laws of the 48 states reveals that there are 7 states in which there is no prohibition against betting, 15 where betting is legal only at licensed race tracks, and 25 where betting is prohibited. In Pennsylvania, wagers laid on horse races are declared to be void. All but two states, Arizona and Oregon, prohibit book-making, although Kansas and Louisiana do permit it within licensed race track enclosures. Seven states have laws which in some manner restrict or prohibit the dissemination of information concerning horse racing, these being Louisiana, Michigan, Montana, Nevada, New Jersey, Oklahoma and Texas.

Louisiana appears to have the most drastic anti-dissemination statute. The act, which became effective in 1934, provides that "it shall be unlawful for any person or persons, firm or corporation, whatsoever to distribute, disseminate, make known, advise or spread or otherwise, by means of telephone, telegraph, radio or in any other manner, make known to pool rooms, bar rooms, saloons, restaurants, gambling houses or any other place outside of the enclosure of a licensed race track, any information of whatever kind pertaining to any races, race track, race horse, betting or betting odds, form charts or any information relative or incidental thereto." It exempts "any newspaper published daily and consecutively for one year prior to the adoption of this act." Violation of the act constitutes a misdemeanor punishable by a fine of not less than $1,000 nor more than $3,000, or imprisonment from one to three years, or both.

While it may be desirable to permit daily newspapers of general circulation to publish information of news interest concerning horse races, this act does not eliminate the racing sheets which are so avidly read by the horse race betting public. The New York Morning Telegraph, for example, would easily come within the exemption afforded by this statute, since it has been published seven days a week for over 50 years. By permitting such newspapers to be circulated, Louisiana makes available to the public information of the type which undoubtedly encourages gambling on horse races. The only effect of this act is to eliminate instantaneous transmission of news of the races. Furthermore, it is highly questionable whether the act would be upheld in a court of law in view of its discriminatory character.

In 1931, Michigan passed a statute making it a misdemeanor for "any person or his agent or employe to (who shall) directly or indirectly, by means of any newspaper, periodical, poster, notice or other mode of publication or reproduction, write, print, advertise, publish, deliver or distribute, or offer to deliver or distribute to the public or to any part thereof, or to any person, any statement or information concerning the making or laying of wagers or bets or the selling of pools or evidence of betting odds on any race, contest, or game, or on the happening of any event not known by the parties to be certain, or any purported event of like character." The act exempts races legally held in the State and those matters pertaining to pedigrees of horses. This statute appears to limit its prohibition to printed matter, thus leaving open the dissemination of information by telephone and telegraph, which methods, our investigation has indicated, are used most effectively in furtherance of gambling.

New Jersey, by Act of 1898, makes it illegal to send messages or carry packages in aid of illegal businesses by express, telegraph, telephone, or any other means. Other statutes declare illegal horse racing, book-making, and pool selling. Apparently the publication and distribution of racing sheets is permissable in that State.

By a statute passed in 1915, Nevada prohibits any person from furnishing "to pool rooms or their agents" any information whatever in regard to racing, and prohibits any person from permitting to be furnished any such information from any course or premises. Oklahoma, by Act of 1913, forbids any telegraph company or agent to intentionally transmit or deliver any message to anyone engaged in betting or placing bets. Texas prohibits pool selling or book-making, or aiding by means of telephone, telegraph, etc., any other person in wagering or offering to wager on any horse race in or out of the state (1936). In 1935 Montana enacted legislation which provides that any person transmitting information concerning horse racing for the purpose of having bets made thereon shall be deemed a principal in the commission of the offense of making a bet on a race.

All of these statutes except that of Montana appear to leave available at least one generally used method of disseminating information in furtherance of gambling. Montana is faced with the difficulty of proving that the information transmitted was actually intended for the purpose of illegal betting. None of the statutes attempt to facilitate prosecution by shifting the burden of proof. Nor does any state regulate the leasing of telephone or telegraph wires by utilities to individuals whose primary purpose is to supply first-hand information for use in horse race betting.

In Pennsylvania, the existing statutes forbid book-making, pool selling, and horse racing, and make void

wagers on horse races. The Act of February 17, 1820, P. L. 20, declares horse racing a common nuisance and an indictable offense; makes utterly void all wagers and bets on the racing of horses; permits recovery of money lost on horse races; and forbids collection and contributin of money to make up a purse for a horse race. Section 6 of this act prohibits the advertisement or printing of any advertisement of the time and place for the running of any horse race, and imposes a forfeiture of $20 for each violation. The Act of May 1, 1879, P. L. 39, exempts agricultural societies from the application of the act of 1820. This exemption is extended to races held by regularly incorporated trotting associations by the Act of June 11, 1891, P. L. 298. Pool selling, book-making or recording bets on races is made illegal by the Act of May 27, 1895, P. L. 99. The only specific prohibition against transmission of information concerning horse racing is contained in Section 6 of the Act of 1820. Furthermore, it would appear that a person furnishing information to a book-making establishment, knowing it to be such and with intent to aid in the operation of such establishment, would be violating the 1895 statute.

However, in 1931, when evidence of this nature was produced in a prosecution against the manager and another operator of the Philadelphia office of the General News Bureau, the court directed a verdict of acquittal on the ground that such evidence could not sustain a charge of conspiracy to engage in book-making and pool selling. The Commonwealth in that case proved that a police officer, masquerading as a book-maker, leased a wire from the General News Bureau after he had advised the defendants that he was in the book-making business. He was asked to give three book-makers as references. The nature of the service furnished hm by the news bureau was the instantaneous description of horse races, the betting odds on each horse, and the amounts paid on the winning horses. There was further testimony to show that a number of simultaneous raids were conducted on book-making establishments and that the information coming over the wires at those places was identical with the information received by the police officer who had contracted for the service under the guise of a book-maker, and that all of this information emanated from the General News Bureau. Despite such evidence, the court apparently held that it is not contrary to law in Pennsylvania to transmit information concerning horse racing and betting odds to a book-maker with full knowledge that he is engaged in an illegal business. This was the case of Commonwealth vs. Laughlin and Maguire, Quarter Sessions Court of Philadelphia County, May Sessions, 1931, No. 1571 and 1572.

The general anti-gambling laws of Pennsylvania contained in the Act of March 31, 1860, P. L. 382 and its amendments, apparently do not permit seizure of telephone equipment as gambling devices, even though used in connection with gambling. This was decided by the Pennsylvania Superior Court in the case of the American Telephone & Telegraph Company's appeal, 126 Superior, 533 (1936). The act under which prosecution was brought prohibits the establishing of a gambling house, the leasing of a house for gambling, the enticing of others to visit gambling houses, makes it an indictable offense to be a common gambler, and provides for seizure and confiscation of gambling implements. In the Superior Court case a raid was made on a book-making establishment and there was seized a teletypewriter which had been leased by the American Telephone and Telegraph Company to the Interstate News Service. Horse racing information was transmitted by the latter to the book-maker by means of the teletypewriter. The court held that a teletype machine is not a gambling device, apparatus or machine within the meaning of Sections 59 and 60 of the Act of 1860, which authorizes the seizure and subsequent forfeiture and destruction of gambling devices, and this is so even though the teletype machine is used to furnish or obtain information to be used in gambling. The Court further stated, "If the Legislature sees fit to enact that a machine or instrument knowingly used to furnish or obtain information to be used in gambling, may be seized, forfeited and condemned along with actual gambling devices so used, etc., it may perhaps do so under the police power, but such authority cannot be inferred from an act merely authorizing the seizure and destruction of gambling devices and apparatus."

Penal statutes must be strictly construed by the courts. Unless the law is specific in prohibiting certain acts or in providing for forfeiture o devices which are used for gambling purposes, any attempt to discourage gambling by depriving it of its necessary adjuncts will fail. If telephone equipment knowingly used to obtain information for gambling purposes is to be made subject to seizure and forfeiture, any statute attempting to do so must be specific in so stating. Similarly, the act of knowingly transmitting information for gambling purposes must be made a crime in itself, irrespective of the fact that another crime such a gambling may have been committed in conjunction with such transmission.

An important element to be considered is the difficulty of proof. It would simplify matters considerably if the statutes making certain acts illegal should shift the burden of proof concerning some element of the crime to the defendant. Of course, the desire to attain elimination of gambling should not overshadow the presumption of innocence of the defendant. It does not appear to us an unreasonable presumption that information concerning betting odds on horse races is intended primarily as an aid to those desiring to bet or take bets on such horse races. Likewise, a publication which devotes itself exclusively to forecasting the winners of horse races and sells for as much as two dollars a copy, may reasonably lead us to believe that such publication is circulated only for the purpose of encouraging betting on horse races. There are others items of information which are similarly so intertwined with and essential to gambling that logical presumptions may be made that their dissemination is intended for use in gambling.

CHAPTER VIII.

RECOMMENDATIONS.

A review of the facts developed by this investigation points inevitably to the urgent necessity of enacting legislation to curb the evils exposed.

It is apparent that the more or less academic question whether gambling as an isolated phenomenen is or is not socially desirable, is not here pertinent. The public policy of the State has in fact already been declared on that subject—the legislative expression is restricted to betting on horse races and, we think perhaps wisely, does nothing more than discourage it.

But the vice inherent in commercialized gambling on horse races has been condemned by penal statutes. If there was sound reason behind these laws when enacted, the situation as it exists today is indefinitely more compelling. Horse race gambling today is not only commercalized, but highly organized. While it feeds upon a more or less innocuous transaction, it has built around itself a vast superstructure, sinister and menacing, which has already invaded the foundations of government and which threatens to penetrate deeper and deeper into its roots. It has fostered and adopted every criminal device known to modern organized racketeering, and unless checked will continue on its course with ever-increasing momentum.

As already indicated, this unlawful enterprise cannot function without the gigantic illegal mechanism which supplies the all-essential information necessary to its existence. This mechanism is the keystone in the entire structure. It is the most sinister of all the components precisely because it is an exclusive monopoly. Its influence is felt in every corner of the Union, and its power is derived from the fact that its forces are unified. Any successful attack upon the gambling evil must, at this stage, be directed toward the elimination of this force. It was undoubtedly with this thought in mind that the present Legislature empowered the Commission to inquire into the dissemination of information in furtherance

of gambling, to the end that it might be effectively eradcated.

We recognize that no indivídual State can adequately cope with this problem. The local situation is merely part of the national structure; therefore, complete success can only be achieved through the Federal powers. We do, however, feel most strongly that proper local legislation can and will be of inestimable value, first, in eliminating the evil within the State, and second, in contributing toward the breakdown of this monstrous nation-wide organism.

The legislation here proposed attacks the problem at five crucial points. First, it specifically prohibits the dissemination of information in furtherance of gambling in all forms and by every means; second, it declares the dissemination of certain specific types of information to be in furtherance of gambling and therefore illegal; third, it prohibits public utilites from furnishing private leased wire servce for the dissemnation of information in furtherance of gambling; fourth, it provides for the seizure and forfeiture of all devices used in the disemmination of such information; and last, it places the burden of proof where it logically belongs.

These recommendations are embodied in the two drafts of proposed bills to be found in the Appendix.

APPENDIX A

AN ACT

Making illegal the use of devices and methods of transmission of information or advices in furtherance of gambling; declaring the dissemination of certain information to be in furtherance of gambling; provided for the seizure and forfeiture of devices used in furtherance of gambling; and imposing penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. It shall be unlawful for any person or persons, partnerships, association, firm or corporation whatsoever to disseminate, transmit, distribute, furnish, advertise, spread, print, publish, or otherwise make known within this Commonwealth, by means of telephone, telegraph, radio, loudspeaker, written or printed matter or by any other device or in any other manner, any information in furtherance of gambling or for gambling purposes, or to assist or abet in any manner in any of the facts forbidden by this statute.

Section 2. The dissemination, transmission, distribution, furnishing, advertising, spreading, printing, publishing, or otherwise making known wthin this Commonwealth by means of telephone, telegraph, radio, loudspeaker, written or printed matter, or by any other device or in any other manner of any information pertaining to the making or laying of any wagers or bets on horse races; any betting odds on any horse race whether such betting odds be indicated by name, number, symbol, code or otherwise; any pay-off price or amount paid to bettors as the result of the running of any horse race; any prediction, suggestion or advice relating to the order or relative position in which any participant or participants in any horse race will finish, whether such prediction, suggestion or advice be indicated by name, number, symbol, code, tip or otherwise; any system, code, formula or other method purporting to aid, guide, or assist any person in determining the order or relative position in which any participant or participants may finish in any horse race; any rating or estimated comparative racing ability of any horse, whether such rating or estimated comparative racing ability be indicated by name, number, symbol, code, tip or otherwise, shall be deemed in furtherance of gambling or for gambling purposes.

Section 3. It shall and may be lawful for any sheriff, constable or other officer or justice with or without warrant to seize upon, secure and remove any device or machine or other instrumentality of any kind, character or description whatsoever, used and employed for the purpose of the dissemination, transmission, distribution, furnishing, advertising, spreading, printing, publishing or otherwise making known in any manner, any information in furtherance of gambling or for gambling purposes, and to arrest with or without warrant any person setting up, employing or using the same. And it shall be the duty of such sheriff, constable or other officer to make return in writing to the next court of quarter sessions of the proper county, setting forth the nature and description of the device, machine or other instrumentality so seized upon, and the time, place and circumstances under which such seizure was made, and the said court, upon hearing the parties if any shoul appear, if satisfied that such device, machine or instrumentality was employed and used for the purpose of unlawful dissemination, transmission or distribution of information in furtherance of gambling as aforesaid, shall adjudge the same forfeited and order it to be publicly destroyed, and at the same time order such reasonable costs and charges to the seizing officer as it shall deem adequate and just to be paid by the owner or possessor or user of such device, machine or instrumentality, or in case of his default or in case he cannot be found, to be paid as costs are now by law paid upon indictments, and such adjudication shall be conclusive evidence to establish the legality of such seizure in any court of this Commonwealth in any cause in which the question of its legality shall arise; and in any case in which a decree of forfeiture shall not be pronounced, if said court shall upon the evidence be satisfied that there was probable cause for the seizure, it shall certify the same, which certificate shall be a bar to any action brought against the officer for or on account of such seizure in those cases in which the said officer returns or offers to return such device, machine or instumentrality, and in all cases shall prevent a recovery in damages for any sum beyond the real value of the device, machine or instrumentality seized.

Section 4. Any person, partnership, association, firm or corporation who or which shall violate any provision of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay the costs of prosecution and a fine of not less than five hundred dollars ($500.00) nor more than five thousand dollars ($5,000.00), or to undergo imprisonment for not less than one (1) year nor more than three (3) years, or both, at the discretion of the Court.

Section 5. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional, the decision of the Court shall not affect or impair any of the remaining provisions of this act. It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein.

Section 6. This act shall be deemed an exercise of the police power of the Commonwealth for the protection of the public welfare, health, peace, safety and morals of the people of the Commonwealth, and all of the provisions of this act shall be liberally construed for the accomplishment of this purpose.

Section 7. This act shall become effective immediately upon final enactment.

APPENDIX B

AN ACT

Making illegal the furnishing of certain telephone and telegraph wires and services by certain public utilities for use in the dissemination of information in furtherance of gambling; making it unlawful for any public utility to furnish private wires except by written contract; conferring and imposing upon the Pennsylvania Public Utility Commission the power and duty to disapprove all contracts for private wires used for or intended to be used for the transmission of information or advices in furtherance of gambling; making illegal the furnishing of certain wires by certain public utilities after the disapproval of the contract therefor by the Pennsylvania Public Utility Commission; making illegal the use of certain wires for purposes other than those specified in the written contract therefor; imposing penalties; making the dissemination of information pertaining to horse racing over certain wires prima facie evidence that the same is in furtherance of gambling; prescribing the

burden of proof in proceedings hereunder and providing for appeal.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Whereas, It has been shown that the leasing of telephone and telegraph wires from public utilities for the purpose of disseminating information pertaining to horse racing has been generally throughout this Commonwealth in the furtherance of gambling, and plays an essential part in the operation of illegal bookmaking establishments and pool rooms, and has resulted directly and indirectly in the commission of other serious crimes, and that the elimination of the dissemination of such information will be of material assistance to law enforcement authorities enforcing existing laws against gambling and the maintenance of gambling establishments. therefore

Section 1. Definitions. The following words, terms and phrases shall have the meaning ascribed to them in this section unless the context clearly indicates otherwise.

(a) "Commission" means the Pennsylvania Public Utility Commission of this Commonwealth.

(b) "Dissemination" means the act of transmitting, distributing, advising, spreading communicating, conveying or making known.

(c) "Person" means a corporation (including a public utility), partnership or association as well as a natural person.

(d) "Private wire" means any and all service, equipment facilities, conduits, poles, wires, circuits, systems, by which or by means of which service is furnished for communication purposes either through the medium of telephone, telegraph, Morse, teletypewriter, loudspeaker or any other means, or by which the voice or electrical impulses are sent over a wire, and which services are contracted for or leased for service between two or more points specifically designated, and are not connected to or available for general telegraphic or telephonic exchange or toll service, and shall include such services known as "special contract leased wire service", "leased line", "private line", "private system", "Morse line", "private wire", but shall not include the usual and customery telephone service by which the subscriber may be connected at each separate call to any other telephone designated by him only through the general telephone exchange system or toll service.

(e) "Public utility" means a person, partnership, association or corporation now or hereafter owning or operating in this Commonwealth equipment or facilities for conveying or transmitting massages or communications by telephone or telegraph for the public for compensation.

(f) The singular shall include the plural.

Section 2. It shall be unlawful for any public utilty to furnish to any person any private wore for use or intended for use in the dissemination of information in furtherance of gambling or for gambling purposes.

Section 3. It shall be unlawful for any public utility to furnish any person any private wire except in pursuance of a written contract signed by the public utility, by the person contracting for said private wire and responsible under the terms of the contract for the payment for the service, and by the person in possession or control of any place or location designated in the contract for installation or connection of said private wire, which contract shall include a detailed written statement of the purpose for which such private wire is intended to be used.

Section 4. It shall be unlawful for any public utility to furnish to any person any private wire without first furnishing to the Commission a duplicate original of the written contract referred to in Section3. The Commission shall examine the same forthwith and conduct such investigation as it may deem necessary, and if upon examination of the contract, or after investigation, or otherwise at any time the Commission shall find that the said private wire is intended for, or has been used for, or is being used for the transmission of information or advices in furtherance of gambling, the Commission shall disapprove the said contract and give notice of such disapproval to the contracting parties. Thereafter it shall be unlawful for any public utility to furnish the said private wire provided for in the said contract.

Section 5. Any public utilty or other person party to the contract who shall feel aggrieved at the action of the Commission in disapproving any contract for any private wire shall be entitled to a hearing upon written request as is provided for by law in similar cases.

Section 6. In shall be unlawful for any person who in accordance with the provisions of this act, to use such private wire for any purpose other than that specified in the contract provided for in Section 3.

Section 7. To further effectuate the purposes of this act it is hereby provided that the contract first referred to in Section 3 hereof shall constitute prima facie evidence that such private wire will be used in furtherance of gambling or for gambling purposes, where it shall appear in such contract that such private wire will be used for the dissemination of information pertaining to any horse racing. race track, race horse, betting odds, or any information relative thereto.

Section 8. In any proceeding before the Commission under this act and in any hearing or proceeding on appeal the burden of proof shall be on the public utility and/or the person contracting for such private wire to show that the private wire has not been used, or is not being used, or is not intended for use in the furtherance of gambling or for gambling purposes.

Section 9. For the purpose of enforcing the provisions of this act the Public Utility Commission shall have all the powers granted to it under the laws of this Commonwealth. Appeals from orders of the Commission under this act may be taken in the same manner as now or hereafter provided by law for appeals from other orders of the Public Utility Commission.

Section 10. Any person or public utility who or which shall violate any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay the costs of prosecution and a fine of not less than one thousand dollars ($1,000,00Q) nor more than five thousand dollars ($5,000,000), or undergo imprisonment for not less than one (1) year nor more than three (3) years. or both, at the discretion of the Court.

Section 11. The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the Court shall not effect or impair any of the remaning provisions of this act. It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein.

Section 12. This act shall be deemed an exercise of the police power of the Commonwealth for the protection of the public welfare, health, peace, safety and morals of the people of the Commonwealth, and all of the provisions of this act shall be liberally construed for the accomplishment of this purpose.

Section 13. This act shall become effective immediately upon final enactment.

Respectively submitted,

EDW. J. THOMPSON, Chairman
Senate Member
WALTER S. PYTKO,
Senate Member
GEO WOODWARD,
Senate Member
PAUL C. MOOMAW.
House Member
ISADOR OSTROFF,
House Member
JOHN J. McDEVITT,
House Member
LEMUEL B. SCHOFIELD,
Counsel.

REPORT OF THE SPECIAL COMMITTEE APPOINTED TO INQUIRE INTO CERTAIN ALLEGED VIOLALATIONS BY MAGISTRATE JOHN J. O'MALLEY, OF PHILADELPHIA, OF CONSTITUTIONAL AND STATUTORY PROVISIONS OF THE COMMONWEALTH REGULATING AND PRESCRIBING THE POWERS AND DUTIES OF MAGISTRATES.

To the Honorable Speaker and the Members of the House

of Representatives of the Commonwealth of Pennsylvania:

The special committee appointed by the House of Representatives pursuant to Resolution No. 24, of the Extraordinary Session of 1938, to inquire into certain alleged violations by Magistrate John O'Malley, of Philadelphia, of constitutional and statutory provisions of this Commonwealth regulating and prescribing the powers and duties of magistrates.

Respectfully Reports

The special committee was appointed pursuant to the following Resolution, passed October 17, 1938:

Whereas, Article VI, Section 1, of the Constitution of the Commonwealth of Pennsylvania provides that the House of Representatives shall have the sole power of impeachment; and

Whereas, Article VI, Section 3, of the Constitution of the Commonwealth of Pennsylvania provides that the Governor and all other civil officers shall be liable to impeachment for any misdemeanor in office; and

Whereas Article VI, Section 4, of the Constitution of the Commonwealth of Pennsylvania provides that all officers elected by the people, except Governor, Lieutenant Governor, Members of the General Assembly, and Judges of Courts of Record learned in the law, shall be removed by the Governor for reasonable cause, after due notice and full hearing, on the address of two-thirds of the Senate; and

Whereas, John J. O'Malley was duly elected to the office of magistrate and began his term of office on the first Monday of January in 1936, and was subsequently elected Chief Magistrate; and

Whereas, The said John J. O'Malley, Chief Magistrate of the City of Philadelphia, has persistently violated both constitutional and statutory provisions of this Commonwealth regulating and prescribing the powers and duties of magistrates; and

Whereas, The said magistrate, John J. O'Malley, has repeatedly and admittedly violated the provisions of the "Bail Approval Commissioner Act"—Act No. 446, 1937 (P. L. 2326), an act that was designed to terminate "straw bail" irregularities; and

Whereas, The said magistrate, John J. O'Malley, has from time to time suspended the right of certain magistrates to preside in the various magistrates' courts of Philadelphia; and

Whereas, The said John J. O'Malley, while presiding as a magistrate, has repeatedly made partisan disposal of the cases heard before him; therefore, be it

Resolved: By the House of Representatives of the Commonwealth of Pennsylvania, that pursuant to the provisions of Act No. 2 of this extraordinary session of 1938, approved the thirtieth day of July, 1938, and in pursuance of the constitutional powers and duties of the House of Representatives, one of whom shall be designated as chairman; which committee shall inquire into and concerning the official conduct of John J. O'Malley, touching his conduct in regard to the manner in which he has and is conducting the office of magistrate, and Chief Magistrate, and shall inquire into the allegations set forth above and any other charges which may come to the attention of the said committee; and, be it further

Resolved: That the said committee, through the chairman or the member designated by him, shall have the power to issue subpoenas under the hand and seal of its chairman, or the member so designated by him, requiring and demanding any proper person or persons to appear before it and answer such questions touching matters properly being inquired into by the committee; and to produce such books, papers, records, and documents relating to the subject of inquiry, as the committee may deem necessary. The chairman or members designated by him shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully refuse to appear and testify before said committee, or to produce any books, papers, records, or documents aforesaid, shall be subject to the penalties provided by the laws of the Commonwealth in such cases; and, be it further

Resolved: That the committee shall report to the House of Representatives its conclusions in respect thereto, together with its recommendations, to the end that the House of Representatives may take appropriate action thereon.

The special committee consisted of the following members:

GEORGE J. MALLEN
JOHN J. FINNERTY
LAMBERT CADAWALDER
EDWARD J. COLEMAN
ROCCO COSTANZO
Dr. EDWIN F. THOMPSON
JOHN B. HERING, Chairman

The committee held its organization meeting on Friday, October 28, 1938, at Harrisburg. At that meeting plans for carrying out the directions of Resolution No. 20 were decided upon. It was agreed to retain Louis F. McCabe, Esquire, of the Philadelphia Bar, as counsel for the committee, with leave to engage such investigators or clerical assistance as might be required. Monday, October 31, 1938, at 11:00 o'clock A. M., was decided upon as the time of the first public meeting of the committee, to be preceded by an executive meeting. Arrangements were made by the Chariman for the use of court room 426, City Hall, Philadelphia, by the committee.

The executive meeting was held at the time and place specified. Mr. McCabe discussed with the committee the scope of the Resolution under which the committee was set up; the provisions of Act No. 2 of the Extraordinary Session of 1938, defining the procedure for and regulating the investigation by the House of Representatives and its committee of charges of or involving misdemeanor in office on the part of civil officers liable to impeachment. The provisions of the Act of 1937, P. L. 1743, regulating magistrates' courts, was also discussed at length.

It was apparent to the committee that its work must be expedited as much as possible, since the termination of the Session was close at hand. The intervening of several holidays, and the reopening of sessions of the Extraordinary Session of the General Assembl, fixed for Monday evening, November 14, 1938, together with the practical impossibility of any action by the General Assembly upon recommendations presented by the special committee more than a day or so after that reopening, made certain restrictions upon public sessions of the committee absolutely essential. It was determined therefore,

(1) That every possible use be made of public records, of the files, findings, investigations and suggestions of other committees or official bodies which might have covered already much of the ground forming the basis of the committee's work, particularly in examining voluminous files and records, preparing photostatic copies of records and other tedious and expensive routine. Inasmuch as the examination of the files of the Ruth Commission, of the Special Grand Jury of Philadelphia County, of Internal Revenue records of the United States, and other records, could not well be done by the committee as a whole, Mr. McCabe was asked, with such assistants as were absolutely necessary, to make this investigation, and cull therefrom matters proper for public presentation.

(2) That every person having a persistent feeling of having been aggrieved by the conduct of Magistrate O'Malley, be given a free and full opportunity to be heard. Since it was obvious, however, that the entire time of the committee might be taken up, and reams of costly stenographic notes of testimony would be compiled, if every person having a fancied grievance were allowed to ramble on at will, Mr. McCabe was directed to question preliminary prospective witnesses with a view to determining whether the complaint was of a nature and extent to warrant consideration by the committee. It was provided, however, that any member of the committee should have full liberty

to have the committee hear any witness or witnesses despite a contrary recommendation by Mr. McCabe. It was felt that thus full opportunity would be given for the presentation of genuine complaints. The results proved this conclusion correct.

(3) It was the unanimous feeling of the committee that no grounds be afforded any person or group to accuse the committee of personal or political bias. The committee was fully aware of the political implications which might plausibly or otherwise be raised against it, particularly in view of the intervening election. It was decided to proceed with vigor and fairness, to confine the testimony as closely as possible to factual matters, keeping out as far as possible expressions of bitterness, vilification, or contempt which might so easily creep into an investigation of this nature, providing no help to the committee, but inevitably being seized upon by the press as headline material.

The committee, having thus formulated a rationale of procedure, went into public session. Witnesses heard the first days were called with a view to acquainting the committee with the nature of each of the three specific charges outlined in Resolution No. 24; Joseph Kelly and Thomas F. Burke, of the Controller's Office of the County of Philadelphia, with reference to the charge of non-compliance with the provisions of the "Bail Approval Commissioner Act" of 1937, P. L. 2326; Magistrate Joseph Rainey of Philadelphia, with reference to the charge that Magistrate O'Malley had suspended the right of certain magistrates to preside in the various Magistrate Courts in Philadelphia; and Mary Solomon and her husband Burel Solomon, with reference to the charge of partisan disposal of the cases heard before him.

Joseph Kelly, Deputy City Controller, testified that since the Bail Approval Commissioner Act, which designated the Controller in Cities of the First Class as Bail Approval Commissioner, he had been in charge of the carrying out of the provisions of the act; that the act relates only to the entry of real estate security for the appearance of persons charged with certain crimes, (all felonies and the more serious misdemeanors); that it did not at all relate to the acceptance of cash bail, nor of Surety Company bail. Mr. Kelly outlined the procedure under the act, which requires that a person desiring to post real estate as security shall obtain from the City Controller's office a "Bail Certificate," which contains information as to the property offered as security—the name and address of the registered owner, the ward, unpaid taxes, assessed valuation, whether it has been posted for bail in other cases. The act provides that no real estate shall be accepted by any Magistrate as bail in the specified cases, unless he has received such certificate. Mr. Kelly testified that a depart of his office, especially set up to handle this phase of the duties of the office, was put in operation on the afternoon of the day the act went into effect; that it is open twenty-four hours a day, and that the time required to issue the certificate is a matter of a very few minutes. Mr. Kelly testified that the Magistrates of Philadelphia, other than Magistrate O'Malley, had complied fully with the act; that since the beginning of operation of the act, Bail Certificates covering $4,509,722.00 of real estate bail had been issued, covering some 30,000 cases.

Mr. Kelly testified that an examination of Magistrate O'Malley's books showed that since June 25, 1937, Magistrate O'Malley had accepted real estate security in forty-five cases; that out of these forty-five instances, Magistrate O'Malley had complied with the provisions of the act only four times, once in March, 1938, once in April, and twice in May; that in October, 1938, Magistrate O'Malley had commenced complying with the provisions of the act.

Mr. Thomas Burke, an auditor, attached to the City Controller's Office of Philadelphia, next testified. Mr. Burke was called for the particular purpose of showing that Magistrate O'Malley, while hearing cases of traffic violations, repeatedly ignored the provisions of the State Motor Vehicle Code. Section 1001-A of the Code, for example, provides that any person found guilty of the offense of reckless driving shall pay a fine of not less than $10.00 nor more than $25.00, in addition to the costs of the proceeding, $2.50. Mr. Burke brought with him the records of hearings tending to show that a large number of cases under this section, the sum of $2.50 had been paid by the defendant. Of course, had the defendant been guilty, he should have paid at least $12.50; if innocent, he should have paid nothing. It developed, however, that the records produced by Mr. Burke, did not indicated with certainty that in the instances referred to, Magistrate O'Malley was actually sitting. Accordingly, Mr. Burke was asked to make a break-down of the lists so as to determine the instances in which Magistrate O'Malley did sit.

Later investigation showed certain facts which made this particular phase of the investigation of minor importance. It was learned that in numerous instances the notices which are mailed to alleged violators bear a notation to the effect that a payment of $2.50 may be made, in which case the defendant need not appear. It was also developed that in many cases in which a charge of reckless driving was not substantiated, a violation of an ordinance was developed, which warranted a small fine or costs. In any case, the practice of imposing only costs in cases in which the authorities in charge of enforcing the law are relieved of the burden and expense of having an actual hearing, with the production in court of the officer reporting the violation, is so widespread, and of such long duration, as not to form the basis of impeachment proceedings. If this constitutes a serious abuse, it should be remedied by some general action, rather than by singling out one magistrate for condemnation.

With Mr. Burke's testimony, the hearing adjourned at 4:00 P. M. until the following morning.

Messrs. Hering, Finnerty and Costanzo spent all of Monday evening in conference with Mr. McCabe, examinig prospective witesses.

The second public session was held on the following day, Tuesday, November 1st, at 11:00 A. M., preceded by an executive session at 10:00 A. M.

At this session, Mr. and Mrs. Burel Solomon, of 476 North 50th Street, Philadelphia, testified that in July of 1938, they appeared at Traffic Court in City Hall, in response to a summons charging reckless driving; that as they entered the room they heard Magistrate O'Malley ask a defendant before him whether he was Councilman Roper's son. Receiving an affirmative reply, he said, "Discharged."

They testified that Mrs. Solomon was called next; that she asserted that she could not have been guilty of reckless driving at the time and place specified in the complaint, since at that time she was driving her sick mother home from a hospital; that Magistrate O'Malley asked the name of her Committeeman; that upon receiving the reply, "John Bovkin," he said, "You're are a Democrat." When Mrs. Solomon replied that she was, Magistrate O'Malley, according to the testimony of Mr. and Mrs. Solomon, said, "Take them over and make them pay the fine—the fullest extent of the law." The testimony was not permitted to go into her defense. She paid $12.50.

Magistrate Joseph Rainey was the next witness. He testified that he had been elected to office November 2, 1937, having previously been State Athletic Commissioner.

Magistrate Rainey first testified as to his "suspension" by Magistrate O'Malley. He stated that about June 18, 1938, he received notice to appear at Room 190, City Hall, the office of the Board of Magistrates. Arrived there, he found that he had been summoned before a group of five Magistrates, Costello, Amodei, Fridel, Roberts and O'Malley. Also present were Assistant District Attorney Franklin E. Barr, and a court stenographer. That when he inquired the purpose of the meeting, he was profanely told by Magistrate O'Malley that he would find out later. That a Miss Miller was present and testified regarding a case before Magistrate Rainey in which a warrant had been issued for her father on account of a check given a colored contractor named Davis for work done. That payment on the check had been stopped; that a settlement had been reached at his office between the parties, without

his presence or intervention. Magistrate Rainey stated that Miss Miller had accused him at the meeting in Room 190 of having forced her into the settlement.

Magistrate Rainey testified that on this same day he was confronted with the testimony of two Park Guards regarding a warrant which he had issued for a Park Guard on charge of shooting a colored boy whom he was arresting. Magistrate Rainey testified he felt he was fully justified in holding the Park Guard in $5000.00 bail, releasing him in custody of his Lieutenant of Park Guards. He stated that Magistrate O'Malley had previously criticized him for holding the guard.

Two other cases were presented against him at that time, Magistrate Rainey testified. One related to his having fined an attorney, William F. Berkowitz, Esq., $5.00 for disorderly conduct in his court. Mr. Berkowitz successfully appealed the decision.

The next case involved the owner of a truck which had been moved by the owner's licensee, a young man who was not a licensed driver. The truck had been involved in an accident. Magistrate Rainey testified that the owner refused to attend several hearings which were held in the matter, and when he finally did attend acted in so disorderly a manner that Magistrate Rainey fined him $12.50.

Magistrate Rainey testified that he knew nothing of any "Trial Board" to hear complaints against magistrates. That following the testimony regarding the complaints against him, he stated that he had used his honest judgment in matters before him, that if he had been mistaken, which he did not admit, the mistake was an honest one. After this meeting, Magistrate Rainey went on, he was advised that he was suspended from further duty in police court, and was advised to refrain from carrying on his work in his office. After consulting his attorney, he refused to obey the latter suggestion, but was, of course, suspended from police court duty. During one of these sessions, Magistrate Rainey testified, Magistrate O'Malley accused him of undue favoritism toward Negroes.

September 1st, 1938, Magistrate Rainey was reassigned to police court duty at 22nd Street and Hunting Park Avenue, at 9:00 o'clock A. M. But at 11:00 o'clock he was again suspended. He received a call from Magistrate O'Malley to come to the office of the Board of Magistrates to meet the accusation of a Miss Murphy who charged that he had compelled her to pay excessive damages to avoid criminal prosecution in a case involving an automobile accident. Magistrate Raney testified that Miss Murphy had not actually been placed under arrest, but had been notified that a warrant had been issued against her; that she appeared with her attorney, made a settlement with the private prosecutor, and that a warrant against her was withdrawn; that he knew nothing of the terms of settlement and had nothing to do with it; that at the conclusion of Miss Murphy's story, Magistrate O'Malley informed him he was suspended; that Austin Norris, Esquire, who accompanied him, was ordered "thrown" out of the room by Magistrate O'Malley.

Magistrate Rainey testified that after his second suspension, he instituted mandamus proceedings to compel Magstrate O'Malley to assign him to police court duty; that the Sheriff's deputies neglected to serve the process and that finally he had to have survice made himself. That he was then called down to a conference by the committee of five Magistrate Coyle now serving in place of Fridel), where an amicable spirit prevailed, Magistrate Roberts and Magistrate Henry having been convinced that the suspension was affecting their candidacies for Congress on the Republcan ticket. But no agreement was reached, and the Court of Common Pleas, acting on the mandamus petition, ordered him assigned in accordance with the law, which was done October 1st.

Magistrate Thomas A. O'Hara was the next witness called. He testified that the legality of the so-called Trial Committee had been questioned by Democratic Magistrates; that although the regular meeting of the Board of Magistrates for July had not been called, (The Act provides for regular meetings on the first Monday of January, April, July and October, respectively) a special meeting was called in July, the call not stating the purpose of the meeting; that when the magistrates appeared, the Republican magistrates, after a private discussion, took their departure, and no meeting was held.

Magistrate O'Hara testified concerning his summary removal from Traffic Court, after he had sat the first night of a month's assignment in July; he said Magistrate O'Malley simply stated that he did not like the way the Court was conducted and that he was removing O'Hara. Magistrate O'Hara testified that there was no cooperation among the twenty-eight magistrates; that although the numerical ratio by registration showed sixteen Democrats against twelve Republicans, yet the defections of Magistrates Henry and Amodei to the Republican side, left the ratio even, with fourteen on each side; that favoritism was displayed in assignments to Divisional Police Courts, where the more important cases are heard. He further testified to favoritism in providing such incidentals as furniture, telephone service and the like. He gave as one instance the fact that Magistrate Crevey had requested Magistrate O'Malley to notify Crevey's landlord of Crevey's intention to terminate his lease, so that his office might be moved; that Magistrate O'Malley had not done so, thus letting Magistrate Crevey in for the payment of a year's rental out of his own pocket.

Magistrate O'Hara gave as another instance of favoritism the payment of $150.00 per month for premises 1121 Callowhill Street, occupied by Magistrate Coyle, which the witness asserted was worth only about $30.00 monthly.

This meeting adjourned at 4:15 P. M.

The next public session was held the following day, November 2nd, at 11:00 A. M., in Room 426, City Hall, Philadelphia.

The next public session was held the following day, November 2, at 11.00 A. M., in Room 426, City Hall, Philadelphia.

The first witness heard was Mrs. Kathryn Cowell, of 79 Cosgrove Street, Philadelphia, who complained that Magistrate O'Malley merely fined for reckless driving one Paul Wishum, an unlicensed driver of a car in which her daughter, Eleanor Engle, had been a passenger. Wishum had been driving a car owned by his brother, who was originally listed as the defendant. The witness testified that she had begged Magistrate O'Malley to hold the driver until the extent of th injuries to her daughter were determined, but that he refused.

The next matter considered concerned an allegation that after four defendants had been arrested charged merely with intoxication, Magistrate O'Malley had of his own accord changed the charge as to two of them to disorderly conduct, had fined them Ten Dollars and costs each, and had committed them to jail in default of payment; that he had acted in a capricious and arbitrary manner towards counsel in the case.

Officer John J. Quinn testified that on October 9, 1938, he and Officer John Samartino had arrested four persons, William Butler, Evelyn Henderson, Stephen Hightower and Stella Scott, on the highway for being intoxicated; that they were not disorderly, but that he had arrested them for fear they might cause or get into some trouble; he stated that, as is the custom in cases of mere intoxication, he had not appeared to testify against them. His testimony was corroborated by Officer Samartino.

Sergeant Charles Pisch produced under subpoena the hearing sheet covering the case in question, which showed a pencil notation after each of the four names, "Discharged". As to two of the defendants, William Butler and Evelyn Henderson, the notation was crossed out in ink, and "30 days, C. P." was written instead. Sergeant Pisch testified that when Magistrate O'Malley's clerk, Mr. Schiavo, brought the sheet back to him, all four defendants were noted as discharged; that he had noticed that commitment papers to the County Prison had been prepared for the defendants Scott and Henderson; that he had inquired of Schiavo, who had advised him that the thirty day sentence was correct; that he had then made the proper alteration, "C. P." indicating "County Prison".

Inspector John F. Driscoll, of the Philadelphia Police Department next testified. He stated that he had not been present at the original hearing, but had investigated the case on complaint of Joseph Marinelli, Esq. That officers

Quinn and Samartino had stated to him that the defendants were not in any way disorderly. He related that on the hearing on a writ of habeas corpus of the two persons commited to the County Prison, Magistrote O'Malley had stated that he had committed them because they appeared at the hearing in a very drunken condition. Driscoll testified that he had interviewed Butler about two hours after the hearing before Magistrate O'Malley, and that Butler was quite sober at that time. There was further testimony that all four defendants were registered Democrats, but that the two who were discharged had been released shortly after their arrest through the intervention of one David Moskowitz, identified as a Republican committeeman.

Joseph Marinelli, Esq., next testified. He stated that he endeavored to procure a writ of habeas corpus on behalf of the two defendants who had been committed to prison; that for this purpose it was necessary to have a transcript of the proceedings before Magistrate O'Malley; that he called on Tuesday (the defendants were committed to prison on Monday) at Magistrate O'Malley's office. In the Magistrate's absence, he persuaded Miss Bruni. the Magistrate's secretary, to make up the transcript, the hearing sheet. This she did, giving the unsigned transcript to him so that he could procure its signing by the Magistrate. A photostatic copy of this transcript, before signing, was presented to the committee, and Mr. Marinelli testified that the original, signed by Magistrate O'Malley, was exactly the same copy produced, with the exception of the signature; that he then went to the City Hall and requested Magistrate O'Malley to sign the transcription; that O'Malley replied. "I won't sign those damn things until I read them. Get out of here."

Mr. Marinelli testified that he refused to leave the transcript; that he made several other efforts to have the transcript signed, finally going to the Police Station at Seventh and Carpenter Streets; that he there handed the transcript to Mr. Schiavo, who stated that the Magistrate would affix his signature; that the witness then retired from the desk; that at the conclusion of the hearing then in progress. Magistrate O'Malley looked up at the witness and said, "What the hell are you doing here? You get out of here too." That after a verbal quarrel, Magistrate O'Malley affixed his signature. The transcript stated that the commitment was on the testimony of Officers Quinn and Samartino, although they had in fact not testified.

The next incident testified to at the public hearings involved an occurrence of October 6, 1938. Mrs. Jean Glasshofer, of 2542 South American Street. testified that about that date, she was summoned to the home of her mother in the next block; arrived there she learned that her sister, Mrs. Esther Aronovitz, wife of Samuel Aronovitz, had been struck and kicked by her brother-in-law, Harry Aronovitz. A large crowd had assembled. Her two younger brothers, together with Samuel Aronovitz, were being arrested. Wishing to assure herself that Harry Aronovitz was also being arrested, she accompanied an officer to the station house, but there was herself arrested on a charge of disorderly conduct. It developed that Harry, Samuel and Esther Aronovitz are Republicans. while the witness and another sister, Mrs. Claire Levin, who was also struck by Harry Aronovitz, are Democrats. All those arrested were released on "copies of the charge" until the following morning, when a hearing was held by Magistrate O'Malley.

The witness testified that Harry Aronoxitz was allowed to testify first, asserting that he ran outside his home after hearing some disturbance there; that five women had "jumped him"; that Samuel corroborated his story; that Magistrate O'Malley called upon one of the witness's younger brothers for an account of the incident: that the younger brother requested that the witness be allowed to speak; that after she had given her name, she was cut off abruptly; that Magistrate O'Malley said at once. "You Aronovitzes are discharged;" but that she and her two younger brothers were fined $10.00 each and costs; that when Mrs. Levin protested that the aggrieved parties were being fined, while the guilty ones were discharged, an outburst ensued, and Magistrate O'Malley ordered all the protesters "thrown back" into cells. This incident occurred at the 4th Street and Snyder Avenue Police Station, a non-divisional court. The witness added that she had had Harry Aronovitz rearrested on a charge of aggravated assault and battery, the case being as yet undisposed of.

The hearing of Mrs. Levin and Mrs. Samuel Aronovitz was had the following day. The witness testified that Magistrate O'Mallley said, "I am not dismissing this case. I am merely letting it go. I will hold this open, and if you cause any more commotion, I will have you brought back here and given some stiff punishment;" the witness added that all were so completely cowed that they did not dare make further protest; also that at this time Magistrate O'Malley commented on her "activity", referring to her political activity as a Democrat. The witness added a general charge that Magistrate O'Malley invariably dispensed one kind of justice to Democrats, another to Republicans.

Esther Aronovitz. wife of Samuel Aronovitz, corroborated her sister's testimony. She stated that she had had a spat with her husband, who had left their home at 2420 South American Street (where they lived with Mr. and Mrs. Levin) taking their young child with him, to his mother's home, 2447 South American Street. That she saw the child there and in the evening went over to her mother-in-law's home, to bathe the baby asd put it to bed; that when she knocked on the door her brother-in-law. Harry Aronovitz, without provocation attacked her, kicking and striking her; that a crowd then gathered. the other brothers joining; she testified that her face was swollen for days, that her stomach was injured and her hand cut. She testified that she was given no opportunity to testify against Harry Aronovitz, and that when she protested against the fining of her brothers and sisters, she was thrown into a cell, although she had with her her two and a-half year old baby. She said she is and expects to remain a Republican. She corroborated her sister's testimony as to Magristrate O'Malley's actions the following day.

Mrs. Clare Levin. sister of the two preceding witnesses, likewise testified. She testified that in the evening, when Mrs. Aronovitz went, as related above, to the home of her mother-in-law, a tumult arose; the witness ran across the street and without cause assaulted by Harry Aronovitz. She corroborated the story of her sisters regarding the actions of Magistrate O'Malley at the hearing, and his refusal to hear any testimony against Harry Oronovitz. She added the statement that when she had difficulty in raising the $37.50 fine and costs assessed against her sister an two brothers, a friend requeted Magistrate O'Malley, at the office of the Chief Magistrate, Room 190, City Hall, to permit the payment of one fine only; he replied, "I wouldn't do anything for them. First of all, Clare Levin went against me just the night before,—didn't go against me, went against my brother. Do you expect me to do them favors?" She testified that she had changed her registration from Republican to Democratic.

This session adjourned at 5:00 P.M., until Wednesday, November 9, at 1:00 A.M. The reason for the long adjournment was the fact that a considerable number of witnesses who had been expected to testify on the following day had proved to be valueless as witnesses for various reasons; the principal fault was a lack of definiteness; many wished to make statements to the effect that, "it was common knowledge that Magistrate O'Malley did" this or that: that, "everyone knows that O'Malley" is in this or that racket. But no one was found to produce any definite evidence. The records of the Ruth Commission having been subpoenaed, it was decided that counsel for the committee and his assistants should spend the week end examining these records: That if anything extraordinary developed which would require it, a special meeting would be called for Monday, November 8, but otherwise the hearings should be resumed after Election Day. (It was found impossible to procure a hearing room for Wednesday or Thursday in City Hall, so the Chairman was obliged to find new quarters, eventually procuring a meeting room in the Board of Education Building through the courtesy of Mr. Add B. Anerson).

Counsel and his assistants worked day and night—far into the morning hours. in fact—examining every word of the voluminous records of the Ruth Commission relating directly or indirectly to Magistrate O'Malley. Frankly, the committee had counted strongly on this report for evidence, having been advised that the Ruth Commission

had gone most thoroughly into the subject over many months, with investigators far more numerous than any at the disposal of this committee. The expectations of the committee were not realized.

The material may be classified as follows:

(a) Financial relations of Magistrate O'Malley with Wilens Brothers, Inc.

(b) Magistrate O'Malley's investment in premises 8707 Ventnor Avenue, Margate City, N. J.

(c) Magistrate O'Malley's alleged investment in premises 4044-46 Walnut Street, Philadelphia.

(d) Magistrate O'Malley's bank account at the Central-Penn National Bank, Philadelphia.

(e) Magistrate O'Malley's bank accounts at the Integrity Trust Company, Philadelphia.

(f) Magistrate O'Malley's bank account at the Mitten Bank and Trust Company, Philadelphia.

Magistrate O'Malley's financial dealings with Wilen Brothers, Inc., had formed the basis of many articles in the daily newspapers at the time they were first revealed by the Ruth Commission. The amount of his loans to the Company were put at approximately One Hundred Thousand Dollars. Obviously, loans to that amount by one in public office at a moderate salary raised questions as to the manner in which such sums were acquired.

But an examination of the records of the Corporation and of the O'Malley's records revealed nothing mysterious. Morris and Samuel Wilen had for years dealt in sacramental wines. The business had been conducted by their father for some years. Investigation by the Liquor Control Board revealed that the business had been conducted in full compliance with the law during prohibition days, and that no suspicion had ever been directed toward it. The partnership dealt with the State Liquor Stores extensively. Payments from that source were often delayed, so that the firm lacked cash. Magistrate O'Malley, a friend, discussed the matter casually at first, and then stated that he had some money he would like to invest, for his wife's benefit. For his better protection, he insisted that a corporation be formed, with his wife, Kathryn O'Malley, as one-third owner of the stock, and as a salaried officer of the corporation. This was agreed upon. Legal phases of the matter were handled by Sterling and Willing, Esquires, a firm of high reputation.

February 8, 1934, according to the records, $15,000.00 was advanced by O'Malley to the firm. As with all subsequent advances, the transaction was in cash, the firm executing its note, in this case a one year note, payable to Kathryn O'Malley. This procedure was followed throughout the existence of the partnership-corporation. Mrs. O'Malley received the sum of $50.00 weekly from March of 1934 until May, 1935, when her connection with the business was discontinued, the corporation subsequently being dissolved, since the reason for its existence, the O'Malley connection, had ceased.

Further advances were made to the firm in March as follows: March 1, 1934, $300.00, March, $17,500.00; March 7, $1200.00; March 8, $125.00; March 9, $9000.00. Several of these sums were sent by telegraph to wine dealers in California in payment for shipments. About this time, Magistrate O'Malley commenced realizing on his investment, after having advanced some $43,125.00 against notes of the firm and assignments of moneys owed by State Stores to the firm.

On March 10, 1934, O'Malley received $1500.00 on the firm's check to him; on March 13, he cashed a check of the firm, drawn to cash, in the sum of $250.00.

Then on March 16, $10,000.00 was advanced to the firm, and on March 23, $500.00. Between this advance and the next, O'Malley received from the firm, by check drawn to Kathryn R. O'Malley, and endorsed and admittedly cashed by him, sums as follows: March 25, $3100.00; April 4, $120.00; April 10, $300.00; April 11, $4900.00; April 15, $540.00; April 25, $150.00; May 3, $20,000.00; May 6, $10,000.00; May 8, $10,000.00. At this time, we observe that he had withdrawn $2485.00 more than he had put in the firm. (There had, in the midst of the withdrawals noted above, been an advance to the firm of $250.00 on May 5, 1934.)

It would not add to understanding of the transaction to list each advance and withdrawal. At the dissolution of the firm, some $18,000.00 in obligations of the State Stores were turned over to the O'Malleys, which was subsequently collected by them. All of the transactions were openly listed in books of account which bore the indicia of authenticity. They indicate a profit of some $20,000.00.

The sole circumstances which tended to throw suspicion in the affair was that advances to the firm were made in cash; that checks from the firm were not deposited in bank, but were cashed, and the proceeds do not appear in any bank accounts of the O'Malleys. Magistrate O'Malley freely admitted that the money advanced was his, and that outside the $50.00 weekly which his wife received, he got the proceeds. He stated that he had for a long time kept certain large sums of money in cash in a safe deposit box. That this had resulted from an early distrust of banks, and for that reason, while he found it necessary to have checking accounts for some purposes, yet he still preferred a safe deposit box.

The purchase by Magistrate O'Malley of premises 8707 Ventnor Avenue, Margate, N. J. was open and above board. The Chelsea Title and Guaranty Company of Atlantic City, owned the property, and agreed to sell it for $20,000.00. Bonds of the Chelsea Title and Guaranty Company has been acquired to the amount of $18,800.00 by a purchaser, at a discount of fifty per cent, that is, for $9,400.00. These were used at settlement October 2, 1936. The purchaser, finding within the month the purchase was too large for him, turned it over to O'Mally for his total cash expenditures, approximately $11,000.00. All of these proceedings were matters of record, and all documents, settlement sheets, checks, etc., were examined.

(c) The alleged ownership by Magistrate O'Malley of the Walnut Arms Apartment, 4044-4046 Walnut Street, Philadelphia, was the next transaction investigated.

The record owner of the premises is William Groark, a relative of the O'Malleys. Settlement was made between him and the Manufacturers and Merchants B. & L. Association on March 12, 1937. The purchase price was $40,000.00, of which $20,000.00 remained as a purchase money mortgage.

Mr. Groark was present before the committee under subpoena, but as Magistrate O'Malley readily admitted that he, not Groark, was the real owner of the premises, Groark was not examined.

Magistrate O'Malley testified that Robert F. McCammon, a Certified Public Accountant, of 1421 Chestnut Street, Philadelphia, kept the accounts of the Apartment House, and made monthly reports to him, together with semi-annual recapitulations. These reports were produced and handed to the Committee. They indicate an unusually profitable investment, apartments and stores having been entirely rented since purchase. From March 12, to December 31, 1937, the total income from rents was $11,702.16; total expenses, including reserves for depreciation, were $8,606.08, or a profit of $3,096.08. The ratio of income to expenses during 1938 has been practically the same, or more favorable, which would indicate a profit on the investment during 1938 of some Five Thousand Dollars.

(d) The account of Magistrate O'Malley at the Central-Penn National Bank was next considered.

This account was opened August 12, 1930, with a deposit of $10,000.00. O'Malley had borrowed this sum on the security of 1000 shares of United Gas Improvement Company Common Stock, having a market value of $33,000. This loan was paid as follows: $2,000.00 on September 4, 1930, and $8,000.00 on October 1, 1930. (Records produced by Magistrate O'Malley show that on September 30, 1930, he sold one thousand shares of U. G. I. for $31,760.)

This account was very active until the latter part of 1936, when Magistrate O'Malley opened an account at the Mitten Bank and Trust Company which thereafter became quite active.

Yearly deposits in the Central-Penn National Bank account are as follows:

1930	$21,046.97
1931	17,315.07
1932	15,311.45
1933	15,419.94
1934	33,068.46
1935	12,564.18
1936	15,922.92
1937	5,261.28

An examination of deposit tickets in this account disclosed that there was a large number of deposits of cash and small checks. The largest item deposited was a check from Wilen Brothers, Inc., in the sum of $10,000.00, dated May, 1934, to Mrs. O'Malley. This, incidentally, was the sole exception to the custom noted above, of cashing these checks.

A comparison of checks deposited with checks drawn immediately thereafter, indicates a practice of depositing checks for friends, and withdrawing for them the cash after their checks had cleared.

There was also a "John J. O'Malley Special Account" at the Central-Penn National Bank, opened August 11, 1934, with a deposit of $234.82. No checks were drawn against it, until it had reached the balance of $6417.39, November 1, 1934. This account, after some withdrawals, was transferred to the regular account on November 20, 1934.

(e) Magistrate O'Malley opened an account at the Integrity Trust Company, January 25, 1932, with $454.11. Total deposits for 1932 were $6090.24. In 1933, deposits were made of $685.74. The account remained inactive from November 13, 1933, when the balance was $67.91, until it was closed March 10, 1934.

On May 31, 1935, O'Malley opened a new account with the Integrity Trust Company in the sum of $1000.00 in cash. Only $400.00 more was deposited in 1935, and $8,289.35 was deposited in 1936, until November 4, the date of the last deposit. The account was closed December 8, 1936, when the balance of $170.62 was drawn and deposited in O'Malley's account at the Mitten Bank and Trust Company.

It should be noted here that on May 31, 1935, an account was opened at the Integrity Trust Company in the name of Kathryn R. O'Malley. It was through this account that sum due from Wilen Brothers, Inc., at the withdrawal of Mrs. O'Malley were collected through the medium of payments from State Liquor Stores. August 12, 1935, the entire balance of the account was withdrawn through a check payable to J. J. O'Malley in the sum of $17,441.81.

(f) November 18, 1936, Magistrate O'Malley opened an account at the Mitten Bank and Trust Company with an initial cash deposit of $300.00. From this time until December 31, 1937, deposits amounted to approximately $18,000.00. In 1938, up to November 9, deposits amounted to $7213.57. The balance as of that date was $607.73.

Other items developed in the investigation of the Ruth Commission were not of great assistance.

The return of John J. and Kathryn R. O'Malley for State Personal Property Tax for the year 1933, asserts as their only taxable holding a ground rent reserved upon premises 1933 South Street, Philadelphia, yielding $300.00 per annum, assessed at $5000.00.

Magistrate O'Malley was subpoenaed to appear and did appear, Thursday, November 10, 1938, at 10:00 A. M., at the Board of Education Building, Philadelphia, bring with him, in response to the subpoena, canceled checks, etc. Representative Mallen, of the committee, was of the opinion that the committee was not authorized to inquire into financial dealings other than those directly connected with the items being investigated by the committee. Representative Mallen apprised Magistrate O'Malley of his opinion, but the latter stated that he preferred to raise no obstacle of any sort to a full investigation of his affairs, stating that they had been thoroughly scrutinized by various investigatory bodies, and that he had been given a clean bill of health.

Questioned first regarding his association with Wilen Brothers, Inc., Magistrate O'Malley verified the information in the hands of the committee, freely admitting that the moneys advanced were his, and that the profits of the transaction accrued to his benefit. He insisted, and this is borne out by the records, that he did not participate in any way in carrying on the business.

With regard to the purchase of premises 4044-46 Walnut Street, Magistrate O'Malley confirmed the figures before the committee, and testified that the moneys invested in the premises were for the most part the profits from the investment in Wilen Brothers, Inc.

O'Malley produced to the committee what he stated was a complete analysis of his income from January 1, 1910, to December 31, 1931. This had been prepared for and in part under the supervision of inspectors of the United States Bureau of internal Revenue, in connection with certain disputes concerning his income tax returns during those years. The principal feature of interest, from the stand point of the committee, was its revelation of steady and substantial income, and the fact that in the years 1924 to 1934, O'Malley had made considerable investments in the stock market and had grown accustomed to making use of the lending facilities of banks for the purposes of these investments.

The incomes listed showed a total income from regular employment during the years 1910 to 1931, of $63,750.00. To a reasonable extent, these figures were corroborated by statements from employers and those with whom he dealt.

She stock transactions prior to his election as Magistrate show substantial transactions. For instance, October 25, 1929, he purchased 600 shares of United Gas Improvement Stock for $18,890.00. This was sold by him April 12, 1930, for $28,086.00, a profit of $9,196.00, almost two years' salary as Magistrate. Later on in 1930, another venture in U. G. I. was unfortunate, resulting in a loss of $6,690.00. In a period of ten months, O'Malley's purchases of stock amounted to approximately $80,000.00.

Now it may be that stock market dealings on the part of a member of the minor judiciary are dangerous, even reprehensible. But they do not seem to have been made a misdemeanor, nor grounds for impeachment. It is a matter of public record, also, that this practice is not unknown to members of our highest courts. O'Malley, further, seems to have taken his chances with the rest of the sheep. He was not on any "preferred list".

That bank deposits in excess of income did not become a habit of O'Malley's after his becoming a Magistrate is indicated by a schedule of deposits to his account at the Franklin Trust Company in 1929 and before. Those deposits amounted to $43,335.83. They included some $9000.00 the proceeds of sale of United States Liberty Bonds which he had purchased at various times prior to 1928. Deposits in this account in 1928 amounted to $21,260.38, and in 1927 to $43,732.49. In the year 1926, they were $32,687.84. In the year 1925, $24,703.38, and in 1924, $11,558.44. During the years 1924 to 1929, inclusive, O'Malley was in the employ of the late John V. McCann, Esquire, at a salary of $2600.00 per annum, plus extra payments on account of negligence cases in which O'Malley negotiated a settlement. During these six years his deposits in the Franklin Trust Company amounted to $177,276.36. This is an average of about $30,000.00 a year. During the years from 1930 to 1938, known deposits amount to $195,000.00, an average of almost $28,000.00 a year. But we must add to this the $50,000.00 which was advanced to Wilen Brothers, Inc., which O'Malley testified was withdrawn from a safe deposit box.

With regard to the testimony adduced against him at the public hearings, Magistrate O'Malley protested his innocense of any wrong-doing.

Insofar as failure to comply with the Bail Approval Commissioner Act, he testified that he had not accepted bail in violation of the Act; he stated that after the Act had been passed, its constitutionality was immediately attacked; that after a conference between the two factions on the Board of Magistrates with Judge L. Stauffer Oliver, of Common Pleas Court No. 7, it was agreed that the enforcement of the Act should be suspended until the decision of the Supreme Court was had; that after this decision had come down in January of 1938, he had complied with the Act. He produced Bail Certificates made out in his name greatly in excess of the seven or eight testified to by Mr. Kelly. He also produced a large number of Bail Certificates addressed to other Magistrates in which he had taken the bail. He explained that in many cases a prospective bailor would advise the Controller's Office that he intended to

enter bail before a certain Magistrate, but would later enter it before another, thus causing confusion.

With regard to allegations that he had found persons guilty of reckless driving and had imposed merely costs of $2.50 instead of at least the statutory minimum of $10.00 and costs, he stated, that in all of the cases he had heard in Traffic Court, no person had been committed to prison. He stated that in most of the cases, neither prosecuting witness nor defendant appeared, the sum of $2.50 being mailed in, in compliance with a notation placed on the notice of hearing by the police.

With regard to the testimony of Mr. and Mrs. Solomon, Magistrate O'Malley disclaimed any recollection of the case. He stated that with thousands of cases before him, he found it impossible to keep any particular ones in mind. He testified that his clerk in the traffic court was an active worker in Democratic politics, whom he had appointed to the position partly to protect him from expected criticism.

With regard to the testimony of Magistrate Rainey, Magistrate O'Malley testified that the committee of five to investigate complaints against Magistrates had been set up at a regular meeting of the Board of Magistrates, and produced a minute book indicating Magistrate Rainey's presence at this meeting.

With respect to the two suspensions of Magistrate Rainey, he produced stenographic notes of testimony of a meeting of the committee of Magistrates O'Malley, Roberts, Amodei, Friedel, and Costello. This was also attended by Magistrate Rainey, Franklen E. Barr, Esq., Assistant District Attorney of Philadelphia County, and J. George Lipsius, Esq., at Room 192, City Hall, on June 21, 1938.

Testimony at that hearing was taken with respect to four complaints against Magistrate Rainey.

The first involved alleged coercion against one Ida Miller to induce her to pay a bill contracted for by her on account of her father. A check in the sum of thirty dollars had been issued by her father for a plastering job. Payment on the check had been stopped, upon the work's allegedly being found unsatisfactory. A warrant was issued for the father under the Wages Act, but was not served, the defendant being notified to appear. A dispute arose there, Ida Miller alleging at the hearing under consideration that Magistrate Rainey had said that unless the bill was paid he would fine her One Hundred Dollars or commit her for thirty days. This was denied by Magistrate Rainey.

The next complaint involved the issuance of a warrant for the arrest of a Park Guard on the charge of shooting a nineteen year old colored boy alleged to have struck him during questioning. The Park Guard admitted the shooting, but alleged the boy attacked him. Magistrate Rainey held him to await the action of the Grand Jury, allowing him to go in the custody of his Lieutenant. The Bill was ignored by the Grand Jury.

The next complaint involved the imposition of a fine for disorderly conduct on one George Scheiber, owner of a truck which had been moved from its position in front of its store (apparently to permit the loading or unloading of another truck) by an unlicensed boy. The truck was backed into a pedestrian. A dispute arose over Scheiber's failure to appear at the hearing, and Scheiber was fined $10.00 and costs for disorderly conduct.

The fourth complaint was that of William F. Berkowitz, Esquire, who had become involved in an argument in Magistrate Rainey's Court, and had been fined Five Dollars. He appealed from the imposition of the fine, and his appeal was sustained.

Magistrate Rainey testified that on the strength of these complaints he was suspended, although the Magistrate's Act makes no provision for any such suspension. Magistrate O'Malley testified that there was no suspension, but that it was suggested to Magistrate Rainey that he sit with some of the other Magistrates for a while, in order to familiarize himself with the proper way of handling his Court before sitting alone again.

The attitude of Magistrate O'Malley towards his fellow Magistrate in this case certainly is indicative of prejudice. It might be anticipated that a sympathetic attitude would be noted. Instead, it seemed to be taken for granted that the complainants were telling the entire truth. Yet even their transcribed testimony bears evidence of bitter prejudice. In the cases of Miss Miller and Scheiber, this is very noticeable.

In holding the Park Guard, it is obvious that Magistrate Rainey simply discharged his duty, a prima facie case having been made out. For even on the guard's testimony he had no right to shoot the youth, even though the youth had struck him. It was a clear case of wanton shooting on the part of the Park Guard.

It is particularly interesting to note the righteousness of Magistrate O'Malley in criticising Magistrate Rainey for imposing a fine on Scheiber. The notes of testimony reveal that Magistrate O'Malley spoke as follows to Magistrate Rainey.

> "Did you testify against him? You can't hear a case where you are the prosecutor. You can be arrested. You can be taken out of office for being the prosecutor where you are the Magistrate in the case."

Oddly enough, one of the complaints against Magistrate O'Malley involved the same state of affairs, but Magistrate O'Malley in that case (the Aronovitz case) showed no hesitancy in being both Judge and prosecutor.

The second "suspension" of Magistrate Rainey was explained as also not being a suspension. It involved a complaint on the part of a young lady named Helen M. Murphy, who claimed that she was threatened with being compelled to post bail on a charge of assault and battery by automobile if she did not pay damages which she claimed were excessive, amounting to $99.00. Here again Magistrate O'Malley apparently assumed that Magistrate Rainey was guilty. There is nothing to indicate any investigation by him as to the reasonableness of the damages collected. And if they were reasonable the law favors adjustment of damages arising out of cases in which the charge is simple assault and battery.

It would appear that in this matter Magistrate O'Malley acted in an arbitrary and dictatorial manner, and beyond the powers conferred upon him by the Magistrate's Act.

With regard to the testimony of Magistrate O'Hara that premises 1121 Callowhill Street were rented by the Board of Magistrates at $150.00 per month, Magistrate O'Malley testified that the rental was $100.00 per month, and that heat and light were not included.

As to testimony that Magistrate O'Malley had failed to notify Magistrate Crevey's landlord of the latter's intention to terminate the lease at the end of the then current term, Magistrate O'Malley testified that by the terms of the lease ninety days' notice of intention to terminate was required, not sixty days, as Magistrate Crevey had understood, and that notice had been given only sixty-five days prior to the termination of the lease.

As to the complaint of Kathryn Cowell that he had refused to hold the driver of a car in which her daughter, a guest of the driver, was injured, Magistrate O'Malley testified that he did not recall the witness requesting him to hold the driver; that it was not the custom to hold the driver in cases in which a guest was injured, and that he had no particular recollection of the case.

As to the case involving William Butler, Stephen Hightower, Evelyn Henderson and Stella Scott, Magistrate O'Malley disclaimed any political implications in regard to the case. He stated that all involved were Democrats; that after having been arrested for drunkenness, they were released and William Butler and Evelyn Henderson appeared at the hearing in an intoxicated condition and were committed in default of a Ten Dollar fine. He denied having been very discourteous to Mr. Marinelli, but did admit that he was not friendly with him.

The Aronovitz case was claimed by Magistrate O'Malley to be one in which he did the best he could in a thoroughly confused matter; he denied that he was influenced by prejudices or favor. He claimed that the persons fined had created a disturbance of large proportions in the Police Court.

Coming finally to a consideration of the charges as a whole against Magistrate O'Malley, the committee is in a positon where it regrets extremely the brief time allowed it for investigation. For it is constrained to take cognizance of certain obvious facts in connection with the administration of the Magistrate Courts. The Courts are

far from completely dissevered from political influence. For the committee to approach its deliberations with the thought that judges of high or low degree become political eunuchs would brand the members of the committee as fools or knaves. In the face of common knowledge, then, how great must political bias be to warrant impeachment? If even a slight favoring of a fellow-Democrat or fellow-Republican in matters not affecting grave public or private interest is sufficient to warrant impeachment, then the State Senate will sit continuously trying impeachments. But a constant perversion of justice for political reasons most assuredly merits impeachment, regardless of how widespread the practice, and the time of the Senate would be well spent in cleaning house. Likewise, a single instance in a matter of grave importance must brand a civil servant unfit for office.

It is conceded that the Magistrate Courts are places of rough and ready justice. But justice, while it should always be ready, should not be too rough. As long as the present economic system persists, with its financial premium upon the exploitation of man by his fellow man; as long as minor judiciary offices are made the reward for political prowess, and not an opportunity for serving the public bestowed upon him best fitted for the office, just so long shall we find accusations such as these raised against those sitting in the seats of the mighty.

This does not mean that the committee is trying to shirk any part of its obligations by saying, "Well, there are lots of others as bad as O'Malley, so why pick on him?" Far from it. The committee was appointed for a particular purpose, to find out whether Magistrate O'Malley was guilty of certain acts which would warrant recommendation of an impeachment. The committee must recognize that the present Legislature expires December 1st, making trial of any impeachment physically impossible. The committee has worked faithfully, and counsel has spent practically every moment, day and night, with his assistants, in examining voluminous records and verbose witnesses.

The committee is perfectly willing to continue to take testimony up until December 1st, as a committee, making its recommendations to the next session of the Legislature; or, if the committee is resolved into a commission, with power to take testimony after December 1st, its members are willing to do so. But the committee feels that under all of the circumstances it would not be warranted in making the futile gesture of recommending an impeachment upon testimony which is not entirely persuasive of the justice of that course. The committee refuses to be driven by fear of the accusation of shirking an unpleasant task into action which would render it guilty of the practices of which Magistrate O'Malley is accused.

It is certainly true that the unexplained possession by a public officer of financial resources far in excess of his income from such office and other known sources of income is ground for the gravest suspicion. A comparison of Magistrate O'Malley's income since election to office with that before election shows no damaging discrepancies. His use of cash from a safe deposit box while he maintained substantial bank accounts is suspicious. This suspicion is not entirely dispelled by his testimony that he has no great faith in banks. But the fact that the committee's investigation, starting off from the point where other and lengthier investigation left off, failed to augment the natural suspicion arising from such circumstances, leads the committee to conclude that condemnation should not be made on this basis. Freedom of action in this respect is still reserved even to public officials.

The charge that Magistrate O'Malley "repeatedly and admittedly" violated the provisions of the Bail Approval Commissioner Act, is not borne out by the testimony to the extent nor with the clearness which the committee feels is demanded to warrant a recommendation for impeachment. It may well be that Magistrate O'Malley did in some instances, particularly when the Act was first in effect, omit strict compliance with the Act. Perhaps this was done in a spirit of defiance. We must bear in mind that he was smarting under the enforcement by the Governor of a portion of the Act which was later held unconstitutional by the Supreme Court, that is, the provision that the Governor might appoint a new Chief Magistrate. At any rate, compliance with every law would result from the appointment of a committee to investigate its violations, Utopia would be realized.

With regard to the second charge, that "Magistrate O'Malley has from time to time suspended the right of certain magistrates to preside in various Magistrates Courts of Philadelphia," the committee is convinced that Magistrate O'Malley exceeded his powers in not permitting Magistrate Rainey to sit in divisional and non-divisional Police Courts in regular rotation. The complaints against Rainey seem to have been of a sort which required advice, or a heart-to-heart talk, but not removal from service. Magistrate O'Malley protests that this was precisely what was done, but the entire record indicates that the treatment accorded Magistrate Rainey was not the ordinary treatment received by a magistrate against whom complaints are registered.

The third specification in the Resolution creating the committee is that Magistrate O'Malley "while presiding as a magistrate has repeatedly made partisan disposal of the cases heard before him."

Charges of this sort are easy to raise, hard to prove or disprove. The only reply is a denial, or an explanation of the circumstances relied upon to support the charges. Many cases were examined by counsel for the committee, in which the claim was made that so-and-so "has enough on O'Malley to hang him." Now the committee was not interested in "hanging" O'Malley, but counsel did seek to examine every case brought to his attention. Most of them proved to have no firmer foundation than the shifting ground of political bias. The cry, "We wuz robbed," is not confined to the defeated pugilist, but extends into the realms of litigation. "What could you expect from a Republican magistrate—and us Democrats!" is a handy explanation. Sometimes, too many times, there is considerable basis for the cry, which can be read in the most ancient records known to mankind. The committee has not the slightest doubt that political consideration entered into Magistrate O'Malley's general attitude towards persons approaching him for favors. That might be said of any other magistrate. In the Arnovitz case it may well be that the political complexion of one side led him to afford greater credibility to one side than to the other. But what is somewhat different from a deliberate partisan disposal of the case. All agree that the hearing developed into a heated turmoil.

A more flagrant case but an isolated one is that of the unlawful sentencing of William Butler and Evelyn Henderson to the County prison. Here certainly Magistrate O'Malley did not judge the case on its merits but was motivated by political bias.

But the "repeated" instances did not develop It may well be that two weeks' further taking of testimony might bring out a list of cases of such nature, extent and continuity as to warrant the conclusion, "Here is a man who has one kind of justice invariably for Republicans, another for Democrats." That would certainly demand a recommendation for impeachment. It has not developed during this investigation, which was widely publicized, and to which all persons having a complaint were publicly urged to bring their story.

So that with respect to this item, the committee feels, too, that there is serious grounds for complaint against Magistrate O'Malley, but that the evidence before it, comprising isolated instances, was not of the nature or extent to warrant impeachment, but rather demands the censure of the authorities charged with the supervision of the conduct of magistrates.

The legal authorities governing impeachments give no certain rule which may be used in measuring the extent of the dereliction necessary to warrant this extraordinary measure. And it is such a measure. For a magistrate is elected by the people of the entire city. In the case of Magistrate O'Malley, he has been re-elected, after serving one term. The act of the voters in re-electing a man to office is not lightly to be set aside.

In casting about for an analogy, it seems to the committee that the grounds for dissolution of a marriage on the charge of cruel and barbarous treatment and indignities to the person come close to meeting our situation. The Courts start with the premise that marriage is a sacred state, not readily to be dissolved. So we may say, without too great a strain for analogy, that election to office creates a union not readily to be dissolved by any power other than that which created it, the people having a vote on its continuance or discontinuance.

Now the courts further say that a single act of cruel and barbarous treatment may be so serious as to warrant dissolution of the marriage on that one ground. A severe beating, an attempt to kill, without more, even in spite of repentance and protestations of future good behavior is sufficient. In spite of unsupported denunciations in the press and on the corner, in spite of grave suspicons, the committee is constrained to declare that it developed no testimony that Magistrate O'Malley gave justice so severe a beating, or made a proved attempt to slay her, as to justify a decree against him.

But the courts also hold that where there is a long-continued course of conduct, not constituting cruel and barbarous treatment, but which renders the condition of the injured spouse intolerable and life a burden, dissolution of the sacred ties is warranted. Has that condition been shown here? Certainly there is some proof that such a course of conduct may possibly exist. But the courts warn us that it is not every course of improper or inconsiderate conduct which will warrant a decree. Mere gruffness, a surly disposition, lack of congeniality, are not enough. There must be a studied humiliation, a fixed hatred or demonstrated aversion. And the distinction is not so vague as might at first appear. Now what have we here? Brusqueness, impatience or restraint or opposition, a dictatorial attitude, other qualities which the ideal magistrate would not display. But John J. O'Malley was not entirely unknown to the electorate of Philadelphia when he was first elected. The qualities objected to were demonstrated during his first term of office. Knowing them, the people re-elected him. The committee might well say to the people of Philadelphia, "You knew what Magistrate O'Malley was when you re-elected him. You are tied up to him until his term expires. If he doesn't do the right thing, get rid of him then."

So the committee places itself at the disposal of the Legislature. It feels that its investigations have not revealed offenses of nature and magnitude sufficient to warrant impeachment. If they had, the committee would make the recommendation whether or not there was any possibility of action on the recommendation, for the committee feel that the public are entitled to have their fair, honest and impartial conclusion. That conclusion has been given above.

Respectfully submitted,

GEORGE J. MALLEN
JOHN J. FINNERTY
LAMBERT CADWALADER
EDWARD J. COLEMAN
ROCCO COSTANZO
DR. EDWIN F. THOMPSON
JOHN B. HERING, Chairman.

LOUIS F. McCABE,
Counsel.

REPORT OF SPECIAL HOUSE INVESTIGATING COMMITTEE OF THE HOUSE OF REPRESENTATIVES INVESTIGATING THE OFFICIAL CONDUCT OF CIVIL OFFICERS OF THE COMMONWEALTH OF PENNSYLVANIA UNDER RESOLUTION OF THE HOUSE OF REPRESENTATIVES PASSED JULY 30, 1938, IN EXTRAORDINARY SESSION

Members of Committee

HERBERT B. COHEN, Chairman
ELLWOOD J. TURNER
DAVID R. PERRY
ROBERT N. BIERLY
ANTHONY J. GERARD
JOSEPH OMINSKY
EDGAR A. SCHROPE

I

HISTORY

II

DISCUSSION

(1) General State Authority
(2) Architects' "Kickbacks"
(3) Macing
(4) Legislative Bribes
  (a) Beer Legislation
  (b) Movie Legislation
  (c) Package Beer Legislation
(5) Liquor Control Board
(6) Auto Light Testing Devices
(7) Purchases of Departments on Requisitions
  (a) Filing Cabinets
  (b) Trucks
  (c) Syrup
  (d) Erie Gravel

III

CONCLUSIONS AND RECOMMENDATIONS

To the Honorable, the Members of the House of Representatives of the General Assembly:

Your Committee, appointed pursuant to Resolution of the Extraordinary Session of 1938 of the House of Representatives of the Commonwealth of Pennsylvania, has the honor to submit the following as its report:

I. HISTORY

The General Assembly of the Commonwealth of Pennsylvania was called in Extraordinary Session on the 22nd day of July, 1938, by His Excellency, the Governor of the Commonwealth of Pennsylvania, and pursuant thereto the General Assembly convened on Monday, July 25, 1938.

At said session, the General Assembly passed, and the Governor approved, Act No. 2, regulating the procedure in investigations conducted by the House of Representatives, involving misdemeanor in office on the part of civil officers; and Act No. 4, likewise approved by the Governor, suspending retroactively, as well as prospectively, other pending investigations, Legislative, Executive or Judicial, of charges of, or involving misdemeanor in office on the part of civil officers liable to impeachment.

Prior to the time the General Assembly had been called and convened, Carl B. Shelley, District Attorney of Dauphin County, had presented to the Court of Quarter Sessions of Dauphin County, a petition asking for a grand jury investigation of certain alleged misconduct on the part of civil officers of the Commonwealth of Pennsylvania. Charles J. Margiotti, who occupied the office of Attorney General of the Commonwealth of Pennsylvania, until dismissed by the Governor on April 27, 1938, assisted Carl B. Shelley, District Attorney aforesaid, in the preparation of that petition.

After the above petition was filed, the Governor and Guy K. Bard, Attorney General, appointed to succeed Charles J. Margiotti, moved in the Supreme Court for a Writ of Prohibition to restrain the Dauphin County Court from proceeding with the grand jury investigation. After argument on the questions raised in the aforesaid petition, the Supreme Court unanimously held the petition of Carl B. Shelley, District Attorney of Dauphin County, too vague, indefinite and insufficient to warrant a grand jury investigation, but allowed twenty days for an amendment of the same.

Within the time allowed by the Supreme Court for an amendment to the original petition, the District Attorney of Dauphin County, with the aid, assistance and counsel of Charles J. Margiotti, prepared and filed in the Dauphin County Court his Amended Petition, bearing No. 235

March Sessions 1938, and the Judges of the Dauphin County Court held said Amended Petition to be sufficient and certified the same to the Supreme Court of the Commonwealth of Pennsylvania.

Further steps were taken in the Supreme Court by the Governor of the Commonwealth of Pennsylvania and Guy K. Bard, Attorney General, in connection with said Amended Petition and, after argument before the Supreme Court, the said court, in an opinion filed, determined that in its judgment the Amended Petition was sufficient but left entirely to the Dauphin County Court the question of whether the evidence was sufficient to justify a call of the grand jury.

About this time, the Judges of the Dauphin County Court addressed a communication to the Supreme Court asking that they be relieved from the performance of their duty in respect to the investigation sought by the District Attorney of Dauphin County and the Supreme Court, acceding to their request, designated Honorable Paul N. Schaeffer of the Twenty-third Judicial District to preside in their stead.

On July 30, 1938, the House of Representatives pursuant to the authority conferred by Act No. 2 above mentioned, adopted a Resolution which authorized the Speaker of the House of Representatives to appoint a Special Committee of seven members, one of whom was to be designated as Chairman, to inquire into the affairs and conduct of those civil officers named and charged in the petitions filed in the Dauphin County Court by Carl B. Shelley, seeking a grand jury investigation.

Pursuant to the above mentioned Resolution, the Speaker of the House of Representatives on the 30th day of July, 1938, named the following Committee: Honorable Herbert B. Cohen, who was designated as Chairman, Honorable Joseph Ominsky, Honorable Robert N. Bierly, Honorable Edgar A. Schrope, Honorable Anthony J. Gerard, Honorable David R. Perry, and Honorable Ellwood J. Turner.

On August 1, 1938, Carl B. Shelley, District Attorney of Dauphin County, in association with Sebastian C. Pugliese, Attorney for Charles J. Margiotti, and Edward Friedman, without notice to the Governor, the Attorney General, the General Assembly, or your Committee, presented to the Honorable Paul N. Schaeffer, specially presiding in the Dauphin County Court, a petition praying for an order impounding certain writings and documents in the possession of Carl B. Shelley, District Attorney, and restraining Charles J. Margiotti, Edward Friedman, and Carl B. Shelley from appearing before your Committee and testifying; whereupon the Honorable Paul N. Schaeffer, specially presiding, made the following order:

"IN RE: INVESTIGATION BY THE JUNE, 1938, DAUPHIN COUNTY GRAND JURY	In the Court of Quarter Sessions of Dauphin County, Pennsylvania Petition to Prevent Interference with Grand Jury Investigation

ORDER OF COURT

AND NOW, to wit: August 1st, A. D. 1938, upon presentation of the foregoing petition and due consideration thereof, in order to prevent interference with the orderly administration of the law by this Court and its Grand Jury, it is ordered that all of the papers, documents, exhibits, photographs, materials, writings and articles of any kind whatsoever now in the possession of the District Attorney, his assistants, subordinates and employes, and in the hands of Charles J. Margiotti and Edward Friedman, witnesses under subpoena, intended for use in connection with the Grand Jury Investigation heretofore ordered, are impounded and directed be delivered into the hands of the District Attorney and by him held as an officer of the Court for the Court, he to have the privilege, however, of using the same in preparing for presentation to the Grand Jury.

And it is further ordered that the District Attorney, his assistants, subordinates and employes, and Charles J. Margiotti and Edward Friedman, witnesses now under subpoena, be and they are hereby directed not to testify or produce any information in relation to the said Grand Jury Investigation or the matters proposed to be investigated therein before any committee that has been or may hereafter be appointed pursuant to Acts No. 1, 2, 3, and 4 of the Extraordinary Sessions of 1938, or before any other legislative body or legislative committee pending the the termination of the said Grand Jury Investigation or of the further order of this Court.

BY THE COURT:

(Signed) Paul N. Schaeffer.

P. J. 23d Judicial District Specially Presiding."

On August 3, 1938, your Committee convened, selected Honorable Anthony J. Gerard as Secretary, and engaged and employed Albert L. Thomas, Esquire, of Meadville, Pennsylvania, and Abram Salsburg, Esquire, of Wilkes-Barre, Pennsylvania, as Counsel. Your Committee fixed Thursday, August 4, 1938, at ten o'clock A. M. in the Chambers of the House of Representatives as the time and place for the purpose of taking testimony and directed that a subpoena duces tecum be issued to Carl B. Shelley, District Attorney of Dauphin County, directing him to appear before the said Committee at the aforementioned designated time and place.

At the appointed hour, to wit, August 4, 1938, at ten o'clock A. M., the hearings were opened by your Committee. Carl B. Shelley appeared in response to the subpoena issued and when called, refused to testify and assigned as his reason therefor the order made by Honorable Paul E. Schaeffer, dated August 1, 1938, and hereinabove set forth.

Your Committee, through its counsel, Albert L. Thomas, and Abram Salsburg, on August 3, 1938, addressed a petition and motion to Honorabel Paul N. Schaeffer, specially presiding in the Dauphin County Court, and requested the Court to revoke and set aside its restraining order dated August 1, 1938, set out above, and on the same date presented another petition asking the Court agreeably to the provisions of Act No. 4 of the Extraordinary Session of 1938 to suspend any further proceedings looking towards a grand jury investigation until your Committee had completed its investigation. Both of said petitions were argued and denied on the day of their presentation.

Following the denial of the aforesaid motions of your Committee, through Honorable Herbert B. Cohen, Chairman of your Committee, after due notice to the District Attorney of Dauphin County, a petition was presented to the Supreme Court of Pennsylvania for a Writ of Prohibition, praying for an order prohibiting Honorable Paul N. Schaeffer, specially presiding in the Dauphin County Court from enforcing his order of August 1, 1938, set out above, and further that the said Honorable Paul N. Schaeffer, specially presiding, be restrained from proceeding with a grand jury investigation by the Court of Quarter Sessions of Dauphin County, until the investigation undertaken by the House of Representatives of the General Assembly would be concluded. A rule to show cause why the relief sought should not be granted was allowed and the proceedings were stayed meanwhile. Honorable Paul N. Schaeffer filed an answer in the Supreme Court to the aforesaid petition for a Writ of Prohibition.

Thereafter, the Supreme Court of Pennsylvania, accommodating itself to the importance of the issues involved, fixed September 6, 1938, as the time for argument. Paper books were prepared and filed by counsel for the Committee and the District Attorney and oral arguments were made before the Court at Philadelphia on the above date. On September 7, 1938, the Supreme Court made an Interim Order, which reads in part as follows:

"The Court is unanimously of the opinion that the order of the court below, dated August 1, 1938, which forbids District Attorney Shelley, Charles J. Margiotti, and Edward Friedman from testifying before the

legislative committee, and also impounds documentary evidence, must be and it is hereby vacated and set aside, because of lack of power in the court to make it. The information given to the District Attorney and others named in this Order is not privileged in the sense that the witnesses may not be required to divulge it on the ground of privileged communications as argued; nor may the documentary evidence be impounded beyond the reach of the legislative committee."

Thereupon, your Committee called a session for September 7, 1938, and, attended by its counsel, began the taking of testimony.

Since the date above mentioned, your Committee has held sessions at various times, beginning in the morning and extending far into the night, when Legislative Sessions did not conflict, and completed its hearings on the 23rd day of November, 1938.

Your Committee also held executive sessions during this period, some of which dealt with policies and others with routine matters connected with the investigation.

During the progress of the hearings, on September 23, 1938, your Committee employed James J. Gallagher, Esq., Mahanoy City, Pennsylvania, as additional counsel.

Your Committee has heard 119 witnesses, received 265 exhibits and has taken 8,165 pages of testimony.

Your Committee, desirous of securing all information from any source in connection with the charges being investigated by it, in addition to its own staff, obtained the services of the Pennsylvania Motor Police and instructed the officers assigned to your Committee to interview and secure statements from all persons having any knowledge of the charges being investigated by your Committee, and, particularly, those named by Carl B. Shelley and Charles J. Margiotti. Members of the Pennsylvania Motor Police interviewed 383 persons.

The constitutional provision limiting the term of office of the membership of your Committee to November 30, 1938, prevented your Committee from calling some of the witnesses suggested by Mr. Shelley and Mr. Margiotti, but from practically all of those not called by the Committee statements were secured by the Pennsylvania Motor Police, and we are therefore transmitting under separate cover all of such statements so taken, and the original reports of the officers, together with a complete record of the testimony taken by your Committee and the exhibits offered.

The Resolution creating your Committee specified that it should inquire into and concerning the official conduct of those named and charged, touching on their conduct with regard to matters mentioned in the petitions filed in the Dauphin County Court by Carl B. Shelley, District Attorney, asking for a grand jury investigation, and to inquire whether the Governor and other civil officers mentioned in said petitions had been guilty of an impeachable offense.

Your Committee used the Amended Petition aforesaid as a guide in the development of the evidence taken by it and a copy of the Amended and Supplemental Petition is contained among the exhibits transmitted under separate cover.

Carl B. Shelley, District Attorney aforesaid, was the first witness called and frankly admitted that he had no direct knowledge of any of the offenses charged and had not personally interviewed any of those whose names were secured from Charles J. Margiotti or any other source. Your Committee, after many continuous hours of interrogation, secured from Mr. Shelley, for its own use, the names of all those witnesses, together with a copy of the documentary or other written evidence in his possession. He testified that he gave your Committee the names of all persons and a copy of all writings upon which he depended to prove the charges made and further said that if he secured other names or other evidence before the close of the sessions of your Committee, he would promptly make a report thereof to your Committee. Mr. Shelley told your Committee that he had classified the evidence in his possession under various headings, following to a large extent the numbered paragraphs of his Amended Petition. Your Committee then secured from him the classifications and the names of witnesses and other evidence possessed by him under each classification.

Your Committee then called Charles J. Margiotti as the next witness and endeavored to develop from him all evidence in his possession as it referred to the respective paragraphs of the Amended Petition. It developed in the course of his testimony that some evidence furnished by him consisted of conversations with various persons accused and others and was applicable to more than one paragraph of the petition. Considerable latitude was afforded Mr. Margiotti in furnishing names of persons who would support the charges and leads through which he contended supporting evidence of the charges might be found. The exhaustive character of the examination of this witness may be judged from the fact that he occupied the witness stand during the whole or a part of ten days' sessions for a total of forty-five hours, and about thirteen hundred and twenty-two pages of the record were given to his testimony.

Your Committee was led to believe, after examining Mr. Shelley and Mr. Margiotti, that irregularities and fraud on a large scale, existed in the General State Authority program, which involved an expenditure of sixty-five million or more dollars, and aside from several interruptions to hear witnesses on other specific matters, we pursued that line of inquiry, first examining in detail the relative matters in the construction of the Finance Building.

Your Committee adhered to a policy which it had adopted of completing the charges laid in a specific paragraph as far as it was possible to maintain that order of hearing tetsimony and only in a few special cases, where good reason appeared, did the Committee deviate from this policy.

During the examination of the General State Authority, members of the Committee requested detailed information regarding the General State Authority and, since the subject matter was so vast, together with the fact that some of the members of the Committee were reluctant to leave the subject, the investigation of this phase was unduly prolonged.

The report of your Committee will follow under separate headings in accordance with the classification of subject matters testified to by Mr. Shelley in connection with the numbered paragraphs of his Amended and Supplemental Petition.

II. DISCUSSION

(1) General State Authority.

The charge of wrongdoing in respect to the General State Authority is set forth in Paragraph 10 of the Amended Petition of District Attorney Shelley as follows:

"Tenth: That the said Matthew H. McCloskey, Jr., within the County of Dauphin, Pennsylvania, at various times between January, 1935 and October, 1936, including the last mentioned date, did give to George H. Earle III., the then Governor of the Commonwealth of Pennsylvania and President of the General State Authority of the Commonwealth of Pennsylvania, large sums of money, to wit: a total in excess of Thirty Thousand ($30,000.00) Dollars in order to influence the award to the said Matthew H. McCloskey, Jr., or corporations in which he was interested, by the said General State Authority, of certain building contracts for the construction of buildings for the said General State Authority, within the said County of Dauphin, and elsewhere in the State of Pennsylvania, and in consideration therefor and pursuant to the arrangement made between the said Matthew H. McCloskey, Jr., and George H. Earle, III, contracts were, within the County of Dauphin and the jurisdiction of this Court, fraudulently and dishonestly awarded by the said General State Authority to the said Matthew H. McCloskey, Jr., or corporations in which he was interested, said contracts having been based upon certain plans and specifications prepared with the approval of the said George H. Earle, III in a fraudulent, dishonest and corrupt manner to the end that favoritism and preference might be shown the said Matthew H. McCloskey, Jr., in enabling the said Matthew H. McCloskey, Jr., and corporations in which he was interested, to submit low bids for said contracts in that specifications were purposely drawn ambiguously

in details and requirements to the end that contracts when awarded might be construed in favor of the said Matthew H. McCloskey, Jr., or corporations in which he was interested, and for the purpose of stifling competitive bidding by prospective bidders not so preferred; and further the said Matthew H. McCloskey, Jr., was enabled, with the assistance of the said George H. Earle III, to have the said plans and specifications prepared by persons who had been in the employ of the said Matthew H. McCloskey, Jr., or corporations in which he was interested, and to secure the appointment of inspectors to inspect the work to be performed under the said contracts, and that said inspectors and their superiors fraudulently, dishonestly, and corruptly approved work performed under said contracts by the said Matthew H. McCloskey, Jr., and corporations in which he was interested. said work having been defectively performed and with materials different from and inferior to those called for by the said contracts. All of which was knowingly permitted by the said George H. Earle III, for the benefit of the said Matthew H. McCloskey, Jr., and to the detriment and prejudice of the General State Authority and the Commonwealth of Pennsylvania."

The act creating the General State Authority is the Act of June 28, 1935, P. L. 452. This act was declared unconstitutional by the Supreme Court in an opinion written by Drew, J., dated January 6, 1936, in the case of Kelley et al. vs. Earle et al., 320 Pa. 449; the Court dividing four to three, Kephart, C. J., Barnes, J., and Maxey, J., dissenting from the majority. An application for reargument was made and the reargument was held January 29, 1937. On February 4, 1937, the Court in an opinion by Kephart, C. J., unanimously declared the act unconstitutional; Kelley vs. Earle, 325 Pa. 327. The Act of June 28, 1935, P. L. 45, was amended by the act of May 18, 1937, P. L. 676, and further amended by the Act of June 4, 1937, P. L. 1602.

On February 24, 1937, the General State Authority was organized and at the time the Amended Petition of Carl B. Shelley was filed, the Board consisted of the following members: Governor George H. Earle III, Chairman of the Board; Honorable Warren R. Roberts, Auditor General, Vice-President; Honorable F. Clair Ross, State Treasurer, Treasurer; Honorable Thomas A. Logue, Secretary of Internal Affairs, Secretary; Honorable Arthur W. Howe, Jr., Secretary of the Department of Public Assistance, Assistant Secretary; Honorable Arthur Colegrove, Secretary of the Department of Property and Supplies; Honorable Roy E. Furman, Speaker of the House of Representatives; Honorable Harvey Huffman, President Pro Tempore of the Senate; Honorable Herbert B. Cohen, Member of the House of Representatives; Austin E. McCullough; members.

The Board appointed Colonel Augustine S. Janeway Executive Director of the General State Authority.

The testimony disclosed the need of quick action on the part of the Commonwealth of Pennsylvania because the delay experienced in the court proceedings testing the constitutionality of the act imperiled the program and left very little time within which the Commonwealth could avail itself of the P.W.A. funds.

The original plan of the Federal government in operation in the Spring of 1935 would have allowed the State forty-five percent of the sixty-five million dollar program in unrestricted grants. When the General State Authority applied for its grant, by reason of allocations being made to the other states, it was able to secure from the Federal government under the plan then in operation, a total grant of twenty million dollars, conditioned upon using this among paying labor taken from the public relief rolls, and a loan for the remainder of the Federal allocation at four percent interest.

By reason of the efforts of Governor Earle and the committee who accompanied him at the White House, they succeeded in prevailing upon President Roosevelt to alter the plan so as to grant unto the General State Authority ten million dollars unrestricted, and ten million dollars conditioned upon its use in payment for labor taken from the general relief rolls. By reason of the great amount of the payroll being for skilled labor, it is estimated that there will be used from the ten million dollars restricted loan in the neighborhood of three million dollars, resulting in a loss from that grant to the General State Authority of the seven million dollars unused portion. If the general plan of the Federal government had not been changed through the efforts of Governor Earle and the committee, it would have resulted in a loss of seventeen million dollars from the twenty million dollar grant to the General State Authority. (See Report 1st Fiscal Year, General State Authority, Exhibit 75, page 10; also testimony of Governor Earle, pages 7894 to 7896 inclusive.)

According to the original set-up, the General State Authority would have been compelled to pay to the Federal government for its loan of the difference between the total grant and the forty-five percent allocated, four percent interest annually. Through the efforts of Governor Earle and the committee, this general set-up was changed and the bonds of the General State Authority were sold to the State Employes' Retirement Fund and the State Teachers' Retirement Fund, resulting in a saving to the State Treasury of a difference in interest of approximately one and four-tenths percent annually, which it was estimated, according to the testimony of Charles J. Margiotti (Record, page 1054 to 1055) would be upwards of eleven million dollars. (See also page 10-a of Exhibit 75, Report 1st Fiscal Year, General State Authority.)

It is estimated that the General State Authority will profit to the extent of approximately one hundred fifty thousand dollars more by reason of the change in marketing of the Authority's bonds, by the elimination of the services of the Fiscal Agent under Federal regulations. (See Report 1st Fiscal Year, General State Authority, Exhibit 75, page 10.)

Some criticism was offered in the course of these proceedings by Edward Friedman (Record, pages 626 to 716), a former deputy in the office of the Attorney General, to the payment by the General State Authority of the sum of five thousand dollars for the legal opinion of Saul, Ewing, Remick and Saul, in connection with the flotation of the loan financing the General State Authority building program. This opinion was required by the Directors of the State Teachers' Retirement Fund and the State Employes' Retirement Fund. The necessity for the opinion was established to our satisfaction by the testimony of John H. Fertig, former Director of the Legislative Reference Bureau, and a member of the State Employes' Retirement Board (Record, pages 972-1002), together with the testimony of Henry H. Baish, Secretary of the State Teachers' Retirement Fund (Record, pages 1003-1010). We therefore find as a fact that the entire transaction was proper, made in good faith, and resulted in a saving of a large amount of money to the Commonwealth of Pennsylvania.

When Mr. Margiotti was on the stand, he suggested to the Committee that it should call S. Davis Wilson, Mayor of Philadelphia, and a candidate in the Spring primary for the office of United States Senator on the Democratic ticket, from whom, in the course of that campaign, Mr. Margiotti had received a telegram setting forth financial transactions of Matthew H. McCloskey, Jr., with the Governor, and urging Mr. Margiotti to make a complete investigation of the award of contracts by the General State Authority to Matthew H. McCloskey, Jr., and Company. Mayor Wilson was called as a witness and testified that he had no direct knowledge of any of the transactions referred to in his telegram but had gained the information from general rumors. (Record, page 723, etc.) He further testified that immediately after the telegram was made public, the Governor explained these transactions. The Governor issued a public statement in which he set forth in detail all of the transactions that he had with Matthew H. McCloskey, Jr. Honorable Harry E. Kalodner, now Judge of the United States District Court of the Eastern District of Pennsylvania, testified that following the publication of the Wilson telegram, at a time when he was engaged in private practice, he communicated with

the Governor, who was then in the western part of the State, and with his permission secured all of the cancelled checks in the possession of the Governor bearing upon these transactions. Judge Kalodner further testified that on his way from the Governor's office, after completing an examination of the Governor's records, he met Mr. Margiotti in the corridor near the Attorney General's office, and Mr. Margiotti and he went to the reception room of the Governor and there Judge Kalodner gave him a complete statement of all of the loans made by the Governor from Mr. McCloskey, together with a record of the amounts and dates of repayments on said loans, and further showed him the cancelled checks.

The Governor, in his testimony before your Committee, gave a complete, full and detailed account of all of his transactions (Record, page 7992, etc.) with Mr. McCloskey. He produced the original checks before your Committee and left with your Committee photostatic copies thereof.

All of the testimony in connection with these transactions disclosed that they occurred in the years 1935 and 1936, many months prior to the time when the General State Authority Act was declared constitutional and the General State Authority was organized. (For record of loans and payments, see testimony of Judge Kalodner, Record, page 7301 to 7328.)

The evidence is overwhelming that the money transactions between Mr. McCloskey and the Governor were bona fide loans, the greater part of which has been repaid by the Governor to Mr. McCloskey. These loans were legitimate transactions and in support of this statement, reference is made to the opinion of the Supreme Court of Pennsylvania when it held insufficient the first petition of Mr. Shelley, District Attorney of Dauphin County, for a grand jury investigation. In that opinion, it is said:

> "Charge (e) concerns the borrowing of money by the Governor. As it is presented there is no suggestion of criminal violation of the law, nor could there be under the circumstances related at argument. If the loan mentioned was made at the time there stated, the General State Authority did not then exist. The Act creating it had been declared unconstitutional.
>
> It is conceded that it is not unlawful for a public officer to borrow money from an individual, unless the loan when made definitely relates to and is proven to be connected with an unlawful solicitation to defraud the State."

We therefore find as a fact that no money or other consideration was passed by Matthew H. McCloskey, Jr., to George H. Earle, III, Governor, as a consideration for awarding to Matthew H. McCloskey, Jr., or companies in which he is interested, building contracts by the General State Authority, and we further find that the financial transactions of the Governor and Matthew H. McCloskey, Jr., brought to our attention by Charles J. Margiotti are also bona fide loans in every respect.

It is averred in Paragraph 10, of the Amended Petition, hereinbefore quoted:

> "* * * and further the said Matthew H. McCloskey, Jr., was enabled, with the assistance of the said George H. Earle, III, to have the said plans and specifications prepared by persons who had been in the employ of the said Matthew H. McCloskey, Jr., or corporations in which he was interested * * * "

A complete and searching investigation was made by your Committee of the selection and employment of architects by the General State Authority, and we were unable to find a single instance in the entire program under construction by the General State Authority in which any person in the employ of Matthew H. McCloskey, Jr., or any corporations in which he was interested, was even suggested for employment as an architect. Many contracts were secured by McCloskey and Company from the General State Authority and in each of the awards made to him he was the lowest responsible bidder.

Our investigation discloses that the architects on many of the projects under construction by McCloskey and Company, as well as others, had previously been employed by the Commonwealth of Pennsylvania under other Administrations, or had been in consultation with the managing directors of the institutions benefitting in this program. A major portion of your Committee's investigation of General State Authority related to the Finance Building. The evidence disclosed that the original plans and specifications for the Finance Building were drawn in 1929 during the Administration of Governor Fisher by the firm of Gehron and Ross, New York architects. Under their commission, they were paid forty thousand dollars in the Administration of Governor Fisher (1927-1931). The plans lay dormant until the creation of the General State Authority, which provided funds for its completion. The General State Authority communicated with Mr. Sidney Ross, surviving member of the firm of Gehron and Ross, and employed him, under a written contract, to continue as architect in the construction of the Finance Building. It was testified by Mr. Ross that the original plans were modernized and some additional space was provided because of the growth of the department from the time the original plans were drawn. Mr. Ross further testified, as did other witnesses, that the General State Authority took credit for the original payment of forty thousand dollars made to his firm during the Fisher Administration.

The Governor testified that no person was suggested by him for employment as an architect by the General State Authority, with the exception of an architect who did not receive employment. No evidence has been produced to substantiate the charge of collusion between the Governor and Matthew H. McCloskey, Jr., or any other person in the selection of architects, and we find as a fact that the persons who prepared the plans and specifications for the projects under construction by the General State Authority were properly employed, were not persons who had been in the employ of the said Matthew M. McCloskey, Jr., or corporations in which he was interested, and that no architect secured employment with the General State Authority on the recommendation of the Governor.

It is set forth in Paragraph 10, hereinbefore quoted:

> "* * * that specifications were purposely drawn ambiguously in details and requirements to the end that contracts when awarded might be construed in favor of the said Matthew H. McCloskey, Jr., or corporations in which he was interested, * * *"

There is no evidence from which your Committee could draw a conclusion in support of the portion of Paragraph 10 just above quoted, and we believe it reasonable to infer that an inspection of the plans and specifications, to which reference was time and again made throughout the taking of the testimony, failed to disclose any ambiguity. Further, we think it reasonable to infer that since none of the bidders on any of the contracts, and particularly the Finance Building, made complaint in respect to the matter above suggested, the plans and specifications were properly drawn. All of the testimony before your Committee shows that all of the plans and specifications were drawn in keeping with the best standards of the profession.

Your Committee finds as a fact that there was no ambiguity in the plans, specifications, details, or requirements in connection with the Finance Building, and so far as your Committee has been able to examine other plans and specifications made a part of this record in the course of this proceeding, it must conclude that all of the plans and specifications were properly drawn in every respect.

It is further set forth in Paragraph 10, hereinbefore quoted:

> "* * * that contracts were fraudulently and dishonestly awarded by the said General State Authority to the said Matthew H. McCloskey, Jr., or corporations in which he was interested, said contracts having been based upon certain plans and specifications prepared with the approval of the said George H.

Earle, III, in a fraudulent, dishonest and corrupt manner to the end that favoritism and preference might be shown that said Matthew H. McCloskey, Jr., in enabling the said Matthew H. McCloskey, Jr., and corporations in which he was interested, to submit low bids for said contracts * * *"

There is no testimony that Governor George H. Earle approved any of the plans and specifications, or that he ever saw any of them, in connection with the contracts awarded by the General State Authority. There is no testimony before your Committee from which even an inference might be drawn that the plans and specifications were so prepared that favoritism and preference might be shown to Matthew H. McCloskey, Jr., his company, or any other company, or that low bids could have been submitted by him by reason of any ambiguity in any of the plans for the work upon which he was bidding. There is no evidence to show any arrangement existed between Matthew H. McCloskey, Jr., and George H. Earle, III, or any other person, to fraudulently and dishonestly award any contracts by the General State Authority to Matthew H. McCloskey, Jr., or corporations in which he was interested.

After the plans for the Finance Building prepared by Mr. Ross, who was first employed in the Fisher Administration, had been approved by the General State Authority, invitations for bids were solicited in the method provided by law, and the bids were submitted at the time fixed, in an open session, attended by officials of the General State Authority, the Public Works Administration, representatives of the various departments of the Commonwealth of Pennsylvania, the interested bidders, and an invitation was extended to any bidder to examine bids submitted by other bidders. The bids were tabulated in open session, immediately after their opening, and a public announcement was made of each of the bids, and in each instance contracts were awarded to the lowest responsible bidder.

Your Committee finds as a fact that no arrangement of any kind existed between Matthew H. McCloskey, Jr., and George H. Earle, III, or any other person, whereby contracts were dishonestly and fraudulently awarded by the said General State Authority to the said Matthew H. McCloskey, Jr., or corporations in which he was interested.

Your Committee further finds as a fact that none of the plans and specifications for any of the contracts of the General State Authority were approved by George H. Earle, III.

Your Committee finds as a fact that the plans and specifications were properly and honestly drawn and that no fraud, dishonesty or corruption of any kind existed in the preparation thereof.

Your Committee finds as a fact that no favoritism or preference was shown in the preparation of plans and specifications, or the awarding of contracts to Matthew H. McCloskey, Jr., or corporations in which he was interested.

It is further averred in Paragraph 10, above set forth, that Matthew H. McCloskey, Jr., was enabled with the assistance of the said George H. Earle, III:

"* * * to secure the appointment of inspectors to inspect the work to be performed under the said contracts, and that said inspectors and their superiors fraudulently, dishonestly, and corruptly approved work performed under said contracts by the said Matthew H. McCloskey, Jr., and corporations in which he was interested, said work having been defectively performed and with materials different from and inferior to those called for by the said contracts. All of which was knowingly permitted by the said George H. Earle, III, for the benefit of the said Matthew H. McCloskey, Jr., and to the detriment and prejudice of the General State Authority and the Commonwealth of Pennsylvania."

The testimony discloses that there were three separate and distinct groups inspecting all of the contracts awarded by the General State Authority, to wit, the architects, who drew the plans and specifications, the representatives of the P. W. A., which made a grant to the General State Authority, and the General State Authority. Mr. Philip J. Hickey, a man of long and wide experience in the construction of large public buildings was selected by Colonel Janeway as head of the inspection department of the General State Authority. It was his duty first to interview and recommend for acceptance all of those who sought employment as inspectors for the General State Authority. Colonel Janeway, in the course of his testimony, said that he sent a circular letter to each of the Democratic County Chairmen in the Commonwealth of Pennsylvania, soliciting the names of persons who could qualify for work as inspectors for the General State Authority. There was some response to this request and all the persons who secured employment as inspectors with the General State Authority were interviewed by Mr. Hickey and were persons of wide experience in the construction business. There is no testimony that any inspector on any of the contracts awarded to McCloskey and Company was selected by Mr. McCloskey or sponsored by him.

Mr. Margiotti testified that, prior to the date of his dismissal as Attorney General, he employed Mr. I. E. Penrod to make an inspection of the work and materials in the Finance Building. He further testified that, under his instruction and through a court order secured by Carl B. Shelley, District Attorney, in the Dauphin County Court, Mr. Penrod went upon the premises and there secured samples of the materials being used in the construction, to wit, sand, gravel, or small lime rock and brick. These materials were delivered to Hunt and Company, an engineering concern, with offices in Pittsburgh, for tests, to determine whether they were in compliance with the plans and specifications. Mr. Margiotti, likewise, made available to the office of Hunt and Company the plans and specifications of the Finance Building. Mr. Margiotti, in his appearance before your Committee, suggested that it call Mr. Penrod and the representatives of Hunt and Company, which had made the tests.

Mr. Penrod was called as a witness before your Committee and testified that on his visit to the Finance Building, he checked the time and manner of the mixing of concrete and mortar and found that they were not being mixed strictly in accordance with specifications. He further testified that on the third floor of the structure, he found three loose bolts and three loose rivets in the steel construction.

While he also testified to having found some reinforcing exposed on the steel beams, an examination of the specifications showed that this method was in accordance with the plans and its construction, and it was further found that the exposed reinforcing was, according to specifications, to be covered by four and one-half inches of concrete. The testimony of Mr. Penrod was in conformity with the written report made to Mr. Shelley before the Amended Petition was filed.

The representatives of Hunt and Company appeared as witnesses before your Committee and gave your Committee the result of the tests made for Mr. Margiotti. All of the materials tested, with the exception of coarse aggregate, were in compliance with the required specifications and some of them exceeded specification requirements. The variation of the coarse aggregate from the specification requirements was slight and the representative of Hunt and Company said that it was suitable for certain uses to which it could be put in the construction of the building. (The report of these tests will be found in the Record, page 3115.) The reports of tests and inspections made by Hunt and Company were also in the hands of Mr. Shelley before the Amended Petition was filed.

There was testimony before your Committee by Mr. Penrod and Mr. Edward Godfrey, of Hunt and Company, that the brick veneer which acts as a protection to the waterproofing on the foundation wall was out of alignment in several places. All of the witnesses testified that this construction did not in any way affect the building and did not result in any saving to the contractor. Some of the witnesses called explained that this nonalignment

was due to the variation in the ground level about the building, which would cause the first tier of limestone resting upon the foundation wall to extend out beyond the foundation wall or to be within the outer line of the foundation wall due to the batter of the limestone. No witness testified that this condition of the brick veneer wall cheapened the construction, affected its durability, or detracted from its appearance. In fact, this brick veneer is all below the surface and will be covered by the graded surface.

At the further suggestion of Mr. Margiotti, your Committee called Mr. H. S. Brightly, a representative of the Indiana Limestone Institute, and one of the foremost limestone experts in the country, who at the request of Carl B. Shelley, District Attorney, made an inspection of limestone intended for use and set in the Finance Building. Your Committee was led to the conclusion, through the testimony of Mr. Shelley and Mr. Margiotti, that Mr. Brightly, if called, would testify that the limestone used and its erection was not in accordance with plans and specifications. On the contrary, when Mr. Brightly was on the stand, he said unequivocally that the limestone was in accord with the plans and specifications; that it was within the range of the color and texture of samples approved by the architects and that it was one of the finest jobs that he had inspected, and had so advised Mr. Shelley promptly after the inspection and wrote him to the same effect prior to the filing of the Amended Petition. While Mr. Brightly testified that one of the stones in the building bore a discoloration, he further said that the discoloration was the result of absorption from some material in the mortar about the stone and, in his opinion, this discoloration would bleach out.

Mr. Brightly further testified that the limestone in the Finance Building was one of the finest pieces of setting he had ever seen. Besides Mr. Brightly, your Committee heard Mr. John D. Fuller, President of the Heltonville Limestone Company, which fabricated the limestone and he submitted for the benefit of your Committee all of the records in respect to the limestone ordered for use in the Finance Building. He, as well as Mr. James B. Kelly, Assistant Director of the General State Authority; Mr. Philip Hickey; Mr. A. J. Warlow, Chief Engineer of the General State Authority; Mr. Walter H. Eubank; Mr. John H. Moffett, etc., testified that the limestone used in the Finance Building was in accord with plans and specifications and was within the range of color and texture of the samples submitted. Some of these witnesses further testified that the setting of the limestone was an excellent job.

Your Committee was further advised to call a Mr. Schmidt, of Long Island, New York, who had made an inspection of the limestone for Mr. Shelley, and although an attempt was made to secure the presence of Mr. Schmidt, he failed to respond to the request addressed to him and he was without the reach of subpoena.

Your Committee called a great many of the inspectors on the Finance Building and the testimony disclosed that some of the minor details of the work, which had not yet passed final inspection, did not meet the strict requirements of the specifications, but these were of slight importance in the construction and such as might be found in any construction contract much less in size than the Finance Building. Your Committee has the assurance of the General State Authority and its inspectors that all of these slight departures from specification requirements will be corrected before final inspection and acceptance of the building.

There was also testimony indicating that some concrete in the wall and floor slabs did not pass the cylinder test provided by the plans and specifications. However, in the case of floor slabs concrete that did not pass the cylinder test, all of the slabs affected were submitted to a rolling load test and held a load that far exceeded the specification requirements. In the cases where the concrete in the wall did not pass the cylinder test, concrete prisms were removed from the wall and subjected to a compression test in the laboratory of Conwell and Company, of Philadelphia. Some of the prisms removed from the wall were tested in the presence of your Committee members and the prisms when subjected to that test exceeded specifications.

While the Amended Petition sets forth that materials used in the construction were different and inferior to those required, the testimony discloses that all of the materials so far used in the building were first approved by the General State Authority, the architect, or his representative, and the representatives of P.W.A., and that the materials used by the contractor, or subcontractor, which went into the construction of the buildig, all came from approved sources.

Your Committee called and heard James A. Dempsey, steel inspector, employed in accordance with the plans and specifications, and he testified to an experience of steel inspection of a long period on large public structures throughout the entire United States. Mr. Dempsey displayed a complete familiarity with requirements of the contract and plans and specifications and testified that his duties required him to inspect the steel in the mill during the rolling process and, thereafter, the fabrication in the shops and the erection of the steel in the building. He testified that all of the steel used in the construction of the Finance Building is in absolute accord with the plans and specifications and the standards of the trade. He further described the method employed by him in the several inspections by which he identified the steel used as that inspected by him.

Mr. Godfrey one of the representatives of Hunt and Company, testified in the course of these proceedings that on the occasion of his inspection of the Finance Building, on or about May 7, 1938, that he found in one place five loose bolts on the fifth floor. At this time, the concrete was poured on the lower floors and they were starting to work on the upper floors. He was asked if he ever returned to see if these bolts were subsequently tightened and he said that he had not.

Mr. Godfrey further testified that the brick veneering which protected the waterproofing, although out of line in places, did not affect the construction and did not save any money for the contractor.

When the attention of Mr. Dempsey was called to the fact that some bolts were found loose on the fifth floor, he explained that the bolts had been loosened and the beam moved in order to make space for a derrick and hoist on the upper floor. He testified that he knew at the time he made his inspection before May 6, 1938, that these bolts were loose and that at the time of his final inspection when all the steel was erected, all the bolts and rivets were properly tightened. Some suggestion was made in the course of the proceeding that a change order was made affecting the weight of steel used in certain parts of the building and that this might result in a saving to the contractor. Mr. Dempsey testified that, while the change order was made for a proper reason, the steel substituted did not save any money for the contractor.

There is not a single instance called to the attention of your Committee of any serious violation of the contract or the plans and specifications, or that the departures in any way affected the construction or the appearance of the building, or that they resulted in benefit to the contractor or any unjust enrichment to anyone.

Your Committee finds as a fact that the inspectors on this Finance Building project were in some instances careless in the performance of their duties, and as a result thereof some of the work was not done in strict accordance with specifications. Your Committee finds that the departures from specifications are being remedied by the contractor as his attention has been directed to them. Your Committee finds no evidence that any of the accused officials or others entered into an agreement or arrangement with the inspectors to influence them to so discharge their duties as to favor the contractor or anyone else. Your Committee finds that no loss has been or will be sustained by the General State Authority through any of the departures from specifications and no profit has or will result to the contractor by reason thereof.

Your Committee finds that the variations from the specifications, as hereinbefore pointed out, were not dishonestly or fraudulently procured and that they were not unusual in the construction of such buildings.

Your Committee finds that there is no evidence from which it can conclude that any conspiracy existed between Matthew H. McCloskey, Jr., and George H. Earle III, or anybody else to defraud the General State Authority or the Commonwealth of Pennsylvania by reason of the award of any General State Authority contracts to McCloskey and Company.

(2) Architects' .'Kickbacks"

Under the above heading, Your Committee shall discuss the charges contained in Paragraph 7 of Mr. Shelley's Amended and Supplemental Petition. In this paragraph, it is charged that George H. Earle III. David L. Lawrence, Matthew H. McCloskey, Jr., Ralph M. Bashore, and others, in Dauphin County, during the years 1937 and 1938, unlawfully conspired and agreed to extort money and levy blackmail from architects, contractors, and other persons doing business with the State and its agencies; that the nature of such unlawful conspiracy was that no architect would be appointed or given a contract unless such appointment was first approved by David L. Lawrence and Matthew H. McCloskey, Jr., and that no architetc would be appointed unless and until he agreed to pay to David L. Lawrence, Matthew H. McCloskey, Jr., and others, a sum equal to one-third of his commission. Subsection (a) of Paragraph 7 provides:

> "That in furtherance of said conspiracy and in performance thereof, one Edward B. Lee, an architect employed upon one of the State Authority projects, was, by means of oral and written communications subjected to unlawful threats, intimidation and coercion, within two years last past, and within the jurisdiction of this Court, and was required to agree to pay one-third of the architect's commission to which he was legally entitled, to David L. Lawrence, Matthew H. McCloskey, Jr., and others, as a condition of his appointment as architect upon a project of the General State Authority."

Your Committee subpoenaed Edward B. Lee, the person mentioned in subsection (a), above set forth, and he testified that the averment contained with respect to him, as above set forth, was false, that he had never talked to anyone in connection with his employment as an architect about any agreement to pay back any portion of his commission as such to David L. Lawrence. Matthew H. McCloskey, or any other person, in consideration of his appointment as an architect upon a project of the General State Authority. He further testified that he was never, by anyone, subjected to oral or written communications, threating, intimidating, or coercing him in any way to make any payment of any sum of money from the commissions earned by him as an architect of the General State Authority. He testified that no one ever spoke to him about any of the matters set forth in subsection (a), and he knew of no reason why Mr. Shelley, or anybody else, would make such a statement.

Subsection (b) provides:

> ',That in furtherance of said conspiracy and in performance thereof, the parties aforesaid, within the jurisdiction of this Court and within two years last past, by oral and written communications, did attempt to extort money and levy blackmail from one C. A. Lake, an architect, by offering to appoint him as an architect upon one or more projects of the General State Authority, in return for his promise to pay to the said Matthew H. McCloskey, Jr., David L. Lawrence and others, a sum equal to one-third of the architect's commission, which he would lawfully receive for his services; that the said C. A. Lake refused to participate in said unlawful conspiracy or to submit to such unlawful extortion and blackmail, whereuopn his appointment was withheld."

Your Committee likewise subpoenaed C. A. Lake, an architect, specifically mentioned in subsection (b), and when he appeared before your Committee, after some preliminary questions by counsel, he was asked the following question by the Chairman:

> "Q. Any contract ever offered to you on condition that you would split the fee with any member of the Authority or any of the individuals that are charged in the District Attorney's bill of complaint?
>
> "A. Mr. Cohen, I never made application to the State Authority for a contract. I have been engaged in private practice in Pittsburgh and have only executed one public building. As a matter of fact I much prefer private practice and I made no effort to obtain one of these commissions. I don't know any of the individuals named here personally. I am not a politician. I am not interested in politics, and I might say that this allegation against my professional practice has been very detrimental to me. I feel that common courtesy would have prompted someone to take the matter up with me personally and get a direct answer on it before we entered any such public record as this."

(Record, pages 937-938)

Your Committee secured from the files of the General State Authority a complete list of all of the architects engaged by it in connection with its program and proceeded to call those who prepared the plans and specifications and supervised the construction on the various projects. When fifty or more of the architects had been called and had testified, your Committee unanimously determined, at an excutive session, to hear no further witnesses along this line. Every architect so called testified that no arrangement had been made by him, or suggested to him by anyone, that one-third of the architect's commission, or any other sum, be returned to David L. Lawrence, Matthew H. McCloskey, Jr., or any other person, in consideration of his employment.

Your Committee finds that the General State Authority was zealous in the performance of its duties in safeguarding the interests of the Commonwealth and in protecting the funds allocated to it for its program. because, over the protests of the architects employed by it and paid commissions under previous Administrations for work done by them and made a part of its program, the General State Authority deducted from the commissions due architects employed by it under the present program, all moneys paid by prior Administrations. Sixty thousand or more dollars was saved by the Commonwealth by this policy.

Your Committee therefore finds that there is no evidence in the record from which an inference can be drawn of any wrongdoing on the part of any architect employed under General State Authority. nor on the part of any member of the General State Authority, David L. Lawrence, or Matthew H. McCloskey, Jr.

(3) "Macing.'

In the District Attorney's Amended Petition, paragraph 6, it is alleged:

> "That the said George H. Earle III. David L. Lawrence, Ralph M. Bashore. Matthew H. McCloskey, Jr., and Carl K. Dean,, then and now Harrisburg Resident Secretary of the Democratic State Committee and others, during the years 1935, 1936, 1937 and 1938, at the County of Dauphin and within the jurisdiction of this Court, did illegally and unlawfully conspire and agree to extort money and levy blackmail from State, County, City and other public employees, by means of coercion, threats, intimidation and other unlawful methods, the nature and character of said conspiracy being:
>
> "That the said George H. Earle III, David L. Lawrence. Ralph M. Bashore. Matthew H. McCloskey, Carl K. Dean and others did illegally and unlawfully conspire and agree to obtain money by means of coercion, threats, intimidation and other unlawful means, methods and acts, to the prejudice of such public employees and the people of the Commonwealth, generally; that the nature of the unlawful conspiracy and combination was such that each public employee was required to pay three per cent or five per cent of his or her salary, depending upon the amount of the salary. Three per cent was to be exacted from those receiving a salary of $1200.00 or less per annum, and five per cent was to be exacted from those receiving a salary of more than $1200.00

per annum; each Democratic County Chairman within the Commonwealth of Pennsylvania was designated as a collector and was required to make such collections in his respective county, with the understanding that he was to retain 2/5ths of the amounts collected for the use of his local Democratic County Committee and the balance, 3/5ths was to be forwarded to the said Carl K. Dean at Harrisburg, Dauphin County, Pennsylvania; that of the said amounts collected in the hands of said Carl K. Dean, 2/3rds were retained for the use of the Democratic State Committee and the remaining 1/3 forwarded to the Democratic National Committee at Washington, D. C.; that the monies so collected were to be obtained from the said public employees by means of coercion, intimidation and threats of dismissal; that the monies so unlawfully extorted have been estimated to amount to as much as $2,000,000.00 per year and upwards; * * *

That in the furtherance of said conspiracies the following overt acts was set forth:

"* * * That on or about the 15th day of February, 1938, at Harrisburg, Dauphin County, Pennsylvania, and within the jurisdiction of this Court and within two years last past, Robert M. Fager, the then Dauphin County Democratic Chairman, and Thomas Reilly, agents of the parties aforesaid, at the direction of the conspirators and in furtherance of the said conspiracies, did, by oral and written communications, unlawfully intimidate and threaten one Delaney R. Robinson with dismissal from his employment with the Commonwealth of Pennsylvania unless he, the said Delaney R. Robinson, would continue to make payment that had theretofore been exacted from him, from his salary, as such employee of the Commonwealth, to the Dauphin County Democratic Committee, and that because of his refusal to continue to make such payments, the said Robert M. Fager and Thomas Reilly, by direction of and with the aid and assistance of the said conspirators, did cause the said Delaney R. Robinson on or about April 1, 1938 to be dismissed from his employment with the Commonwealth of Pennsylvania, Department of Revenue, as a truck driver. * * *"

During the progress of this hearing when the architects were on the stand considerable time was devoted to interrogating them on the question of being compelled to pay assessments by coercion, threats or intimidation. All denied ever having been subjected to any such treatment, some of them admitted having voluntarily, of their own free will and accord, contributed to the Democratic State Committee, others to some Democratic County Committee, while others denied having contributed to any Democratic Committee, but admitted contributing to local Republican Committees and some to the Republican National Committee. While the question of architects' "kickbacks" is discussed under another heading, yet we feel that it relates in a measure to the question of macing, and demontrates to our satisfaction that there was no such system of forcing State employes by coercion, threats, or intimidation, to contribute to the Democratic State or any county committee, such as is alleged in the paragraph under discussion in the District Attorney's Amended Petition.

In addition to the names suggested by Messrs. Shelley and Margiotti as persons by and through whom this charge could be substantiated, your Committee, through its counsel, interviewed a very large number of other persons; some were State employes, while others were concerned with transactions that they had with the State government, all of whom stated that they had never been maced, or subjected to any threats, coercion, or intimidation for the purpose of compelling a contribution to the Democratic State or any county committee. Although Mr. David Lawrence was questioned at great length regarding the system and method by and through which the Democratic State Committee raised funds, he positively denied that any such system existed as that which is alleged by the District Attorney in his Amended Petition, or intimated by Mr. Margiotti in his testimony. Mr. Lawrence denied that any public official or employe was ever authorized, directed, or requested to coerce or intimidate any other employe for the purpose of compelling them to make a political contribution, and further states (Record, page 7636):

"The specific orders of the Governor and myself, as State Chairman, were that no employees should be coerced or that no employee should be dismissed at any time because they did not contribute to the State fund. That order was given by myself to John F. Breslin, who was Personnel Secretary when the Administration started, and then to Tom Williams, his successor, and likewise given to Mr. Dean."

Mr. Lawrence further testified that at no time did he enter into any agreement or understanding with George H. Earle, Ralph M. Bashore, or Matthew H. McCloskey,, Jr., whereby any employe was to be coerced or intimidated, or compelled to contribute to the Democratic State Committee or any other committee. That he had no knowledge prior to the filing of the petition by the District Attorney that Delaney R. Robinson was dismissed from his employment because of his failure to make a contribution to the campaign, nor did he at any time authorize either Mr. Fager or Mr. Reilly, or anyone else, to levy any blackmail, extort any money, or use any threats or intimidations against Mr. Robinson, or ny other employe of the Commonwealth of Pennsylvania in the event of his or their refusal to pay any assessment.

Mr. Ralph M. Bashore likewise denied that he at any time either directly, or indiretcly, requested, authorized, or directed anyone to intimidate, coerce or threaten any State employe in the event of their refusal to pay a political assessment to the Democratic Party. Mr. Bashore denied that any such combination, agreement, or conspiracy was ever entered into by him, and the other persons mentioned in connection with this subject, or any other person, such as is alleged in the District Attorney's Amended Petition in the paragraph under discussion.

Governor Earle, when on the witness stand, denied that he, in any way or in any manner, had anything to do with the collection of finances on behalf of the Democratic Party. The Governor denied emphatically that anyone was authorized or had any authority to coerce, intimidate, or threaten any employe of the State government in order to compel such employe to make a contribution for political purposes. His testimony confirmed Mr. Lawrence's that he, the Governor, gave specific orders that no employe should be coerced, intimidated, or dismissed from employment because such employe did not contribute for political purposes.

The Governor, throughout his entire testimony, submitted himself to the fullest and most searching examination by both counsel and committee members, throughout all of which he stoutly and emphatically denied being in any combination, agreement, or conspiracy with any persons which had for its object or purpose the levying of blackmail or tribute (as called in modern-day parlance, "macing") against any public official or employe of the Commonwealth, or anyone doing business with the Commonwealth.

All of the civil officers, whether department heads or members of various boards, who were called as witnesses, when interrogated on the subject, emphatically denied that they, or anyone under their jurisdiction or authority, was authorized or directed to levy assessments against any State employe, or in any way intimidate, coerce, or threaten any State employe for his or her refusal to make a political contribution.

Your Committee finds that no conspiracy existed as that alleged in Paragraph 6 of the District Attorney's Amended Petition among the persons named in this paragraph or any of them, and your Committee further finds that there is no evidence that any employe was coerced, threatened, or intimidated by any method or means to pay any assessment for political purposes to the Democratic State Committee or any county committee.

Your Committee further finds that the Governor, in no way or in any manner, was conected with the raising of

funds for political purposes by either the Democratic State Committee or any subdivision thereof.

Your Committee further finds, from the evidence as produced in open hearings, that the method and means by which the Democratic State Committee raised funds in order to conduct its business was not improper, illegal, or unlawful.

(4) Legislative Bribes

In Paragraph 11, of the District Attorney's Amended Petition, it is alleged:

> "That the said David L. Lawrence, Matthew H. McCloskey, Jr., Ralph M. Bashore, Harry E. Kalodner, and others, did unlawfully in 1935 . . . illegally and unlawfully conspire and agree to the extortion of money and levying of blackmail from persons interested in the passing of legislation; that said conspiracy continued through the years 1935, 1936 and 1937 and overt acts were performed during all of said period in furtherance of said conspiracy, . . . that among said overt acts are the following:
>
> "(a) In 1935, the said David L. Lawrence, Matthew H. McCloskey, Jr., Ralph M. Bashore, Harry E. Kalodner, and others, did unlawfully agree to exert their influence as leaders of the Democratic Party to cause amendments to the Beverage License Law to be enacted at the 1935 Session of the Legislature; that they did agree with representatives of the Pennsylvania Brewers' Association to cause Legislation to be enacted in consideration of the agreement by said Pennsylvania Brewers' Association, through its representative, Meade J. Mulvihill, to pay to the said David L. Lawrence, Matthew H. McCloskey, Jr., Ralph M. Bashore, Harry E. Kalodner, and others, large sums of money in the amount of approximately Fifty Thousand ($50,000.00) Dollars; that in furtherance of the said unlawful agreement the said David L. Lawrence, Matthew H. McCloskey, Jr., Ralph M. Bashore, Harry E. Kalodner, and others, did direct the Chairmen of the Committees to which the said bills were referred in the General Assembly as to the time and method whereby such bills should be reported out of said Committee, and did further exert their power and influence at the Democratic caucuses to persuade the Democratic members of the General Assembly to vote in favor of the passage of such legislation; that in pursuance of said unlawful, illegal conspiracy, and in promotion thereof, the said David L. Lawrence, in the month of May, A. D. 1935, at a caucus of the Democratic members of the House of Representatives from the County of Philadelphia, held in the City of Harrisburg, Dauphin County, aforesaid, did directly by threats and intimidation of loss of patronage, endeavor to influence Eugene Haggerty, and others, then and there being members of the House of Representatives, in the discharge and performance of an act, duty and obligation pertaining to such office and the offices of such other members of the said House of Representatives; that the parties aforesaid did cause such bills to be held in Committee until such time as definite arrangements were made for the payment of the sums demanded by them for its passage; that further in performance of such unlawful agreements the sum of Fifty Thousand ($50,000.00) Dollars was paid to Matthew H. McCloskey, Jr., David L. Lawrence, Ralph M. Bashore, and others.
>
> "(b) During the 1935 Session of the Legislature the said David L. Lawrence, Matthew H. McCloskey, Jr., Ralph M. Bashore, Harry E. Kalodner, and others, in consideration of the payment of the sum of One Hundred Thousand ($100,000.00) Dollars, more or less, did unlawfully agree to use their influence as leaders of the Democratic Party to cause the passage of the Sunday Movie Bill in the 1935 Session of the Legislature and in furtherance of such unlawful agreement, did direct the said Chairman of the Committee to which the said bill was referred in the General Assembly as to the time and method whereby such bills should be reported out of Committee, and did further exert their power and influence at the Democratic caucuses to persuade the Democratic members of the General Assembly to vote in favor of the passage of such legislation; and that they did cause said bills to be held in Committee until such time as definite arrangements were made for the payment of such sums for its passage, and that in the performance of such unlawful agreement, the sum of One Hundred Thousand ($100,000.00) Dollars was exacted, levied and unlawfully extorted by the said David L. Lawrence, Ralph M. Bashore, Harry E. Kalodner, and others.
>
> "(c) That during the 1937 Session of the General Assembly, at Harrisburg, in the County of Dauphin aforesaid, and within the jurisdiction of this Court, the said David L. Lawrence, Matthew H. McCloskey, Jr., Ralph M. Bashore, Edward W. Prendergast, then and now Secretary to the Governor, and others, did, in furtherance of said conspiracy, and in promotion thereof, unlawfully agree to use their power and influence as State Officials and Officers of the Democratic State Committee, to cause amendments to the Beverage License Law to be enacted, permitting the sale of packages of beer by retail stores in consideration of the agreement with representatives of the Pennsylvania Brewers' Association to pay large sums of money to the said Matthew H. McCloskey, Jr., and David L. Lawrence, and in furtherance of said conspiracy did have, receive and extort the sum of Sixteen Thousand ($16,000.00) Dollars and upwards from the said representatives of the said Pennsylvania Brewing Association."

(a) Beer Legislation

Mr. Margiotti attempted to support this allegation by a reference to a casual remark which he overheard, not as an eavesdropper, but while coming out of the Governor's office some time during the Session of 1935, during which period he endeavored to give the substance, in part, of a conversation between Frank Maddas, Meade Mulvihill, Matthew McCloskey, and David L. Lawrence. The remark overheard, as stated by Margiotti, was made by Mr. McCloskey to Mr. Mulvihill and Mr. Maddas, and is to the effect:

> "You got to pay that money. If you pay that money, we will do it. They answered 'yes.'" And when asked who said "yes", Margiotti answered:
>
> "Maddas and Mulvihill. They did not say it in one breath. Both answered in the affirmative. I cannot tell you which spoke first or which last, but I know they both nodded assent. At that time the Governor was seated at his desk. It was not a loud conversation. There were other people in the office, and I got the conversation as I was going out.
>
> "Q. So that we understand you, you did not stop and listen to the conversation?
>
> "A. It was a passing hearing of the conversation."

This conversation which Mr. Margiotti casually overheard was in the hall just as you enter the Governor's office. Mr. Margiotti did not stop and enter into the discussion but stated that a day or so later, he spoke to Matthew McCloskey, to whom he said:

> "'Were you talking to those people about getting money for Legislation.' He said 'yes'. I said to him, 'What did you ask'. He said '$20,000'. I said, 'McCloskey, you would not want to do a thing like that.' He said, 'Did you say it is unlawful?' I said 'Yes'. He said, 'I didn't mean it.' I said that I did. He said, 'I won't do it. Anyway I was only kidding.'"

It will thus be seen that if there is any merit or substance to the testimony given by Mr. Margiotti, as quoted, although Attorney General of the Commonwealth, he made no effort to interview any of the other men engaged in the alleged "confab" to ascertain whether that which the Attorney General is alleged to have heard, as reflected in his testimony, or the alleged conversation with Mr. McCloskey, was correct, nor did he even endeavor to convey his knowledge of what transpired to his superior, Governor Earle. If the circumstances with regard to this matter actually took place, as Mr. Margiotti would have

your Committee believe, then the proper time and place for a righteous Attorney General to take action was then and there and to bring the matter before the General Assembly and the Governor of the Commonwealth.

The only other evidence which Mr. Margiotti gave or suggested that he had was that relating to an alleged conversation with a member of the House of Representatives one Charles Melchiorre, which was later supposedly reduced to writing on March 16, 1938, in the Attorney General's office. Mr. Margiotti testified that Melchiorre at that time was for him for Governor and that a conversation took place between Melchiorre and himself in the Bellevue-Stratford Hotel about a week or ten days before March 16, 1938, at which time Mr. Margiotti stated that no one else was present but the two of them. He did not reduce Mr. Melchiorre's statement to writing at that time nor make any memorandum of it, because he (Margiotti) stated that he anticipated bringing him (Melchiorre) up here (Harrisburg) and getting a statement from him.

Mr. Margiotti then proceeded to testify with reference to an alleged statement made by Mr. Melchiorre in the Attorney General's office in Harrisburg on March 16, 1938, in which statement Mr. Melchiorre is supposed to have reaffirmed what he had already stated to Mr. Margiotti at the Bellevue-Stratford Hotel, to the effect that Mr. Melchiorre received $5,000 for his efforts in getting amendments to the Beverage License Law enacted at the 1935 Session of the Legislature. Strange to relate, Mr. Margiotti could not remember a single incident or any circumstance which impressed itself on his mind on the occasion of his Philadelphia visit when the alleged conversation took place, although testimony offered by witnesses called before your Committee conclusively established that on the night of the alleged conversation, an Italian society gave a dinner-dance at the Penn Athletic Club in Philadelphia, the latter part of February, and that during the festivities "they had a show on and they had some very pretty girls in a sort of tableau spelled out the name of 'Margiotti.'" Mr. Margiotti was there at the time, observed what was going on, and yet failed to recall the display of esteem in which the young ladies held him as demonstrated by the tableau they presented.

Mr. Margiotti, in the course of his examination, stated that when he was at the Bellevue-Stratford Hotel, at which time Mr. Melchiorre is alleged to have stated that "he knew $50,000 had been obtained for the Beer Bill and $100,000 for the Movie Bill, that "one Michael Spatola, a member of the Bar of Philadelphia County, and a friend of Margiotti, was present."

But Mr. Spatola, who is the person that Mr. Margiotti testified (Record, page 1553) "Just sat there and looked and listened" when Melchiorre is alleged to have stated that "he knew that $50,000 had been obtained for the Beer Bill and $100,000 for the Movie Bill", when called as a witness also emphatically denied that any such conversation ever took place in his presence during the entire time that he, Spatola, was there in Mr. Margiotti's suite of rooms in the Bellevue-Stratford. Mr. Spatola was invited by Mr. Margiotti, and accompanied him and Mr. Melchiorre, in one of the rooms of the suite, at which time Mr. Spatola testified that it was Mr. Margiotti who said to Mr. Melchiorre "I understand there is $100,000 put up for the Movie Bill and that Stern—Dave Stern handled the money and you got $50,000 for your bit. Mr. Melchiorre got up and said 'That is a damn lie, I did not get a cent." (Record, page 1827). Both Mr. Melchiorre and Mr. Spatola remembered the occasion of their visit to Mr. Margiotti's suite of rooms in the Bellevue-Stratford Hotel because of the unusual tribute paid to Mr. Margiotti at the dinner-dance given by the Italian society when the young ladies in tableau formation spelled out his name "Margiotti." Mr. Spatola was at the hotel in Mr. Margiotti's suite of rooms during the entire time that Mr. Melchiorre was there.

When Mr. Margiotti claimed that Mr. Melchiorre dictated a statement in effect the same as Mr. Margiotti claimed was orally given in Philadelphia, it appears beyond question that Mr. Margiotti sat as a member of the Pardon Board, hearing applications for pardons, at which time the application of one Dominick di Valerio for parole was heard. Mr. Melchiorre and two brothers-in-law of the parole applicant were in Harrisburg and came to the Senate Chambers where the Pardon Board was having its session at about eleven o'clock in the morning on March 16. Mr. Margiotti was sitting on the bench. The evidence showed that Edward Friedman came up alongside of Mr. Melchiorre and said to him "Hello" and Mr. Melchiorre answered, "Hello, Eddie, this is the day of the di Valerio case. Did you say anything to the General about it?" Mr. Friedman answered, "No, but I will go right up and tell him now. I forgot all about it." Mr. Friedman immediately left Mr. Melchiorre and the two brothers-in-law and went to the front of the Senate Chambers. he went behind Charles Margiotti and handed him a note and spoke in his ear, after which he returned to Mr. Melchoirre and said, "It is O. K. Take it easy. I will see you a little later about it."

It was further testified by Mr. Melchiorre, and corroborated by the two brothers-in-law of the parole applicant, that when the Pardon Board went into recess for lunch about 12:45, Mr. Margiotti and Mr. Friedman went to the Attorney General's office. The evidence further showed that while Mr. Melchiorre and the two brothers-in-law of the applicant were standing at the cigar stand in the corridor outside of the Senate Chamber speaking to another friend from Philadelphia, Edward Friedman came over to them and said, "Charlie, the Boss wants to see you about the pardon case. Come right over." Whereupon, Mr. Melchiorre and the two brothers-in-law walked over through the House into the office of the Attorney General. While the two brothers-in-law were sitting in the reception room of the Attorney General's office, Mr. Friedman escorted Mr. Melchiorre into the private office of the Attorney General and seated him directly across from Mr. Margiotti, who had his lunch on a tray. Upon being seated, Mr. Melchiorre said, "General, how does the case look to you?" And the Attorney General said, "Forget about it. It is O. K. and I will take care of it and make sure that everything is all right." After a few minutes more of conversation about politics, during which the Attorney General wanted to know how his boys in Philadelphia were doing, what the boys in South Philadelphia could do for him, ho wmany votes he would get in Mr. Melchiorre's territory, the conversation was concluded and Mr. Melchiore left the Attorney General's office and joined the two brothers-in-law of the parole applicant, who were still in the reception room, and went out of the Capitol. According to Mr. Melchiorre's testimony, supported by the two brothers-in-law of the parole applicant, the entire time consumed during while Mr. Melchiorre was in the Attorney General's private office was not over ten minutes, and at no time during that period was Mr. Melchiorre in Mr. Friedman's office, as testified to by Mr. Friedman and Miss Peach, who claimed to have taken down the alleged statement as dictated by Mr. Melchiorre.

Mr. Melchiorre positively denied that he dictated any statement to Miss Peach or made any statement to Mr. Margiotti, Mr. Friedman or Miss Peach, with reference to any alleged sale of beer legislation or any other kind of legislation. Mr. Melchiorre is corroborated in his testimony by the two brothers-in-law of the parole applicant in every respect with the exception of that which took place in the private office of the Attorney General during the noon recess of the Pardon Board, which lasted only ten minutes.

In this connection, we call attention to the testimony of Mary Jane Peach, a stenographer in the Attorney General's office, and who is now employed in the law offices of Mr. Margiotti in Pittsburgh, stating that she was in Mr. Friedman's office taking Mr. Melchiorre's statement down for about a half hour. Then, she testified, she went out of the room for about the same length of time to transcribe the statement and when she returned Mr. Melchiorre was still there with Mr. Friedman. The statement itself did not show that it was the statement of Mr. Melchiorre, but a "Statement of Mr. X." Both Mr. Friedman and Miss Peach stated that Mr. Melchiorre, although he read the statement after it was transcribed by Miss Peach, refused to sign it.

Miss Peach further testified that the shorthand notes

were not taken down on a regular stenographer's notebook which she suggested getting, but upon the suggestion of Mr. Friedman, she recorded the statement on a yellow pad from which she stated she transcribed the notes on a typewriter in a room on the fourth floor of the Department of Justice, although Miss Peach worked on the second floor. The original shorthand notes made on the yellow pad, Miss Peach stated, she destroyed in accordance with Mr. Melchiorre's instructions in the presence of Mr. Melchiorre and Mr. Friedman and threw them in the wastepaper basket.

Miss Peach further stated that the room she went to on the fourth floor was where a stenographic unit worked and some of the girls were out to lunch at the time and she knew she could get a typewriter there, stating that her own typewriter was on the second floor of the Department of Justice. Her reason for going to the fourth floor, as stated in her testimony, was "because I did not want to be disturbed due to the statement that I was writing. I did not think I should be disturbed. Ordinarily, I had a terrific amount of work to do and I did not want anybody to disturb me at the time. People would call on me for different things, you know . . . In this case, I determined that the best thing to do would be to go upstairs where I would not be disturbed and I would bring it right back. . . ."

Miss Peach further stated that when Mr. Melchiorre directed her to destroy the notes, she looked at Mr. Friedman and said, "Shall I destroy them? He asked me to go ahead and so I destroyed the notes, . . . tore them up and put them in the waste-paper basket." She made only one copy but did not put her name on it or any mark by which she could identify it.

Miss Peach further stated that when she left Mr. Friedman's office, which was the last time she saw the statement that day, the statement was in the hands of Mr. Melchiorre and the next time she saw it was when she got it out of the safe in the Department of Justice, but she could not state whether she had placed it in the safe. Miss Peach further testified that she got it out of the safe and gave it over to either Mr. Margiotti or Mr. Friedman, she did not know which, nor could she recall who instructed her to get it out of the safe. Miss Peach further testified that when she took the paper out of the safe, she could not remember whether it was in an envelope. Mr. Friedman, in his testimony, stated:

> "After Mr. Melchiorre left the statement, I read it, and then I gave Miss Peach instructions to put it into the safe. I told her to put it in an envelope and mark it 'Statement of Mr. X.'"

Mr. Friedman also stated that he saw Miss Peach tear up the original notes and throw them into the waste-paper basket. Mr. Friedman stated that he requested Miss Peach to get the statement out of the safe, saw her open the safe and she handed him the envelope which was sealed and which he, Friedman, tore open; that was an ordinary brown envelope, large enough so you could get legal size paper in it without folding.

Neither Mr. Margiotti nor Mr. Friedman could recall any special or particular circumstances that occurred on March 16, when the statement is supposed to have been made, although it was on the very day that Mr. Melchiorre, interested in the pardon or parole application, was in Harrisburg with two brothers-in-law of the parole applicant, spoke both to Mr. Friedman and Mr. Margiotti regarding the same, and which application was favorably acted upon by the Pardon Board.

In addition to the denial by Mr. Melchiorre, in which he is corroborated by the two brothers-in-law of the parole applicant and the positive contradictory testimony of Michael Spatola, that no such oral statement took place in the Bellevue-Stratford Hotel as that which Mr. Margiotti claimed Mr. Melchiorre made to him, your Committee called all of the accused public officials pertaining to this specific matter, who emphatically denied the allegations set forth in this paragraph, as well as any knowledge regarding the alleged statement of Mr. Melchiorre to Mr. Margiotti.

The Legislative Journal shows that House Bill No. 2436, which was one of the Beer Bills in the 1935 Session of the Legislature, was passed in the House of Representatives by a vote of 132 ayes and 56 nays; that of the 132 ayes, 94 were Democrats and 38 Republicans; of the nays, 18 were Democrats and 38 Republicans. In the Senate, House Bill No. 2436 passed finally by a vote of 31 to 17; of the 31 affirmative votes, 16 were Republicans and 15 Democrats. At that time the Senate was composed of 31 Republicans and 19 Democrats, which clearly indicates that no legislation could be put through the Senate by the Democratic leaders unless it had Republican support. All of the accused civil officers mentioned as being in conspiracy on this matter positively denied that it was an Administration measure or that they were interested in its passage. In the House, the then Speaker, Mr. Sarig and the Reverend Mr. Ruth, who was the Democratic leader, voted against House Bill 2436, while among the Republican leaders who voted for the bill were Mr. Witkin, who was the Republican floor leader at that time, Representative Turner, who shared that co-leadership and is a member of your Committee, and Representative Blumberg. The sponsors of House Bill 2436 were Messrs. Eberharder, Greenstein, Zappala and Melchiorre. The record shows that this bill went to a Conference Committee, the Senate members of which were Messrs. McClure, Huffman and Coyne, two Republicans and one Democrat.

The Legislative Journal shows that House Bill No. 2437, being an amendment to the Pennsylvania Liquor Control Act, of the 1935 Session of the Legislature, was sponsored in the House by Messrs. Achterman, Blumberg, Witkin and Melchiorre, two Republicans and two Democrats. The vote in the House on that bill was 138 to 48; of the 138 affirmative votes, there were 87 Democrats and 49 Republicans; the nays were 19 Democrats and 29 Republicans. Among the Republicans who voted for the bill were Representatives Witkin, Turner, Blumberg, Woodside and McDevitt. In the Senate, House Bill 2437 passed by a vote of 32 to 16; of the 32 affirmative votes, 20 were Republicans and 12 were Democrats; the nays were 7 Democrats and 9 Republicans. Among the Republicans in the Senate who voted for the bill were such leaders as Senator McClure and Senator Owlett and among the Democratic Senators who voted against the bill were Senators Thompson and Rice. This bill also went to a Conference Committee and again two Republicans and one Democrat were appointed on this Committee, namely, Senators McClure, Huffman and Coyne.

Of all the witnesses examined on this subject, all of the accused civil officers stoutly denied that these particular beer bills were held in committee until such time as definite arrangements were made for the payment of any sum demanded for their passage or that any money was paid so far as they knew anyone for the passage of these bills; that David Lawrence at no time resorted to threats and intimidation of loss of patronage towards any member of the House of Representatives in the discharge and performance of an act, duty or obligation pertaining to their office as members of the House, nor did he urge the Democratic members of the House at any caucus thereof to vote in favor of or against the proposed beer legislation.

Your Committee is of the opinion and therefore finds that there was no conspiracy or unlawful and illegal conduct on the part of David Lawrence, Matthew McCloskey, Ralph M. Bashore, Harry E. Kalodner, or anyone else so far as they have been able to ascertain, in the introduction, sponsorship or passage of House Bills 2436 and 2437 in the 1935 Session of the Legislature and known as the Beer Bills.

(b) Movie Legislation

The allegation as set forth in subdivision (b) of Paragraph 12 of the District Attorney's Amended Petition charges a conspiracy between the parties therein mentioned, in regard to the passage of the Sunday Movie Bill in consideration of which the men therein mentioned exacted, levied and unlawfully extorted the sum of $100,000.

On this subject, Mr. Margiotti stated that at the same time he had the discussion with Mr. Melchiorre regarding

the beer legislation, the Sunday Movie Bill was also discussed and that present at the general discussion regarding the beer legislation and the movie legislation, was Michael Spatola, "who sat there and looked and listened." He said nothing but Melchiorre said that he knew that $50,000 had been obtained for the Beer Bill and $100,000 for the Movie Bill, but that he, Melchiorre, did not give the details. That which we have stated with reference to the Beer Bill, in so far as Mr. Melchiorre is concerned applies with the same effect to the Sunday Movie Bill. Here again, Mr. Melchiorre positively denied making any such statement as that attributed to him by Mr. Margiotti. Michael Spatola likewise denied any such statement or general discussion was had between Mr. Margiotti and Mr. Melchiorre while Mr. Spatola "sat there and looked and listened."

Although the name of J. David Stern was injected into this matter by Mr. Margiotti as having been mentioned during Melchiorre's discussion of the matter, nowhere in the course of our investigation or examination has your Committee been able to learn that Mr. J. David Stern was in any way whatsoever connected with the passage of the Sunday Movie Bill. Here, as in many instances, we are constrained to say that the names of innocent persons were injected into these alleged charges without foundation for so doing.

As in the Beer Bill matter, the accused civil officers emphatically denied that they were in any way connected with any illegal or unlawful act or conduct pertaining to the passage of the Sunday Movie Bill.

Mr. Margiotti stated to your Committee the following:

> "I can tell you where and whom you should see to see the collection of $100,000, the bank in which it was deposited, the name of the individual, the name of the person. I can tell you where you can get a photostatic picture of a check for $75,000, issued out of that account and can give you the name . . . The bank is the Tradesmens National Bank and Trust Company of Philadelphia, the account is the Albert M. Greenfield rent account. That bank institution is reliable, has a photostatic copy."

Your Committee issued a subpoena duces tecum summoning Mr. Herbert Goodall, President of the Tradesmens National Bank and Trust Company, to produce all records that that bank may have that would in any way confirm or substantiate the statement made by Mr. Margiotti, as heretofore set forth, and also subpoenaed Albert M. Greenfield.

Mr. Greenfield unequivocally and without any hesitation positively denied any connection with the collection of $100,000 that was supposedly given in payment of the passage of the Sunday Movie Bill or that any check bearing his signature or in which he was connected was issued for $75,000 on any account.

The President of the Tradesmens National Bank and Trust Company, Mr. Herbert Goodall, appeared with the records of the bank and nowhere among the records of the bank could be found the slightest confirmation or corroboration to the statements made by Mr. Margiotti. To the contrary, the records disclosed that whoever conceived the allegation pertaining to the passage of the Sunday Movie Bill, as testified to by Mr. Margiotti, manufactured it out of the whole cloth.

Every lead given to your Committee by Mr. Margiotti which he suggested would confirm the charge with reference to the passage of the Sunday Movie Bill, which your Committee investigated, failed to sustain the charge pertaining thereto.

The Legislative Journal shows that House Bill 1703, which was the so-called Sunday Movie Bill in the 1935 Session, passed the House by 122 affirmative votes and 80 negative. Of the 122 voting aye, 76 were Democrats and 46 were Republicans and of the 80 nays, 39 were Democrats and 41 Republicans. This, like the Beer Bills, was not an Administration measure. Among the Republican leaders who voted aye on the Sunday Movie Bill in the House were Messrs. Turner, Witkin, and Blumberg. Among the Democratic leaders who voted nay on the bill were Messrs. Achterman, Moomaw and Van Sickle. In the Senate, the vote on this bill was 29 affirmative votes and 20 nays; of the affirmative vote 15 were Republicans and 14 Democrats, while 16 Republicans and 4 Democrats voted nay. Among the Republican leaders voting for the bill in the Senate were Senators McClure, Owlett and Coyne and among the Democratic leaders who voted for the bill were Senators Roberts, Huffman and Thompson. Among the Democrats who voted against the bill were Senators Rice and Sones.

Your Committee is convinced and therefore finds that no conspiracy or unlawful combination or agreement was entered into between the accused civil officers or anyone else regarding the passage of the Sunday Movie Bill and that no consideration of $100,000 or any sum whatsoever was given to the accused civil officers or any of their representatives or agents in consideration of the passage of said bill.

(c) Package Beer Legislation

This allegation of overt acts is with reference to the amendment to the Beverage License Law permitting the sale of beer by package by retail stores during the 1937 Session of the Legislature.

Mr. Margiotti, when on the witness stand, stated in reference to this particular allegation:

> "A. I haven't given any direct evidence in support of that particular section.
>
> "Q. Do you have some?
>
> "A. I have none. I know nothing about that except what I heard."

Your Committee, through its investigators, was unable to find any evidence that in any way supports the allegation as charged with reference to this particular matter. None having been presented and none having been found, your Committee concludes and therefore finds as a fact that the charge was not and cannot be sustained. To our mind it is another phantom rumor that has no foundation for its existence.

(5) Liquor Control Board

One of the charges alleged in Paragraph 12 of the District Attorney's Amended Petition avers:

> "That in 1935 . . . George H. Earle III, David L. Lawrence, Matthew H. McCloskey, Jr., Ralph M. Bashore and Leo Crossen, then a member of the Liquor Control Board . . . did illegally and unlawfully conspire and agree to extort money and levy blackmail from persons doing business with or selling spirituous and vinous liquors to the Pennsylvania Liquor Control Board . . . that in the year 1937, J. Twing Brooks was appointed a member of the Pennsylvania Liquor Control Board . . . join in and become a party to said conspiracy; that by reason of said unlawful conspiracy and agreement, the said Matthew H. McCloskey, Jr., and others were able to and did unlawfully solicit bribes, extort money and levy blackmail against vendors of spirituous and vinous liquors who did business with the Pennsylvania Liquor Control Board, by requiring said vendors to pay to them large sums of money in consideration of the purchase of spirituous and vinous liquors from said vendors by the Liquor Control Board and for other special considerations . . ."

Mr. Margiotti suggested to the Committee that this allegation could be established by calling, among others, the following: Leo Crossen, Chairman of the Liquor Control Board, J. Twing Brooks, a member of the Liquor Control Board, Joseph Donovan, Secretary of the Board, Donald E. Behney, Purchasing Agent for the Board, Horace Segelbaum, Deputy Attorney General assigned to the Liquor Control Board, Honorable Harry E. Kalodner, Ralph M. Bashore, David L. Lawrence, and Governor Earle.

Although the testimony of Mr. Margiotti did not in any way support the allegation of conspiracy relating to the soliciting of bribes, extortion of money and levying of blackmail against vendors of spirituous and vinous liquors who did business with the Pennsylvania Liquor Control Board, the persons suggested by Mr. Margiotti, as here-

inbefore named, when called to the witness stand, established by their testimony most convincingly that the allegation of conspiracy referred to had no merit or foundation.

The records of the Liquor Control Board clearly established that the imputation made by Mr. Margiotti that Bisceglia Brothers was favored with undue large orders prior to the fifteen-day suspension of its license, which became effective on January 1, 1938, was not only untrue, but on the other hand, the records show that Bisceglia Brothers received about half of the order that was allocated to them in the preceding October for the Christmas and New Year's trade and prior to the issuance of a citation against the firm.

The evidence further established that before the orders were given by the Liquor Control Board to Bisceglia Brothers, the Attorney General, Mr. Margiotti, was twice consulted regarding the propriety of the Liquor Board purchasing from Bisceglia Brothers any liquors that had been contemplated for the holiday season. Upon the suggestion and recommendation of the then Attorney General, Mr. Margiotti, the Board was directed to place an order in the first instance at one-third of the total allocated Christmas holiday order, and subsequently one-half of the remaining amount of the order,. This clearly indicated that the intimation made by Mr. Margiotti on the witness stand, that the Liquor Control Board, through improper methods, overstocked with Bisceglia Brothers merchandise, so that the suspension of fifteen days imposed by the Board did not and could not subject Bisceglia Brothers to any loss of business.

Mr. Margiotti, during his examination, referred to one Malpezzi, employed by the Liquor Control Board, who had in his possession a memorandum or directions from some officer of the Liquor Control Board, which, Mr. Margiotti suggested, would be important to your Committee. The records of the Liquor Control Board were produced and a photostatic copy of a telegram to Mr. M. A. Malpezzi, dated January 5, 1937, was produced. It was sent by Harry A. Statler, who was in the distribution department of the Liquor Control Board. The telegram is as follows:

> "Replying to your teletype of 2:50 P. M. Friday, between you and me, the only California wines I am interested in is Bisceglia. Go to your stock records and consider only Bisceglia wines, which are Greystone and Paradise wines and Sherbert Whiskey. That is all I want you to pay attention to on the instructions I gave you over the phone. Please observe discretion and secrecy as to these instructions."

This teletype memorandum in no way pertained to any illegal or unlawful transaction. On the contrary, it had reference to an honest and proper business administration matter of the Liquor Control Board. The records produced by the Liquor Control Board showed that this teletype memorandum was sent because sometime in the middle of January a representative of Fruit Industries advised the Liquor Control Board that Fruit Industries was the sole owner of the trade name "Greystone Wines" and that Bisceglia Brothers, of California, and Bisceglia Brothers, Inc., of Philadelphia, had no right to sell the Pennsylvania Liquor Board or anyone else wines under that trade name. Fruit Industries, through its representatives, advised the Liquor Control Board that they proposed to enter a suit in equity for the purpose of restraining Bisceglia Brothers from the use of the name and for the further purpose of securing damages from them. Whereupon the Liquor Control Board, through its proper employes, immediately endeavored to learn the amount of inventory in the various warehouses and stores of this particular product, suggesting that in obtaining such information, secrecy should be observed. Subsequently, Mrs. Mabel Walker Willebrandt, as attorney, served a formal notice on the Liquor Control Board as to the right of Fruit Industries to this trade name. The Board then refused to purchase any more of this product from Bisceglia Brothers until a surety bond in the amount of $50,000 was filed with the Board, indemnifying the Board against loss up to that amount that it might suffer as a result of any court decision in favor of Fruit Industries. This bond was filed sometime in March so that for a period of approximately six weeks, the Liquor Control Board refused to give Bisceglia Brothers any orders for the wines in dispute. This lead of Mr. Margiotti, instead of substantiating any charge of wrongdoing clearly convinced your Committee that the Liquor Control Board had exercised a high degree of care and judgment in obtaining a surety company bond saving harmless the Board in the event that Fruit Industries sustained its right to the use of the trade name of a wine which the Liquor Control Board was handling.

From the testimony of the witnesses, it was conclusively established that no bribes were solicited or money extorted or blackmail levied against vendors of liquors who did business with the Pennsylvania Liquor Control. The averment in subdivision (a) of Paragraph 12 that a $40,000 bribe was extorted and procured by the accused officials from vendors who did business with the Pennsylvania Liquor Control Board was not substantiated.

Your Committee would be remiss in its obligations to the House of Representatives if it did not report that, acting upon the suggestion of Mr. Margiotti, it had produced and offered in evidence the record containing the entire proceedings relative to the citation issued by the Liquor Control Board against Bisceglia Brothers, from which record it appears that the renewal license of Bisceglia Brothers was deferred from becoming effective until January 16, 1938, although it expired on December 31, 1937. Before the order in this matter was made by the Liquor Control Board, Mr. Margiotti discussed with the members of said Board the matter pending before the Board and testified: (Record, page 2939)

> "Then I told him that from what I knew of this case, that I was going to recommend to him, and he asked me for my recommendation, that their license should not be revoked, because they had a lot of people employed and had a big investment, but they ought to have some form of punishment, a small suspension. I gave the Board that information and they agreed that it was the proper thing to do. Subsequent to that, there was an order, and that order is here before you, dated December 31, 1937. The order suspends their license for a period of 15 days, until the 16th day of January, 1938. * * *"

The District Attorney's Amended Petition, alleging overt acts, sets forth:

> "That in furtherance of said conspiracy and performance thereof, agents of the aforesaid parties * * * did illegally and unlawfully solicit bribes, extort money and levy blackmail from a vendor of vinous liquors and did by means of promises to secure business and other considerations from such vendors unlawfully extort and procure a bribe in the sum of approximately $40,000 from such vendors."

This allegation was not substantiated, but on the contrary was specifically and emphatically denied by every one of the witnesses called as suggested by Mr. Margiotti, and particularly the accused civil officers. None of the evidence produced before your Committee on this subject in any way tends to confirm or substantiate the charges.

(6) Auto Light Testing Devices

Paragraph 9, of the District Attorney's Amended and Supplemental Petition provides:

> "That pursuant to said conspiracy, and in furtherance thereof, one Carroll McShane, then and now Chief of the Bureau of Inspection of the Department of Revenue, in the County of Dauphin, in the month of May, 1937, did by written and oral communication, attempt to extort money and levy blackmail from and upon Andrew L. McCabe and B. R. Kenworthy, by demanding the payment of the sum of Five Thousand ($5,000.00) Dollars for the approval by him, the

said Carroll McShane, as Chief of the Bureau of Inspection of the Department of Revenue, of a device for the testing of automobile headlights, the said Carroll McShane having acknowledged that the said device was proper and entitled to such approval, and because of the failure to make such payment the said device was not and has not been approved."

The only witness who testified under the above paragraph was Carroll McShane. Andrew L. McCabe and B. R. Kenworthy, the two other persons named by Mr. Shelley upon whom he depended to support the charge, were not called by reason of the lack of time. They were, however, interviewed by counsel for your Committee and their written statements are submitted along with the other statements and the Record. The testimony of Mr. McShane failed to disclose any evidence supporting the charge made in this paragraph of the Amended Petition. His testimony tended to show that he had given some advice to Mr. Kenworthy who brought to his attention a device claimed to be useful in testing automobile headlights. He testified that he had no authority to approve any device for the testing of headlights on the part of the Commonwealth.

However, he did testify that he made certain suggestions for improvements to the device shown him and even made a trip to Philadelphia at the suggestion of Mr. Kenworthy. He testified that his only interest in the device was by reason of the suggestions which he made and which were used by Mr. Kenworthy in improving the device. He offered to sell such interest to the owner of the device for the sum of five thousand dollars. It is not even intimated that any person other than Mr. McShane was involved in the transaction.

Your Committee finds that no evidence was produced which would remotely connect any of the other civil officers in the District Attorney's Amended Petition with any wrongdoing for or on account of any dealings with Mr. McShane. There is nothing to indicate that any of the other civil officers named in the District Attorney's Amended Petition had any knowledge of the acts or conducts on the part of Mr. McShane. From the evidence produced, your Committee is compelled to find that no misconduct has been shown on the part of Mr. McShane, or any other person, as averred in the paragraph above set forth.

(7) Purchases of Departments on Requisitions

The subject matter covering the above purchases is contained in Paragraph 8, subsection (a), (b), (c) and (d) of the District Attorney's Amended Petition. Paragraph 8 generally charges that George H. Earle III, David L. Lawrence, Matthew H. McCloskey, Ralph M. Bashore, Edward Prendergast, Secretary to the Governor, Arthur Colegrove, Secretary of Property and Supplies, and others, in 1937, and prior to that time, illegally and unlawfully conspired and agreed to cheat and defraud the Commonwealth of Pennsylvania by awarding contracts for materials and supplies contrary to the requirements of the law and the Constitution of the Commonwealth of Pennsylvania, by unlawfully awarding contracts to persons, firms or corporations who were not the lowest bidders for such materials and supplies. This paragraph will apply generally to all of the subheads of this discussion.

(a) Filing Cabinets

The averment in connection with the purchase of filing cabinets is as follows:

"(a) That in furtherance of said conspiracy and within two years last past and the performance thereof bids were let for the supplying to the Commonwealth and its various departments, boards and commissions of metal filing cabinets and furniture, involving expenditures by the Commonwealth of hundreds of thousands of dollars. That among the bidders for such equipment were several firms of equally good responsibility who bid the same low price; that the various bidders who bid the said low price all allowed a discount of 15% with the exception of the Watson Manufacturing Company which permitted a discount of 20%; that complaint was made to George H. Earle III, Arthur Colegrove and Ralph M. Bashore to the effect that notwithstanding the fact that the Watson Manufacturing Company offered the greatest discount and was therefore the lowest responsibile bidder, contracts were nevertheless being awarded to the Art Metal Company in which company the said Ralph M. Bashore was interested, contrary to the Constitution and the laws of the Commonwealth of Pennsylvania; that thereupon the Attorney General did immediately, to wit: On January 14, 1937 render an opinion to the said Arthur Colegrove advising him that under the laws and the constitution of the Commonwealth of Pennsylvania the said Watson Manufacturing Company was the lowest responsible bidder and was entitled to be awarded contracts for the particular type of supplies and equipment upon which it had submitted bids. That the said George H. Earle III, David L. Lawrence, Ralph M. Bashore, Arthur Colegrove and others, having knowledge of such opinion of the Attorney General and being under the laws of the Commonwealth of Pennsylvania, bound by such Attorney General's opinion, did illegally and unlawfully disregard and violate the ruling therein and the laws and the Constitution of the Commonwealth of Pennsylvania, and did unlawfully purchase or cause to be purchased from the Art Metal Company filing equipment and other material and supplies involving hundreds of thousands of dollars resulting in a loss to and the defrauding of the Commonwealth of Pennsylvania of many thousands of dollars to the great prejudice of the Commonwealth of Pennsylvania and its citizens and taxpayers."

Your Committee takes notice in connection with the matters contained in the paragraphs of the Amended Petition above set forth, that all purchases of the Commonwealth of Pennsylvania are regulated by the Act of June 7, 1923, P. L. 498, as amended by the Act of April 9, 1929, P. L. 177, and as further amended by the Act of June 21, 1937, P. L. 1865, and known as The Administrative Code.

Under the provisions of the Administrative Code, each of the departments is required at a designated time to furnish to the Department of Property and Supplies lists of the supplies needed by it for the period specified. When the lists are received by the Department of Property and Supplies it becomes its duty to classify and describe the articles according to make and number, set forth at maximum price, and prepare schedules therefor. The schedules are required to contain the time for receiving bids, the form of proposal, that a preference would be given to American made goods, the maximum quantity required, and the per diem penalty for failure to perform. Under the provisions of the Code, any administrative department has the right to call upon the Department of Property and Supplies to purchase for it an article named in the schedule. If the article is on hand, the Department of Property and Supplies is required to deliver it and if not its duty is to buy said article in open market.

Honorable Arthur Colegrove, former Secretary of Property and Supplies, appeared before your Committee and explained the method by which requisitions originated and purchases were made by his department.

Mr. Colegrove took the position in his appearance before your Committee that the department head, or the using agency, had the right under the law to requisition articles contained on schedule contracts and the Department of Property and Supplies was required to make the purchases as requested, even though the vendor of such article was not the lowest bidder, and he justified his position by several opinions of former Attorneys General in connection with this question, of previous administrations.

Honorable Ralph M. Bashore, Secretary of the Department of Labor and Industry, requisitioned the Department of Property and Supplies to make purchases of Art Metal equipment for use in the Unemployment Compensation Division of his office. Acording to the testimony of Mr. Colegrove the Art Metal Company held a schedule contract for office equipment and the Watson Manufacturing

Company held a like contract. The Art Metal Equipment Company on its schedule contract offered a discount of 15% on purchases by the Commonwealth, and the Watson Manufacturing Company offered a discount of 20% on purchases by the Commonwealth.

Mr. Colegrove testified that some time prior to the above request he was called to the office of the Attorney General, Mr. Margiotti, and there was introduced by him to Mr. Wilde, a representative of the Watson Manufacturing Company. Mr. Margiotti told Mr. Colegrove "Wilde was a political supporter of his in his Republican Primary Campaign and a close friend." Mr. Colegrove further testified that Mr. Wilde came to his office on several occasions soliciting business for the Watson Manufacturing Company. Mr. Colegrove further says that at the time of the above requisition he had a discussion concerning it with Mr. Margiotti and told him that it was within the right of a department head to requisition materials or supplies of a designated concern having a schedule contract with the Commonwealth, and that the Department of Property and Supplies was obliged to make purchases as requested. The Art Metal Equipment Company had a schedule contract with the Commonwealth of Pennsylvania at the time the requisitions were made.

Mr. Colegrove further explained that a controversy arose in respect to purchases of metal equipment and the Governor expressed a desire to have purchases made from Pennsylvania manufacturers wherever possible. This caused steel companies of Pennsylvania, supplying outside concerns, to protest the continuance of the policy. Mr. Colegrove continued to persuade the department heads to adopt the policy announced by the Governor.

While the requisitions of the Department of Labor and Industry were pending purchase in the Department of Property and Supplies, Attorney General Margiotti rendered an opinion in which he determined that by reason of the fact that the Watson Manufacturing Company offered a greater discount than other companies on the same schedule that it was entitled to receive the order. The testimony discloses that a copy of this opinion was in the hands of Mr. Wilde before Mr. Colegrove had notice of it. Mr. Colegrove testified that he discussed the matter in the office of Mr. Margiotti and asked the Attorney General what he should do about it, and Mr. Margiotti replied, "Well, Arthur, I don't like to withdraw an opinion. You proceed exactly as you have been, we will take care of that."

Relying upon the assurance of Mr. Margiotti to proceed as he had done in the past, Mr. Colegrove made the purchases requested. Soon thereafter Mr. Wilde complained about the award and Mr. Margiotti told Mr. Colegrove to "Pay no attention to Wilde, he is a bigger annoyance to us than he is to you." Later, Mr. Margiotti, who had received a letter from Mr. Wilde about the same matter, sent it to Mr. Colegrove and on the bottom thereof was a written statement by Mr. Margiotti "Proceed exactly as you have been."

The testimony and exhibits offered before your Committee show that Mr. Wilde, the representative of the Watson Manufacturing Company corresponded with Mr. Margiotti and when the file of this matter was produced before your Committee during the testimony of Mr. Margiotti, and at his request, he observed that all of the records he received from Mr. Wilde were not in the file because some of them were destroyed after their receipt. Further, it was at the request of the Attorney General's office that the Watson Manufacturing Company was put on the list of those to be notified of State purchases.

Mr. Colegrove, in his testimony before your Committee, took the position that the opinion of the Attorney General, Mr. Margiotti, in this matter was in conflict with former opinions of Attorneys General, was not consistent and was in direct opposition to the provisions of the Administrative Code. While Mr. Margiotti was on the stand, he said that Mr. Colegrove told him that Mr. Bashore said to Mr. Colegrove that he, Mr. Bashore, had an interest in the Art Metal Equipment Company. Mr. Colegrove flatly denied this statement attributed to him.

Mr. Bashore testified that the organization of the Unemployment Compensation Division of his department was a tremendous problem, requiring many additional employes and equipment suited to the peculiar needs of the new division. He testified that the Art Metal Equipment Company supplied the system for the Federal government offices in this division and many other states, and that the work of each State had to tie in with the Federal Department. Mr. Bashore, further testified that all of the money used in the purchase of this equipment was taken from Federal funds, that a line budget had to be submitted to the Federal government for all purchases, and that the approval of the appropriate Federal department was secured in advance of the request for the purchase of the filing cabinets under discussion. Mr. Colegrove's department, therefore, only acted as the purchasing agent for these supplies which were paid for by Federal funds.

Mr. Bashore testified that he had no interest of any kind in the Art Metal Equipment Company, had never at any time represented that company as an attorney, and that he never directly or indirectly entered into any arrangement or agreement with the company.

Governor Earle likewise testified that he never directly, or indirectly, entered into an arrangement with Mr. Colegrove. Mr. Bashore, or any other person for the purpose of favoring Art Metal Equipment Company or any other company. Mr. Prendergast, Secretary to the Governor, testified in like fashion.

Your Committee finds that the evidence supports the inference that, instead of there being an unlawful combination or agreement between Arthur Colegrove, Ralph M. Bashore, and others, to favor the Art Metal Company at the expense of the Commonwealth, as alleged, there was an apparent effort on the part of Charles J. Margiotti, then Attorney General, and Mr. Wilde, representative of the Watson Manufacturing Company, to favor the Watson Manufacturing Company.

Your Committee finds that there is no testimony or inference deductible therefrom that an unlawful conspiracy and agreement existed among George H. Earle III, David L. Lawrence, Matthew H. McCloskey, Jr., Ralph M. Bashore, Edward Prendergast, and Arthur Colegrove, or any other persons, to cheat and defraud the Commonwealth of Pennsylvania, by the unlawful awarding of contracts for the purchase of materials and supplies. We find that the awarding of the contract to the Art Metal Equipment Company by Arthur Colegrove, then Secretary of Property and Supplies, was in complete accord with the provisions of the Administrative Code and the opinions of the former Attorneys General construing the same, and that the Commonwealth was in no way defrauded in any of these purchases.

(b) Trucks

The District Attorney's Amended Petition on this subject sets forth:

> "(b) That the said Arthur Colegrove, Matthew H. McCloskey, Jr., David Lawrence and Roy Brownmiller, then Deputy Secretary and now Secretary of Highways and others, did in the County of Dauphin and within the jurisdiction of this Court and within the two years last past, unlawfully and in furtherance of said conspiracy and in performance thereof purchase for the Highway Department of the Commonwealth of Pennsylvania a large number of trucks under specifications prepared by the Highway Department, so drawn as to favor certain manufacturers, namely, the Mack Truck Company, Four Wheel Drive Company, Walter Motor Truck Company, and the Auto Car Company; that by reason of an unlawful arrangement with representatives and agents of such companies the prices bid for such trucks were in excess of the fair market value thereof, said excess ranging from $700.00 to approximately $3,500.00 above the fair market value of each of said trucks respectively. And with the further arrangement that the said successful bidding company should pay the said Matthew H. McCloskey, Jr., David L. Lawrence, and others, sums aggregating Fifty Thousand ($50,000.00) Dollars, which sums were paid by the aforesaid representa-

tives or agents of certain companies to the said Matthew H. McCloskey, Jr., David L. Lawrence, and others, in accordance with the said unlawful arrangement, all of which was done with the knowledge, approval and acquiescence of the said George H. Earle, III, and Edward W. Prendergast."

Your Committee had no direct evidence frm Mr. Margiotti or Mr. Shelly on this matter but each of them furnished the names of witnesses from whom your Committee might secure some evidence in support of the charge. Your Committee called all of those persons connected with the departments involved in the purchases.

At the outset, your Committee finds that an examination of the testimony disclosed no evidence direct, circumstantial, or otherwise connecting any of the accused officials with any wrongdoing in the transactions.

Mr. Colegrove testified that requisitions for these truck purchases were forwarded to him in July of 1936 by the Department of Highways and because of the amount of money involved in the orders, he conferred with the Governor. It was agreed that no purchases would be made by Mr. Colegrove until the Governor's office was first satisfied of the need for the equipment by the Department of Highways and as that was done the Governor's office notified the Secretary of Property and Supplies. This arrangement had the effect of breaking up the purchases over a period of several months.

The method employed demonstrates the care exercised both by the Governor and the Scretary of Property and Supplies with respect thereto. The testimony discloses that the specifications for the trucks were prepared by the Department of Highways, but this was in accord with past practices in such matters. The specifications, requisitions, purchase orders, and all other pertinent documentary evidence was produced and examined by your Committee and it finds nothing therein that suggests, much less proves, that any fraud was committed by any of the officers named, or anyone else.

Roy E. Brownmiller, present Secretary of Highways, appeared before your Committee, and while he was not Secretary of Highways at the time of these purchases, he disclosed to your Committee the identity of the complainant and the nature of his complaint. Mr. Brownmiller, at the time of these purchases, was in charge of personnel and investigations in the Department of Highways. He testified that Mr. Larkin, of the Highway Department, prepared the specifications and that Mr. Wayne D. Meyers was Chief Engineer of the Department of Highways at the time. Mr. Brownmiller testified that the motorized snow plough equipment of the department, purchased under the Pinchot Administration, broke down miserably in the preceding winter; that roads remained uncleared for several days during severe storms and that the traveling public suffered great inconvenience. The equipment on hand at the time the requisitions were issued was not fit to do the work anticipated, and the department sought to avoid a repetition of its previous experience. Heavier units than those on hand were required. The reasons assigned for the requisitions were sound and the Department of Highways exercised a proper regard for the public convenience in its effort to avoid the experience of the previous winter.

There is no evidence that anyone paid any sum of money to anybody, officials or otherwise, in connection with any of these purchases. Mr. Colegrove further testified that each purchase order for the trucks in question was by him submitted to the Executive Board which consisted, among others, of the representatives of the Republican Auditor General and State Treasurer, and thereafter the bids were tabulated and submitted to the Board of Grounds and Buildings, consisting of the State Treasurer and Auditor General, both Republicans, and the Governor, and after being approved by this body, the purchase order went out.

This discloses to your Committee a full and complete compliance with all requirements of the law and we conclude that all of the purchases were in accordance with the law.

Your Committee is satisfied that every reasonable precaution was exercised by the respective departments in these purchases and that the interests of the Commonwealth were safeguarded in every step taken.

The complaint made to the Highway Department about these purchases came from C. E. Myers, an engineer located in Philadelphia. (See Exhibit 218). It set forth that the trucks purchased by the Department of Highways was at an excessive figure and that the Commonwealth paid more for the equipment than other states paid for like equipment. An immediate investigation was instituted by the Department of Highways and it communicated with the Highway Departments of South Carolina, California, Washington and West Virginia, alleged in the letter of Mr. Myers to have purchased similar equipment. The files of the Department of Highways containing all correspondence in this matter were submitted to your Committee and it discloses that those States did not purchase trucks equipped as were the trucks purchased in Pennsylvania. A comparison, however, was made for the Department of Highways by Mr. Sherwood F. Ritz and his report conclusively proves that when the cost of additional equipment on the trucks purchased in Pennsylvania is included on the price paid by the other States that the prices are all in a line and, in some cases lower. The report of Mr. Ritz further shows that Pennsylvania further secured a maintenance guarantee for one year on all of the heavier units it purchased and that this feature was not contained in the contracts of similar equipment of any of the other states mentioned in the complaint of Mr. Myers.

It is therefore evident to your Committee that the Commonwealth paid more than the fair market price for the kind of trucks purchased including equipment and that no person profited in any way by the transactions.

Your Committee finds that there was no unlawful arrangement or conspiracy among the public officials mentioned, or any other persons, in the purchase of trucks, and that the Commonwealth was in no way defrauded.

(c) Syrup

The District Attorney's Amended Petition on this subject sets forth:

> "(c) That in furtherance of said conspiracy the said George H. Earle III, Matthew H. McCloskey, Jr., Ralph M. Bashore, David L. Lawrence, Arthur Colegrove and others, on or about April 11, 1938, within the County of Dauphin, dishonestly, maliciously and unlawfully, with intent to cheat and defraud the Commonwealth of Pennsylvania, pursuant to a call therefor, did receive bids for the supply of twelve thousand (12,000) gallons, more or less of syrup to the Commonwealth of Pennsylvania, and thereafter caused to be awarded a contract for the supply of the same to the Atlantic Syrup Company of Philadelphia, at and for the price of 36.8c per gallon, notwithstanding that the James W. Houston Company of Pittsburgh, Pennsylvania, an equally good responsible bidder, had submitted a bid on a proposal for furnishing the same at and for 34.49 cents per gallon, whereby the Acts of Assembly in such case made and provided were ignored and violated and the said Commonwealth was cheated and defrauded out of the sum of 2 cents per gallon, or a total of Two Hundred Forty ($240.00) Dollars, more or less."

This matter is so trifling that we might properly omit discussion. No evidence to support it was offered by Mr. Margiotti or Mr. Shelley, but your Committee has had the benefit of the testimony of Mr. Colegrove, whose department was concerned with the purchase, and it conclusively shows that there was no illegality or impropriety of any kind in the purchase.

Mr. Colegrove testified that the product offered by the James M. Houston Company was inferior in quality to that offered by the Atlantic Syrup Company, as disclosed by tests made by the Bureau of Standards of his department, as well as the Federal Bureau of Standards, and the difference in price reflected a difference in the quality of the products offered by the bidders.

The bidders were required to submit samples with their

proposals and the Bureau of Standards of the Department of Property and Supplies, to which the samples were referred for tests, reported that the sample submitted by the James M. Houston Company was "dark in color, bitter in taste, and inferior," and hence rejected the sample. After the rejection by the Bureau of Standards of the Departmnt of Property and Supplies, Mr. Colegrove took the additional precaution of referring the sample to the Federal Bureau of Standards for tests and it reported even worse.

Your Committee finds that the charge has not the slightest foundation and that the Commonwealth was in no way defrauded in the purchase.

(d) Erie Gravel

The District Attorney's Amended Petition on this subject sets forth:

> "Pursuant to and in furtherance of said unlawful conspiracy, combination and confederation, and in promotion thereof, the said George H. Earle, III, David L. Lawrence, Matthew H. McCloskey, Jr., Arthur Colegrove and others, dishonestly, maliciously and unlawfully, and with intent to cheat and defraud the Commonwealth of Pennsylvania, on or about the 5th day of October, 1936, within the County of Dauphin aforesaid, did cause specifications to be prepared and published for the supply of gravel to the Department of Highways, in counties in the northwestern part of the State of Pennsylvania, which specifications were dishonestly, corruptly, fraudulently and collusively prepared so as to apply to a stock of gravel then and there owned and prepared for sale by the Pioneer Materials Company of Kittanning, Pennsylvania, with the intent to favor the said Pioneer Materials Company to the prejudice of the Commonwealth of Pennsylvania and other bidders, and that calls were issued on October 28, 1936, asking for bids for gravel to be used on highways in the County of Erie and the County of Warren, returnable at Harrisburg in the County of Dauphin on the 9th day of November, A. D. 1936, and that while said call for said bids was still outstanding, to wit: on November 5, 1936, a further call for bids for the same materials was issued, returnable November 12, 1936; that notwithstanding the issuance of such second call, the bids received pursuant to the first call were opened on the said 9th day of November, 1936, with the intent and for the purpose of enabling the said Pioneer Materials Company fraudulently and unlawfully to be informed of the bids submitted thereon, and so informed, to submit its bid and thereby defeat true competition upon the bids opened on the said 12th day of November, 1936. And the said George H. Earle III, David L. Lawrence, Ralph M. Bashore, Matthew H. McCloskey, Jr., Arthur Colegrove and others, with knowledge of the foregoing, and in carrying out said conspiracy, combination, confederation and agreement, did wilfully, maliciously and unlawfully cause the contract to be awarded to the said Pioneer Materials Company at an excessive price and for inferior materials, and did thereby cheat and defraud the Commonwealth of Pennsylvania and other biders of their lawful rights in the premises, and did, within two years of the date hereof cause such contract to be made, and within the County of Dauphin aforesaid did cause payments to be made thereon; and further that the said conspiracy and said unlawful illegal acts were performed in consideration of the unlawful and illegal payment, on the 24th day of October, 1936, by Spurgeon Bowser, President of the Pioneer Materials Company, of One Thousand ($1,000.00) Dollars to the Democratic County Committee of the said County of Erie, and on the 28th day of October, 1936, of the sum of One Thousand ($1,000.00) Dollars to the Crawford County Democratic Committee, and further that the said payments of Two Thousand ($2,000.00) Dollars were made by the said Spurgeon Bowser pursuant to written and oral communications, intimidating, levying, blackmailing and extorting said sums from him the said Spurgeon Bowser and the Pioneer Materials Company, contrary to the form of the Act of Assembly in such case made and provided and against the peace and dignity of the Commonwealth."

The testimony discloses that this subject had its inception and original upon the advent of the Pioneer Materials Company as a bidder for road materials required by the Department of Highways.

In September, 1935, Mr. Margiotti called Mr. Colegrove to his office and there introduced him to John Verona in the following manner:

> "Arthur, I want you to meet my dearest friend. This is John Verona of Pittsburgh * * * John's company is interested in a large gravel opening in the department. It is absolutely important that he gets it."

Mr. Colegrove inquired the name of the company and Mr. Margiotti replied: "The Pioneer Materials Company."

Mr. Colegrove asked Mr. Margiotti what he meant by gravel openings and Mr. Margiotti replied: "It means the opening of propositions for a large quantity." (Record, p. 6728-6729)

Mr. Griffith of the Highway Department, attached to the Franklin office in Venango County, laid the ground for the introduction of Pioneer Materials Company as a bidder on materials to be used by the Department of Highways. Prior to September, 1935, he appeared at Mr. Colegrove's office, suggesting to him the need for road materials in Erie and Crawford Counties and submitted the so-called "average bid plan."

After Mr. Margiotti had introduced his friend, John Verona, to Mr. Colegrove and after Mr. Griffith had worked out and submitted for use in soliciting bids for materials needed, the so-called "average bid plan," specifications were prepared by the Department of Highways and the Department of Property and Supplies was requested to solicit bids for the materials specified.

Proposals were invited by the Department of Property and Supplies and September 26, 1935, was fixed as the time for the reception of bids. Bids were received from several bidders, among them the Pioneer Materials Company, which was the lowest bidder.

Mr. Colegrove examined the bids and discovered that it was an unbalanced bid, which would open the door to the commission of fraud.

The proposals asked for quotations on various sizes of materials. Under the average bid plan, as explained by Mr. Colegrove in his testimony, the price of all sizes of stone bid upon were totaled and the aggregate of these totals was divided by the number of sizes of stone for which bids were asked and the figure thus obtained was the average bid.

When these bids were opened, it was found that on this plan, the Pioneer Materials Company was by far the lowest bidder. A study of that company's bid revealed that it had submitted a very low bid on one size of stone and a very high bid on the immediately adjacent sizes. This practice was pursued throughout the entire schedule. An investigation by Mr. Colegrove showed that in the market the variation in price between two adjacent sizes of stone should not exceed fifteen to thirty cents per ton, while in the bids submitted by the Pioneer Materials Company, the variation in two adjacent sizes ranged from ninety cents to $1.30 per ton. It was further established that the engineer in charge could select either of two adjacent sizes and thus it was evident that an engineer in collusion with the vendor could select the materials where his bid was high instead of the immediately adjacent bid, which was a dollar or more lower per ton. Through this scheme, the Commonwealth could be defrauded of hundreds of thousands of dollars on an apparently legal set-up.

Mr. Colegrove promptly and properly rejected all of the bids submitted on the same day that they were opened and tabulated. Political influence began now to manifest itself, as testified to by Mr. Colegrove. Mr. Colegrove was promptly called to Mr. Margiotti's office and Mr. Margiotti, as Attorney General, urged Mr. Colegrove to make the award to the Pioneer Materials Company, represented by his friend, John Verona, insisting to Mr. Cole-

grove that the bid of the Pioneer Materials Company was a "perfect low bid." Mr. Colegrove refused to change his decision.

Shortly after this occurrence, Mr. Colegrove was again called to Mr. Margiotti's office and he was again urged to make the award to the Pioneer Materials Company. At this meeting, Mr. Van Dyke and Mr. Temple of the Highway Department were present. Mr. Van Dyke took no part in the conference. Mr. Temple, however, said that the Highway Department would be responsible and intimated to Mr. Colegrove that it was none of his (Colegrove's) business.

Mr. Margiotti, persisting in his efforts to have the award made to the Pioneer Materials Company, arranged for a meeting at Mr. Lawrence's office a few weeks after Mr. Colegrove's last visit to Mr. Margiotti's office. When Mr. Colegrove arrived, he found there Mr. Margiotti, Mr. Lawrence, Mr. Bowser, President of the Pioneer Materials Company, Mr. Griffith and Mr. Temple of the Highway Department. The whole matter was mulled over again. Mr. Margiotti insisted, according to the testimony of Mr. Colegrove, that Mr. Colegrove was throwing out a legitimate bid and it could not be done. When Mr. Colegrove refused to change his position, Mr. Margiotti said he was going to take the matter to the Governor. That very day, Mr. Colegrove was called to the Governor's office and besides Mr. Colegrove there were present Mr. Lawrence, Mr. Temple, Mr. Van Dyke, Mr. Kalodner, now Judge Kalodner of the United States District Court, Mr. Margiotti, and the Governor. Here again Mr. Margiotti, in the words of Mr. Colegrove, put up a very strong argument to Governor Earle for the acceptance of the bid that had been rejected. Mr. Lawrence, according to the testimony of Mr. Colegrove, said:

> "If it is a legitimate low bid, he would like to see the award, but his position was that he did not know anything about this kind of thing. * * *"

Mr. Colegrove further testified that Mr. Margiotti ruled as Attorney General, and every other way, that "it was the most beautiful thing that had ever been received here." When Mr. Colegrove insisted that he had ruled the bid out because of the possibility of fraud, Governor Earle said:

> "Boys, that settles it. It is out of the window."

(Meaning that the matter of rejection of the bid of Mr. Colegrove was final.)

In October 1936, Mr. Colegrove was called to the office of David L. Lawrence and as he entered the room he met John Verona in the entrance or side room. After some conversation about the political situation, Mr. Verona said he could be a help in a big way and then offered a large amount of currency to Mr. Colegrove. The offer was promptly rejected. Mr. Lawrence was not present during this conversation. During 1936, according to the testimony of Mr. Colegrove and the reports of W. T. Coverdale, County Superintendent of Highways of Erie County, George A. Cartwright, County Superintendent of Highways of Warren County, as contained in the report of Major Adams on the Erie Gravel Investigation, the Pioneer Materials Company was furnishing, through contractors, inferior materials upon the highways of Erie and Crawford Counties. Some of the reports, according to Mr. Colegrove's testimony (Record p-6771), stated that the material furnished "was not as good gravel as run of bank material for WPA work."

On October 28, 1936, the Department of Property and Supplies, on a requisition from the Highway Department, advertised for bids for certain highway materials, bids to be opened November 9, 1936. On that date the bids were opened and all rejected on the recommendation of the Highway Department.

Under instructions from the Highway Department, at the instance of E. A. Griffith, District Engineer of the Highways attached to the Franklin office, Venango County, another requisition was made for materials to be used on the same roads and requests were sent out by the Department of Property and Supplies on November 5, 1936 for bids to be opened November 12, 1936. The specifications for the materials in the second request called for fifty per cent crushed gravel. The Pioneer Materials Company did not bid under the first request, but was low bidder on the second request. On the tabulation of bids and the award on the second request is written "Recommend award to low bidders as shown—Approved E. A. Griffith, District Engineer." Also another notation "Bids O.K. as checked. O.K. H.H.T." H.H.T. stands for H. H. Temple, Chief Engineer of the Highway Department. After the specifications were prepared there was sent out from the Department of Property and Supplies what was termed a "Flyer," which was a written notice sent to prospective bidders apprising them of the fact that fifty per cent of the material must be crushed. The routes upon which these materials were to be used were designated as follows: 25003, 25055, 25061, 709, 61014 and 61016. The delivery of gravel under this award started on routes 709 and 25003 December 14, 1936. It was soon discovered that the material being delivered did not meet the specifications. Complaint was made by W. T. Coverdale, County Superintendent of Highways of Erie County, and Mr. Pope, in response, submitted a letter a few days later that had been given to him by Mr. Shuller. The letter was from Mr. H. E. Mattimore, Chief of the Highway Testing Laboratory, to the District Office, and stated that a laboratory test had been made of the Pioneer stock pile. There was a footnote in read lead pencil stating that no further samples were necessary and signed "E.A.G." (meaning E. H. Griffith). Mr. Coverdale refused to approve the invoices as rendered and finally Mr. Griffith called on the telephone and wanted to know the reason for Mr. Coverdale's refusal to sign the invoices. Mr. Griffith later told Mr. Coverdale "Now see here Coverdale, there will be a Hell of a lot of trouble if those invoices are not signed."

On March 13, 1937, at a conference called by Mr. Griffith at his office in Franklin, Mr. Griffith, among other things, stated that a lot of complaints had been made by the Superintendents regarding the materials delivered on these jobs, and it was up to them "to accept the material and like it."

Mr. Griffith in a conversation with Harry W. Claybaugh, Assistant District Engineer, stated that he had taken the matter of the Pioneer Materials up with Harrisburg and that "it was not necessary for our men to make any grading test, the material was to be accepted by the vendor," in this case the Pioneer Materials Company. According to Mr. Colegrove's testimony (Record p-6783), H. H. Temple, Chief Engineer of the Highway Department, called upon Mr. Colegrove and wanted to know the reason why the County Superintendents did not approve the invoices, and further inquired who in Mr. Colegrove's Department was trying to run the Highway Department. He further said when this "stuff" was forwarded nothing was said about the fifty per cent being crushed and inferred that such specifications originated in Mr. Colegrove's office.

Mr. Colegrove then produced the award which contained the fifty per cent requirement and also contained the approval of Mr. Temple. Again Mr. Colegrove testified (Record p-6776), that E. A. Griffith, District Superintendent, sent word to Edward Rentner, Assistant Superintendent of Highways in Erie County, that gravel would arrive for the road project in the morning and directed him to put it on, and when another superintendent tried to stop the delivery on a road in the western end of Erie County, Mr. Toy, representative of the Pioneer Materials Company, stated "There was no one in Erie County big enough to stop it." The inquiry of Major Adams disclosed that preliminary forms had been prepared for two hundred and forty or two hundred and eighty thousand tons more of this particular stuff. The preliminary papers had been prepared and signed by Mr. Temple and Mr. Griffith, but had never reached the Department of Property and Supplies for the reason that no money had been allocated. (Record p-6791) According to the statements of W. T. Coverdale contained in Exhibit 66, Erie Gravel Investigation, the road projects did not originate with the local authorities, but instead originated in the office of the District Engineer, E. A. Griffith; to the same effect is the statement of Mr. Harry W. Claybaugh, likewise contained in said exhibit.

In April 1937, notice of irregularities in the furnishing of road materials in Erie and Warren Counties by the Pioneer Materials Company came to the attention of Governor Earle while in Pittsburgh, and he immediately summoned Major Adams, Superintendent of State Police, and directed him to make a thorough and complete investigation (Record p-7929). The work was immediately undertaken and on or about the 5th day of June, 1937, Major Adams presented his report to Governor Earle at his office in the Capitol Building. This was a large and voluminous report, consisting of letters, statements, affidavits, laboratory reports, reports of interviews, written specifications, awards of contracts, and many other evidential matters.

At the time the report was delivered to the Governor, Major Adams stated that there had been no criminal conduct that could be prosecuted, but that in his opinion there was no doubt that fraud had been practiced, and he recommended the dismissal of E. A. Griffith and that H. H. Temple be disciplined. He further stated that he thought the Commonwealth would suffer no loss as the Highway Department had retained twenty per cent of the purchase price of the material, which amounted to in the neighborhood of seventeen thousand dollars, which would be ample to cover any loss or damage that the State might sustain. On the following Sunday night Governor Earle called a conference at the Mansion and sent for Mr. Bowser, President of the Pioneer Materials Company. When Mr. Bowser offered no satisfactory explanation, on the following morning the Governor discharged both Griffith and Temple.

On the 7th day of June 1937, two days after the report had been received by Governor Earle it was released to the press. together with a statement of the Governor. (See Exhibit 248) Mr. Charles J. Margiotti, while Attorney General, stated to the Governor; after an examination of Major Adams' report, that the information contained therein would justify a Grand Jury Investigation and possibly the indictment of certain people, but was insufficient to convict anyone (Record 2609). Governor Earle, when on the stand, denied that he had any agreement or understanding with David L. Lawrence, Matthew H. McCloskey, Jr., Arthur Colegrove, or anyone else, the purpose and object of which was to cheat or defraud the Commonwealth by favoring the Pioneer Materials Company in any way whatsoever. He denied that he received any money or reward directly, or through any other person, firm or corporation, by reason of any favoritism shown to the Pioneer Materials Company in any of its contracts or dealings with the Commonwealth of Pennsylvania.

David L. Lawrence was called to the stand and he likewise denied that there was any contract, agreement, or understanding, written or oral, between himself, George H. Earle III, Matthew H. McCloskey, Jr., Arthur Colegrove, or anyone else for the purpose of securing a profit unto himself, or anyone else, by reason of favoritism shown to the Pioneer Materials Company in any of its dealings with the Commonwealth of Pennsylvania. He denied that he had received any money directly, or through any other person, firm or corporation, in which he was interested, using his influence toward favoring the Pioneer Materials Company in any of its contracts or dealings with the Commonwealth of Pennsylvania.

Arthur Colegrove was called to the stand and made like denial.

The above is a short, yet rather a complete resume of the facts surrounding the false and much publicized "Erie Scandal" matter. Either from an erroneous knowledge of the facts, or from a wilful misstatement thereof, the Erie Gravel matter has become a matter of common gossip throughout this State, and by reason thereof became known as the "Gravel Scandal." The public generally were under the impression that Governor Earle, upon receipt of Major Adams' report, wrongfully concealed the same, when as a matter of fact the report was released in full two days after it was received and the recommendations of Major Adams were followed by the dismissal of the alleged offenders, E. A. Griffith and H. H. Temple. Notwithstanding this the papers for many months past have carried headlines and editorials upon the Governor's refusal to make the report public. It was impossible for the Governor to have published all of the evidential papers, reports, tests, and documents upon which Major Adams' report was based, and it would have been improper for him to have done so. He was justified in accepting the recommendations of his trusted officer, Major Adams. Major Adams' recommendation was approved and substantiated in the later report of Charles J. Margiotti, Attorney General. Likewise, Judge Harry Kalodner, who was asked to examine the report, concurred in the opinion of Major Adams, and as subsequently adopted and approved by Charles J. Margiotti.

Your Committee finds as a fact that no evidence has been produced from which an inference of wrongdoing in this matter on the part of Honorable George H. Earle III, Governor, could be drawn. On the contrary, we find that he has suffered greatly by reason of a misinformed public. We further find that no evidence has been produced which establishes or tends to establish an agreement or unlawful combination between, or among, any other persons named in paragraph 9, sub-section (e), of Mr. Shelley's Amended and Supplemental Petition.

We further find from the evidence that no one of the persons named in said pargraph has profited by reason of any fraud practiced upon the State by the Pioneer Materials Company, or its officers. We find that the Commonwealth of Pennsylvania is amply protected from any loss or damage by reason of any fraud or wrongdoing on the part of the Pioneer Materials Company or its officers by the amount of money withheld by the Highway Department, which is reported to be in the neighborhood of seventeen thousand dollars.

It may seem beyond the province of your Committee, by reason of the terms of the resolution creating it, to censure, criticize, or make recommendations against persons not civil officers. While misconduct, however grave, on the part of persons other than civil officers is beyond the reach of the State Legislature, yet we feel that the conduct of certain individuals as revealed by the testimony is such as to merit and call for censure on the part of your Committee. We are constrained to find that the conduct on the part of H. H. Temple, E. A. Griffith, and Charles J. Margiotti, in connection with the dealings of the Pioneer Materials Company with the Commonwealth of Pennsylvania calls for our criticism, censure, and condemnation.

Your Committee further finds that Charles J. Margiotti, former Attorney General misbehaved himself in his office when he endeavored to persuade and compel Arthur H. Colegrove, Secretary of Property and Supplies, to make an award of a contract to the Pioneer Materials Company, after the bid had been properly and regularly rejected.

III. CONCLUSIONS AND RECOMMENDATIONS

The record of this proceeding before your Committee presents a broad picture reaching into many phases of the business of the Commonwealth. Your Committee endeavored in this report to discuss every essential fact developed during all of the sessions held in connection with all of the charges of misconduct contained in the Amended Petition of Carl B. Shelley, District Attorney of Dauphin County, and its findings are based upon the credible evidence pertinent thereto.

Your Committee had no alternative than to conclude that the evidence did not prove an unlawful arrangement or conspiracy among the public officials named in the Amended Petition. In justice to the officials accused, and other individuals named in the petition as being concerned in alleged wrongdoing, those who framed the petitions for a grand jury investigation should have founded the charges upon facts gained from reliable sources and not upon rumor, gossip and fancies. The process of the courts of this Commonwealth should not be prostituted by those seeking to avenge fancied wrongs or disposed to injure persons who opposed their political ambitions.

Carl B. Shelley, the District Attorney of Dauphin County, and Charles J. Margiotti, at one time the highest

law officer of the Commonwealth of Pennsylvania, appeared as witnesses before your Committee and gave evidence of the exploitation of judicial powers for political purposes.

Mr. Shelley, occupying the position he did, as District Attorney of Dauphin County, was the natural object of those designed to accomplish a sinister purpose. It may be that he was moved into his present position by powerful influences and the swift movement of events and the exhileration produced by wide publicity left him without freedom to deliberate on the propriety of his course.

Your Committee sat for days, developing, through Mr. Shelley, the names of the witnesses he proposed to call and the documentary evidence upon which he depended, and it was amazed to learn that though he charged public officials occupying the highest offices in the Commonwealth with grave offenses, he did not interview a single witness named by him, he had no statements of those whose names he gave, and he had no direct evidence of the commission of any offenses.

Mr. Margiotti, the principal actor in the grand jury proceedings, likewise depended upon rumor, hearsay and gossip in the proof of many of the charges contained in the amended Petition. He called to his aid in support of the charges, words and deeds of those with whom he was closely associated, and which occurred, according to him, long before his dismissal. Notwithstanding all of these alleged serious offenses occurred at a time when he was Attorney General, and had an opportunity to ascertain the circumstances and openly proceed against those guilty, he sat supinely by and openly permitted, if you believe him, public officials to engage in a brazen course of unlawful conduct that could not, if it existed, be hidden from public notice. When discharged by the Governor, he professed complete confidence in the Governor's honesty.—yet, an hour after this profession, he was busy drafting a petition for a grand jury investigation charging the Governor with high crimes. When this petition was declared insufficient by the Supreme Court, he assisted in preparing a more elaborate amended petition, charging the Governor and others with new crimes, though no new evidence had come to him in the meantime.

There are matters in the Record of this proceeding that require frankness and candor in their statement and although what your Committee submits below may be outside the province of your Committee, it deems it to be its duty to mention it so that the Commonwealth's interest may be protected in the future.

It was grossly improper for Mr. Margiotti personally and in his official capacity as Attorney General of the Commonwealth of Pennsylvania to interest himself in the Pioneer Materials Company in a persistent effort addressed to the Secretary of Property and Supplies, the Governor, and other Administration officials to bring about the acceptance of a bid made by said company for materials on a plan that he must have known was loaded with fraud and after the bid was rejected.

It was improper for Mr. Margiotti to exert the prestige of his position as Attorney General in an effort to favor the Watson Manufacturing Company, whose representative, H. J. Wilde, a friend of Mr. Margiotti, was attempting to secure contracts for conspiracy from the Commonwealth of Pennsylvania.

It was improper on his part to remove from the possession of the Commonwealth, important contracts, records, plans and specifications of the General State Authority and to refuse upon demand of the Attorney General to return them.

It was improper on the part of Mr. Margiotti, and likewise on the part of District Attorney Shelley, to seek a grand jury investigation without first having secured real and credible evidence to substantiate the crimes charged.

It was highly improper for H. H. Temple and E. A. Griffith, both former employes of the Highway Department, to have associated themselves with the officials and representatives of the Pioneer Materials Company which supplied materials to the Commonwealth of Pennsylvania and to aid and assist that company in supplying inferior materials under its contract with the Commonwealth.

Your Committee finds no evidence which tends to substantiate the charges it has been appointed to investigate under the Resolution and therefore recommends no further action be taken by the House of Representatives.

Respectfully submitted,

Senior Counsel:

Abram Salsburg,
Wilkes-Barre, Pa. HERBERT B. COHEN, Chairman
Albert L. Thomas,
Meadville, Pa. ROBERT N. BIERLY
EDGAR A. SCHROPE
James J. Gallagher,
Mahanoy City, Pa. J. R. OMINSKY
ANTHONY J. GERARD

Junior Counsel:

Wm. W. Wogan,
York, Pa.
Dominick T. Mack,
Pittston, Pa.
Thomas C. Moore,
Wilkes-Barre, Pa.

Presented:
November 29, 1938.

REPORT OF DAVID R. PERRY, BLAIR COUNTY; ELLWOOD J. TURNER, DELAWARE COUNTY, MINORITY MEMBERS OF THE HOUSE COMMITTEE INVESTIGATING THE CHARGES AGAINST GOVERNOR GEORGE H. EARLE, ET AL. PURSUANT TO RESOLUTION SERIAL No. 13, ADOPTED JULY 30, 1938 HOUSE OF REPRESENTATIVES OF THE COMMONWEALTH OF PENNSYLVANIA

To the House of Representatives:

THE LEGAL ASPECTS OF THE PROCEDURE FOLLOWED BY THE COMMITTEE

On the 25th day of July, 1938, the Governor of the Commonwealth of Pennsylvania, George H. Earle, III, by his executive order, convened the Legislature in Extraordinary Session, for the purpose, inter alia, of investigating "Charges of or involving misdemeanor in office on the part of any person holding a civil office under the Commonwealth of Pennsylvania. * * *" Grave and serious charges of criminal misconduct had already been made against the Governor of the Commonwealth, other civil officers, and other persons, by United States Senator Joseph Guffey, Mayor S. Davis Wilson of Philadelphia, and Charles J. Margiotti, the then Attorney General of Pennsylvania, alleging that graft and corruption were rampant among the high officials of the Democratic Administration. As a result of these charges the District Attorney of Dauphin County had presented a petition in the Supreme Court of Pennsylvania charging that:

> George H. Earle, III, David L. Lawrence, Matthew H. McCloskey, Jr., and Ralph M. Bashore did unlawfully, fraudulently, falsely, wilfully and maliciously conspire, combine, conferedate, and agree among and between themselves to cheat and defraud the Commonwealth of Pennsylvania and to extort money and levy blackmail against public employees, against private citizens and against persons doing business with the Commonwealth of Pennsylvania and agents of the State, and did unlawfully conspire to extort money and levy blackmail from persons interested in the passage of certain legislation, to accept bribes, to engage in unlawful and improper conduct including corrupt solicitation, misfeasance, and malfeasance in office, which charges included the extortion of money and the levying of blackmail from architects, contractors and other persons doing business with the State.

And including therein 29 separate averments involving the Governor and thirteen other public officials.

In his message to this Extraordinary Session the Governor said, inter alia:

"I recommend that you summon any and all persons who may be in possession of any information relative to any wrong doing inlolving such officers (of the State) as well as any documents or other evidence that may have bearing upon the subject and that you take measures to have all such evidence disclosed publicly.

"I recommend that all persons accused of wrongdoing, or otherwise named in connection with such wrongdoing, be given full opportunity to testify publicly in their own behalf."

Pursuant to this message, and in carrying out the purposes for which the Extraordinary Session was called, the Legislature, on the 30th day of July, 1938, passed an Act of Assembly, which was signed by the Governor, and known as Act of the General Assembly, No. 2. This Act defines the procedure for, and regulates the investigation by the House of Representatives and its committee of charges of, or involving, misdemeanor in office on the part of civil officers liable to impeachment; authorizes the Speaker of the House to appoint a special committee for any such investigation; authorizes the presentation of evidence by the Attorney General and other Counsel, and the officers investigated; provides for the summoning of witnesses and for the punishment of persons refusing to appear, produce evidence or testify. Section 6 of this Act provides:

"Any committee of the House of Representatives which is conducting any investigation to which this Act applies, may adopt rules for the conduct of its proceedings which are not inconsistent with the provisions of this Act, but the rules of evidence shall conform to the rules of evidence governing the admissibility of testimony in judicial proceedings."

Pursuant to this Act, the Speaker of the House, on August 2, 1938, appointed a committee of seven members to conduct an investigation of the charges.

On the part of the majority party in the Legislature, the following members were appointed:

Herbert B. Cohen, York County, Chairman
Joseph Ominsky, Philadelphia County
Robert N. Bierley, Luzerne County
Edgar A. Schrope, Schuylkill County
Anthony J. Gerard, Allegheny County

and on the part of the minority the following were appointed:

Ellwood J. Turner, Delaware County
David R. Perry, Blair County

The Committee proceeded to organize. It retained counsel and prepared to summon and examine witnesses.

On September 6, 1938, the Committee met in the House of Representatives, at Harrisburg, and began its task of making the investigation.

The act under which this Committee was created, in Section 8 thereof, provides:

"Any committee of the House of Representatives conducting an investigation under the provisions of this Act, shall, after the testimony before the committee has been completed, make a report to the House of Representatives containing such conclusions and making such recommendations as to the Committee may seem appropriate. If the evidence has disclosed misdemeanor in office on the part of the person or persons investigated, the House of Representatives may order such person or persons impeached, or it may call upon the Attorney General of the Commonwealth, or the district attorney of the proper county, to prosecute such person or persons in the appropriate court for the offense or offenses disclosed by the evidence."

It is, therefore, in compliance with that section that this report is made.

At the outset of the hearings, the majority members of the Committee, although never adopting any written rules of procedure, interpreted Section 6 of the Act to mean that the rules of evidence only as applied to a trial by jury in a court of record, should be strictly adhered to.

The minority members of this Committee, from the beginning, protested this interpretation of the Act, asserting that the Act said: "* * * the rules of evidence shall conform to the rules of evidence governing the admissibility of testimony in judicial proceedings," and that the term "judicial proceeding" as so used was not confined to trials before the court, but was much broader in scope, and included in the term a Grand Jury proceeding,—either as to investigating or as to passing upon the District Attorney's bills of indictment.

Legal authorities all agree on the definition of "a judicial proceeding." It is well defined in Black's Law Dictionary, Second Edition, at page 669 as follows:

"A general term for proceedings relating to, practiced in, or proceeding from, a court of justice; or the course prescribed to be taken in various cases for the determination of a controversy or for legal redress or relief."

A grand jury investigation certainly falls within that definition. Certainly no layman, and certainly no lawyer, would contend that a grand jury investigation was not a judicial proceeding.

However, the majority of the Committee constituted its proceedings as though a trial in a court of record, subject to all the restrictions and limitations of such a trial as relates to the introduction of testimony (so long as such restrictions and limitations met the approval of such majority) rather than as an investigation, in which investigators secure every item of information, hearsay or otherwise, from which to formulate an opinion as to whether or not, under the provisions of the Constitution, Senate should conduct a trial of the persons accused.

The minority members of the Committee constantly pointed out this error of the majority and contended that the committee had been appointed for the purpose of investigating, of making recommendations to the House as to whether the charges did or did not warrant impeachthe Committee had been appointed for the purpose of determining the guilt or innocence of any of the accused; Article 6, of the Constitution of Pennsylvania, although providing that the House of Representatives shall have the sole power to impeach, requires that the impeachment shall be tried by the Senate when sitting for that purpose.

It was apparent to the minority members of the Committee that the Act, under which the Committee was proceeding, constituted the Committee an investigating body; and that under the Constitution of Pennsylvania, it could only be an inquisitorial body.

When the committee was appointed, the Speaker of the House charged the members thereon in these words:

"I have every confidence in the men we have selected, that they will discharge the duties of their office with the utmost fidelity, and that they will make an honest, fair, impartial and searching investigation of all these charges so that the public may be advised of their truth or falsity, and that they will not permit politics or friendships to sway them from their path of duty.

"These are charges which cannot be overlooked or brushed aside. The reputations of men are at stake. If they are innocent, the public is entitled to know this fact; if they are guilty of misdemeanor in office, then the duty to be performed is plain under the Constitution and the laws of the Commonwealth."

It is to be noted that the Speaker of the House recorded his confidence that "a searching investigation of all these charges" would be made. If this Committee, then, is an investigating body, it necessarily follows that the very purpose for which the Committee was appointed would be defeated if the rules of evidence pertaining to a trail in court were to be invoked, particularly as to the rule against hearsay evidence.

The position of the minority group on this question is amply supported by judicial authority.

The principal charge which the Committee was called upon to investigate, was that a conspiracy existed between

high administration officials, and others, to cheat and defraud the Commonwealth of Pennsylvania. A conspiracy is defined by Wharton, in Vol. II, 12th Edition of his work on Criminal Law, as follows:

"A conspiracy is a confederation to effect an unlawful object by lawful means, or by unlawful means, a lawful object."

The majority members of the Committee insisted that an overt act must be proved as a condition precedent to the admission of testimony regarding acts or declarations of co-conspirators, though Wharton, in the same volume, at Page 1940 says:

"All who join a conspiracy at any time after its formation become conspirators, and, as will be seen, the prosecutor may go into general evidence of the conspiracy before he gives evidence to connect the defendants with it. It is not necessary, therefore, to show a complicity of the defendants in the preliminary stages of the offense * * * nor does the entrance of new parties affect the identity of a conspiracy."

And again, Wharton, on page 1941, says:

"On a prosecution for a crime to be proved by conspiracy general evidence of an existing conspiracy may in the first instances be received, as a preliminary step to that particular evidence by which it is to be shown that the individual defendants were guilty participants in such conspiracy, and that this is often necessary to render the particular evidence intelligible and to show the true meaning and character of the acts of individual defendants."

Therefore, even in a court during a trial by jury, where a charge of conspiracy is involved, a broad rule of evidence governing the admissibility of testimony is applied; but the majority group of this Committee would never concede that it was bound by the law in this respect. The majority members insisted that no hearsay testimony should be adduced before the Committee (Record Page 510 et. seq.)

The minority members protested at the beginning (Record Page 510 et seq.), and at numerous times thereafter, that this being an investigation, it was the Committee's duty to hear all testimony which might be offered, not only for the immediate purpose of determining whether or not a recommedation of impeachment should finally be made, but for the purpose of obtaining clues which might lead to evidence which would shed light on the charges under investigation.

This position on the part of the minority group is also amply supported by the authorities. It is common knowledge that from time immemorial, inquisitorial bodies such as this, and grand juries, have called before them every witness known to the body who might be in the possession of any facts or documentary evidence bearing on the charges under investigation, or who might enlighten the body as to where facts and evidence might be found. Such bodies always take hearsay evidence. True it is, that in the final analysis, it is the function of the inquisitorial body to sift—not the false from the true, for that is the function of a jury of the people, under our form of government—but to sift the substantial, relevant and competent testimony from the whole mass and base its findings on this final determination.

On this very question, Wigmore, in his work on Evidence, 2nd Edition, Volume III, Section 1361, speaking of the nature of hearsay as an extra-judicial testimony assertion, says:

"When a witness A on the stand testifies 'B told me that event X occurred,' his testimony may be regarded in two ways:

(1) He may be regarded as asserting the event upon his own credit, i. e. as a fact to be believed because he asserts that he knows it. But when it thus appears that his assertion is not based on personal observation of event X, his testimony to that event is rejected, because he is not qualified by proper sources of knowledge to speak of it. This involves a general principle of Testimonial Knowledge already examined (ante No. 657-665) and does not involve the Hearsay rule proper.

(2) But suppose, in order to obviate that objection, that we regard A as not making any assertion about event X (of which he has no personal knowledge), but as testifying to the utterance in his hearing of B's statement as to event X. To this, A is clearly qualified to testify, so that no objection can arise on that score.

The only question, then, can be whether this assertion of B, reported by A, is admissible as evidence of the event X asserted by B to have occurred. It is clear that what we are now attempting to do is to prove event X by B's assertion; the utterance of B's assertion being itself proved by A's testimony to it. In other words, merely the making of B's assertion is properly proved by A; but the occurrence of event X is also sought to be proved, by this assertion of B, which was uttered out of Court, but is offered testimonially for the same purpose as if it were being made presently by B on the stand. * * * It is these extra-judicial testimonial assertions which the hearsay rule prohibits."

It will, therefore, be seen that the very situation which presented itself to this Committee is dealt with by Wigmore. The witnesses who were called wanted to assert, not that a particular event had occurred of their own knowledge, but to testify to the utterances, in their hearing, by certain individuals, that the event had occurred. Although Wigmore holds that as to this the witness is clearly qualified to testify, the majority on this Committee repeatedly refused the witnesses that right. (Record Page 510 et seq.)

In spite of all the protests with which the record of this investigation is replete, made by the minority members of this Committee, the majority would never agree that this was the law. It must, therefore, be apparent from the beginning the majority and its counsel, charged with the responsibility and in control of presenting the evidence to the Committee, kept the record in this case as barren of much testimony or information leading to evidence, as could be accomplished.

Reference to the record will disclose that this conflict on the question of the purposes of the Committee, the scope of its activity, and the manner of calling and examining witness, continued throughout the entire life of the Committee. Time after time this narrow and constricted interpretation of the rules of evidence was applied by the Chairman, and the majority members, thereby excluding what might have been direct clues to incriminating evidence that would have opened the curtains and let in the light, so that the Committee could know the true facts.

The fact that no formal rules of procedure were adopted, or filed, by the Committee, renders the state of the record in the investigation chaotic. The investigation was not pursued, subject by subject, nor were witnesses presented in chronological order in relation to the charges or the testimony already taken. By reason thereof the twenty-nine separate allegations made by the District Attorney of Dauphin County, not a single charge was exhaustively probed. The probe, if it may be called that, barely scratched the surface. Apparently, Counsel for the Committee, fearful that it might prove painful if we went deeper, saw to that.

A DISCUSSION OF THE TESTIMONY

The first person called was Carl B. Shelley, District Attorney of Dauphin County. At the outset of the testimony of this witness, the Chairman, with the advice of the Committee counsel, and with the support of the majority members of the Committee, invoked the hearsay rule against Mr. Shelley, and although the minority members time after time protested this ruling, the rule was never relaxed as to him. This witness was required and permitted only to read into the record the names of the

witnesses upon whom he relied to prove the charges as made in his amended petition to the Supreme Court of Pennsylvania.

Time after time the majority on this Committee, and its counsel, refused to permit Mr. Shelley to testify as to what he had learned as a result of his investigation in Dauphin County, but insisted that he surrender to the Committee, upon mere record identification, every statement, affidavit and piece of documentary evidence in his possession. The net result was that Mr. Shelley's testimony before the Committee was exploratory—not of the charges, but only of his files. And it was with great difficulty that the majority members of this Committee, and its counsel, were restrained from investigation the District Attorney for having brought the charges at the instigation of the former Attorney General, Charles J. Margiotti, rather than investigating the charges in themselves.

This was typical of the conduct of the majority members of this Committee throughout the course of the investigation, to the end that whenever a witness attempted to tell of some information he might have, and indeed, whenever a member of the minority group on this Committee suggested certain witnesses be called, or certain information investigated, and majority group and counsel immediately became more concerned about who disclosed the information than whether or not the allegation or information was true. (Record Page 5987).

The second witness called by the Committee was Charles J. Margiotti, the former Attorney General, who instituted the original charges in their entirety.

The procedure followed by the Committee seems to have developed in three phases:

(a) When Carl B. Shelley and Charles J. Margiotti were testifying, the majority of the Committee and its Counsel treated these men sometimes as though they were defendants under cross-examination, and at other times as prosecutors. The record discloses that counsel for the Committee was apparently trying to get from these witnesses all of the information the witnesses might have, at the same time trying to avoid any testimony which might incriminate or embarrass those under investigation. Both of these witnesses were constantly criticized and harassed by Committee counsel.

(b) After having obtained such information from Messrs. Shelley and Margiotti, the Committee then turned its attention to the construction of the Finance Building, and consumed weeks of its time in an attempt to probe the construction of this building, when all the time it was self-apparent that such type of probing was work for a technical expert, who should have been appointed by the Committee to advise it, and whose appointment the minority members constantly requested.

(c) In the last few days of the hearing, the accused officials were brought in, one by one, without books or records, and so far as the minority members of the Committee know, without any examination of their books and records having been made, and were permitted to blandly deny all of the charges. It is significant to note, however, that Mr. McCloskey, former Treasurer of the State Democratic Committee, holder of $10,000,000 worth of State Authority contracts, and charged as one of the principal conspirators in the entire matter, was never called.

It was the contention of the minority members of the Committee from the very beginning, and many times expressed in the record, that the Committee was not following the accepted practice and procedure usually adopted by an inquistorial body, in that no preliminary investigation of subjects or witnesses was made, either by the Committee or counsel, so that the Committee itself could know what there was in any of the particular charges before the witnesses were called to enable the Committee and its counsel to confront recalcitrant or interested witnesses with documentary evidence, such as bank accounts, books of record, check stubs, and cancelled checks, or rebuttal witnesses on any subject.

From the beginning, the Committee adopted as its Bill of Particulars, the amended petition filed by the District Attorney of Dauphin County in the Supreme Court of Pennsylvania, and the Committee and its counsel from that time on, took the position that anything else, no matter how important or how reprehensible, was immaterial or irrelevant to the issue. This was entirely too narrow a view of the situation. This Committee was appointed to investigate any and all charges of misconduct —not simply to call upon the District Attorney of Dauphin County to prove his case, and to exclude any other information which might come to the attention of the Committee. While the minority never agreed to the theory of the majority, we were forced to accept that situation.

The Committee then plunged right into the business of calling witnesses, its apparent purpose being to get on the record as soon as possible the names of all of the witnesses, regardless of the subject involved, together with all of the documentary evidence, statements and affidavits, also regardless of subjects, so that it might know in advance just how much Mr. Margiotti knew. Why this policy was followed is for the people of Pennsylvania to judge. We state it in this report merely as a fact disclosed by the record.

Also, the record in this case, consisting of nearly eight thousand pages, is not in chronological order and although, as we stated before, no single subject of the inquiry has been exhaustively investigated, we will here discuss the state of the record, subject by subject.

In Paragraph 2, of the District Attorney's Amended Petition, it is charged that as a result of his investigation he has competent and credible evidence showing that in the year 1935 at Harrisburg, Dauphin County, Pennsylvania, and within the jurisdiction of this Court, George H. Earle, III, David L. Lawrence, Matthew H. McCloskey, Jr., Ralph M. Bashore and others, did unlawfully, fraudulently, falsely, wilfully and maliciously conspire, combine, confederate and agree, among and between themselves, to cheat and defraud the Commonwealth of Pennsylvania, to extort money and levy blackmail against public employees, private citizens, and persons doing business with the Commonwealth and agencies of the Commonwealth; to extort money and levy blackmail from persons interested in the passage of certain legislation, to accept bribes, and to otherwise engage in unlawful and improper conduct including corrupt solicitation, misfeasance and malfeasance in office, to the prejudice of the Commonwealth of Pennsylvania and to its various agencies, its citizens and taxpayers generally.

And then in twenty-nine separate allegations the District Attorney specifies each instance wherein it is alleged that a conspiracy to cheat and defraud the Commonwealth existed. The Petition further alleges in Paragraph 4 thereof, that the conspiracy originated in the year 1935, continued and was in existence during the years 1935, 1936, 1937 and 1938, and still exists within the County of Dauphin and elsewhere in the Commonwealth of Pennsylvania.

MACING

In Paragraph 6, of the Amended Petition it is charged that George H. Earle, III, David L. Lawrence, Ralph M. Bashore, Matthew H. McCloskey, Jr., and Carl K. Dean, then and now Harrisburg Resident Secretary of the Democratic State Committee, and others during the years mentioned conspired to extort money and levy blackmail from State, County, City and other public employees by means of coercion, threats, intimidation and other unlawful methods, in that each public employee was required to pay three percentum or five percentum of his or her salary, depending upon the amount of the salary; three per cent to be exacted from those receiving a salary of $1,200 per year, and five per cent to be exacted from those receiving a salary of more than $1,200. Two-fifths of the amounts collected were for the use of the local Democratic County Committee, three-fifths to be retained by the Democratic State Committee, of which monies the Democratic State Committee was to retain two-thirds for its use, and forward one-third to the Democratic National Committee at Washington.

When the District Attorney of Dauphin County was before this Committee, a list of 190 witnesses on this question alone was presented to the Committee, and this information was followed by testimony on the part of Mr. Margiotti bearing directly on the subject. Yet this was one of the subjects never reached by the Committee, and only touched upon incidentally by certain persons testifying in connection with other matters under investigation. But several of these witnesses admitted on the record that they were paying portions of their salaries to the Democratic Committee, although protesting that the contributions were voluntary. One witness testified that his contribution was being collected from him on a bi-monthly basis.

It was astounding to the minority members of this Committee, that Governor Earle, a member of the National Democratic Committee, David L. Lawrence, Chairman of the State Democratic Committee and Ralph Bashore, Chairman of his local Committee, all testified that they had never discussed party finances. Not only had they not discussed party finances with each other, but the Governor and David L. Lawrence testified that they had never discussed the subject with anybody. We think this is palpably untrue. No political organization can operate without financing, and it is utterly beyond belief that the State Chairman and the Governor, a member of the National Committee, should never have discussed the question with anybody. We refuse to be branded so gullible as to believe this. If finances were not raised by macing, why did these men deny that they had ever discussed financing? Right in Harrisburg is the office of the Democratic State Committee in charge of Carl K. Dean, yet the Committee carefully avoided examining the records of this office, producing the books of record, or calling Mr. Dean to testify as to what he knew about raising of party finances. And Matthew H. McCloskey, Jr., Treasurer of the Democratic State Committee, was never called to testify as to what he knew about the manner in which money was raised to finance the Democratic party.

The minority members of this Committee many times demanded that the Committee summon at least a group of the witnesses named under this charge by Mr. Shelley, but this request was never acceded to. Finally, the minority members of the Committee, who it must be understood were without power to issue subpoenas, demanded of the Chairman of the Committee that they be given twelve John Doe subpoenas, so that they might subpoena at random twelve employees in the State Capitol to be questioned on macing charges. (Record page 7616). This request was denied the minority group.

It is, therefore, self apparent (as to both the fact and reason why) it is impossible for this Committee to make any intelligent report as to whether or not this sytem of macing did exist among State employees.

EXTORTION

Paragraph 7, of the District Attorney's Amended Petition alleges that George H. Earle, III, David L. Lawrence, Matthew H. McCloskey, Jr., Ralph M. Bashore, and others, conspired to extort money and levy blackmail from architects, contractors, and other persons doing business with the State, and this allegation the District Attorney supported by certain specific names and instances both in the Amended Petition and in his testimony before the Committee. Mr. Margiotti, on page 941, etc. of the record, said that H. L. Myers, a Pittsburgh contractor, could give the Committee information to support the charges of extortion from architects and that United States Senator Joseph Guffey had told him of the system in force, and that the architects were appointed only upon the approval of David L. Lawrence and Matthew McCloskey. (Record page 956). Architects Lee and Lake were called and denied the charges, and then some time later about 54 architects were called, all of whom denied being the victims of extortion. But, these architects appeared before the Committee with no books or records of any kind, and with few exceptions, testified to having made political contribution in some form or manner to the Democratic Committee or one of its affiliated groups or committees. We, therefore, think that this subject cannot be disposed of by this Committee one way or another until the books of each and every architect doing business with the State have been examined by competent auditors, who ought also to examine the records of the Democratic State Committee on this subject.

ILLEGAL CONTRACTS

It is charged in paragraph 8, of the Amended Petition that in furtherance of the alleged conspiracy, George H. Earle, III, David L. Lawrence, Matthew H. McCloskey, Jr., Ralph M. Bashore, Edward W. Prendergast and Arthur Colegrove, conspired to award contracts to persons, firms, or corporations who were not the lowest responsible bidders for such materials and supplies to the prejudice of the Commonwealth of Pennsylvania, and in subdivisions of this paragraph, charges that contracts for office furniture were not let to the lowest responsible bidder, but were awarded to the Art Metal Company, in which company it was charged that Ralph M. Bashore was interested. Contracts were awarded despite an opinion of the then Attorney General that the Watson Manufacturing Company was entitled to the contracts on its low bid; and that Arthur Colegrove, Matthew H. McCloskey, Jr., David L. Lawrence and Roy Brownmiller conspired to purchase for the Highway Department of the Commonwealth of Pennsylvania a large number of trucks with specifications prepared by the Highway Department so drawn as to favor certain manufacturers, and that by reason of an unlawful arrangement with representatives and agents of the company named, the prices bid for such trucks were in excess of the fair market value thereof, and with the further arrangement that the successful bidder should pay to Matthew H. McCloskey, Jr., and David L. Lawrence, sums aggregating $50,000 which sums the Amended Petition alleges were paid; and that a contract for 12,000 gallons of syrup was not awarded to the lowest responsible bidder; and that gravel was purchased for the use of the Highway Department from the Pioneer Materials Company pursuant to a conspiracy to cheat and defraud the Commonwealth of Pennsylvania

In support of these charges the District Attorney of Dauphin County gave to the Committee all of the information which he had, and Charles J. Margiotti, beginning on page 2172 and ending about page 2365, testified to many conversations with the accused officials and others tending to support each of these charges. No books or records of the departments or officials involved were produced, and as far as we know, they were not examined, and the only answer to these charges appearing on the record is that made by the accused officials themselves, in the form of simple blanket denials.

One of the principal charges in this respect was that material was purchased from the Art Metal Company, a concern in which Ralph M. Bashore was allegedly interested. Arthur Colegrove, then Secretary of the Department of Property and Supplies, testified that for weeks and months he was protesting the awarding of contracts to the Art Metal Company, on the ground that the Watson Manufacturing Company was actually the lowest bidder, but department heads continued to specify this particular article, and that he (Colegrove) took the position that under the ruling of the Attorney General, he was forced to buy this particular material; yet no effort was made to determine from the department heads whether or not pressure was being brought upon them to designate this particular equipment because of any interest which Ralph Bashore might have had in the company. Further, it was alleged on the record that a huge order for trucks was let to a selected group of manufacturers who returned $50,000 of the purchase price to the State Democratic Committee, and that the prices charged for the trucks were greatly in excess of the fair market value thereof. While some testimony was adduced to the effect that the special specifications covering these trucks made them more expensive and costly than those furnished to private interests or neighboring states, no examination of the books of the company was made to determine whether or not

any part of the $50,000 alleged was paid to the State Committee, nor were any representatives of the trucking firms called to testify. Why such an important matter as this should be so lightly treated, we cannot say.

We deem it impossible for this Committee, upon the state of this record, to say whether or not the practices charged did exist, because the investigation thereof was not completed.

In paragraph 9, of the Amended Petition it is charged that Carroll McShane, former chief of the Bureau of Inspection of the Department of Revenue, attempted to extort money and levy blackmail from Andrew L. McCabe and B. R. Kenworthy by demanding the sum of $5,000.00 for the approval by him of a device for the testing of automobile lights. Although both Mr. Shelley and Mr. Margiotti testified as to these charges, neither Mr. McCabe nor Mr. Kenworthy, the two persons directly involved, were ever called.

Mr. Carroll McShane appeared before the Committee and denied that he ever made any attempt to extort money from Mr. McCabe and Mr. Kenworthy, but he admitted that he had had business dealings with these men, and he admitted that he contended that these men were financially indebted to him. He said that these men had a headlight testing device which he had been asked to inspect, that he had advanced certain ideas for improving the device, which had been incorporated therein, and claimed that for this service he had a right to any profits which might accrue from the sale of the device, notwithstanding the fact that he was head of the bureau. He asserted that Mr. McCabe and Mr. Kenworthy wanted him to issue orders requiring each of the approximately 8,000 testing stations in Pennsylvania to equip themselves with this particular device, which he says he refused to do. Here then on the record it appears that Mr. McShane had demanded money from Mr. McCabe and Mr. Kenworthy, who were seeking to sell a device in a market controlled by Mr. McShane, which in itself is a suspicious set of circumstances. Here again, it is impossible for this Committee to say whether or not there is merit in the charge as made, unless Mr. McCabe, Mr. Kenworthy, and the records of Mr. McShane's office are produced.

LOANS TO THE GOVERNOR

In Paragraph 10, of the Amended Petition it is alleged that Matthew H. McCloskey, Jr. gave to George H. Earle, Governor of the Commonwealth of Pennsylvania, sums totalling $30,000 in order to influence the award to the said Matthew H. McCloskey, Jr. or corporations in which he was interested, of contracts from the General State Authority. In support of this, the former Attorney General, Charles J. Margiotti testified that Mr. McCloskey told him that Governor Earle had borrowed at one particular time the sum of $10,000 from Matthew H. McCloskey (Record page 2040).

And on page 836, etc., Charles J. Margiotti testified that the Governor had told him that he had borrowed a total of $26,500 from Matthew H. McCloskey, but that it had been paid back from time to time.

It appears further in the record that the Governor borrowed sums of money from other sources during his tenure in office, which will be discussed later.

SALE OF LEGISLATION

Paragraph 11, of the District Attorney's Amended Petition and its sub-divisions charged that David L. Lawrence, Matthew H. McCloskey, Jr., Ralph M. Bashore, Harry K. Kalodner, and others conspired and agreed to exert their influence as leaders of the Democratic Party to cause amendments to the Beverage License Law to be enacted in the 1935 Session of the Legislature, and that there was an agreement between the Pennsylvania Brewers' Association and this group under which this Association paid to these men approximately $50,000 for the legislation which money it is alleged was paid; and that these officials did exert their power and influence to persuade Democratic members of the General Assembly to vote for the passage of the legislation, and that the same group of officials and others received $100,000 more or less, for using their influence as leaders of the Democratic Party to cause the passage of the Sunday Movie Bill in the 1935 Session of the Legislature, and that having received the money, the officials and others charged did exert their influence to persuade Democratic members of the General Assembly to vote for the legislation; and that the same officials and others agreed to use their power and influence as State officials and officers of the Democratic State Committee to cause amendments to the Beverage License Law to be enacted permitting the sale of packages of beer by retail stores, in consideration of the agreement with representatives of the Pennsylvania Brewers' Association to pay large sums of money to these officials and others, for which services these officials, it is alleged, received $16,000 from the Pennsylvania Brewers' Association. The District Attorney of Dauphin County submitted what evidence he had on these subjects, and several witnesses were called in relation thereto.

Charles J. Margiotti, former Attorney General, who instituted these charges, testified on page 866, etc., that when the Beer Legislation was pending he noticed Frank Mattis, Meade Mulvihill, Matthew H. McCloskey, and David Lawrence engaged in a conversation in the entrance to the Governor's office, and he overheard McCloskey say to Mulvihill, who was an attorney representing the Brewery interests, "You've got to pay that money. If you pay that money we will do it." And he answered "Yes".

Mr. Margiotti testified that the accused officials were using their influence to keep the Bill in Committee until the money was forthcoming and it is significant to note that David L. Lawrence in his testimony (Record page 7665) admits that he gave the order to hold the Bill in Committee, but said that it was not because of the demand for money, but in order to clear the legislative calendar.

Then the Attorney General said that he had made an investigation, that he had spoken to McCloskey, and that Mr. McCloskey admitted that they were trying to get money for the legislation, and further testified on page 874, etc., that he had heard from Frank Mattis, in the presence of Senator John Dent, and Charles Melchiorre, then Chairman of the Law and Order Committee, that money had been paid for the passage of the Beer Legislation.

Mr. Margiotti testified on page 883 that Charles Melchiorre on March 16, 1938 dictated a statement in the Attorney General's office in Harrisburg to the effect that money had been paid for this legislation. It is significant to note that when Mr. Melchiorre was called to answer this charge he admitted every one of the conversations attributed to him by the then Attorney General at the time and places charged. He admitted that he was in Harrisburg on March 16, 1938. He admitted that he was in the Attorney General's office at that time. He admitted that he would have taken a share of the money had it been offered to him, but denied that he had ever dictated the statement in the Attorney General's office, or that the money had been paid.

The Attorney General was supported in his charge that the statement had been dictated by Mr. Melchiorre by the testimony of Mr. Friedman, Deputy Attorney General, in whose presence the statement was actually made, and by Miss Peach, the Stenographer who took the statement.

On the question of the $100,000 alleged to have been paid for the Moving Picture Bill, Mr. Margiotti testified on page 871, etc. that Mr. McCloskey had told him that the Democratic organization was entitled to receive money for the passage of legislation advantageous to any particular group, and that Charles Melchiorre, Chairman of the Law and Order Committee said he had received $5,000 out of the money for the Movie Bill.

Subsequent evidence on the record disclosed that in 1935, at the time that the Moving Picture Legislation was before the Legislature, United States Senator Joseph A. Guffey, and Governor George H. Earle had borrowed $50,000 each from the Bankers Securities Corporation, an institution controlled by Albert M. Greenfield, a Democrat mentioned in this investigation, who testified that this money was loaned to these two men so that they might subscribe to certain bonds issued by the New York Post, which is a paper published in the City of New York, in which it is admitted on the record that J. David

Stern, publisher of the Philadelphia Record, the Warner Brothers Moving Picture interests, and the All Continent Corporation, a holding company for the William Fox interests, are all heavily interested. It was also admitted by Mr. Greenfield that the only collateral pledged by Messrs. Earle and Guffey for these loans was the bonds of the New York Post and certain stock owned by the All Continent Corporation.

The books and records of the New York Post, the All Continent Corporation, George H. Earle and Joseph A. Guffey, so far as the minority members of the Committee know, have never been examined for the purpose of tracing these loans, and certainly these books and records have never been produced before this Committee.

As the record now stands, this, in our opinion, is a highly suspicious set of circumstances, and to draw a conclusion from the present state of the record that the transaction was wholly innocent, would be a painful and labored effort to exonerate the persons charged.

Governor Earle, himself admitted the loans from Matthew H. McCloskey, Jr., and admitted that $50,000 worth of bonds of the New York Post had ben purchased in his name, on his note, through J. David Stern, but asserted that he destroyed the note, never saw the bonds, never heard of the All Continent Corporation, whose stocks were posted as additional collateral for the Governor's note, never paid the money back, although the record shows it was repaid, never paid the interest, although the record shows it was paid, and that he made no profit, an interesting and novel transaction as he tells it.

LIQUOR CONTROL BOARD

Paragraph 12, of the Amended Petition of the District Attorney of Dauphin County, alleges that a conspiracy existed in the years 1935, 1936, 1937 and 1938, between George H. Earle, III, David L. Lawrence, Matthew H. McCloskey, Jr., Ralph M. Bashore, Leo Crossen and since 1937, J. Twing Brooks, to solicit bribes, extort money and levy blackmail against vendors of liquors doing business with the Liquor Control Board, by requiring such vendors to pay to them large sums of money in consideration of the purchase of liquors, and specifically, that a bribe of $40,000 was procured from one such vendor.

The District Attorney of Dauphin County submitted the names of all the witnesses which he had in connection with these charges, and references in his possession to any evidence tending to substantiate the charges.

Former Attorney General Charles J. Margiotti testified, beginning on page 2143 of the record, that there were certain records of the Liquor Control Board involving hearings on matters pertaining to the firm of Bisceglia Brothers, of Philadelphia, wine vending firm; that investigations had been made by the Liquor Control Board operators, citations issued, hearings held and dispositions made of the case.

Mr. Margiotti testified that Mr. Segelbaum, Special Deputy Attorney General, assigned to the Liquor Control Board, was familiar with the transaction, and Mr. Margiotti testified that he had seen certain records and reports of this investigation.

He further testified on page 2146 of the record, that a man by the name of Malpezzi, an employee of the Liquor Control Board, had had in his possession, certain orders from an officer of the Liquor Control Board, which would throw light on the payment of the $40,000 alleged.

He testified on page 2153, etc., of the record, that one John DiAgostino, of Egg Harbor, N. J., wine vendor, connected with Renault Company, doing business with the Liquor Control Board, had paid $17,000 to Matthew H. McCloskey, Jr., in 1935; and that Mr. McCloskey had sent a confidential employee of his, at the request of DiAgostino, to New York to testify before a Federal Grand Jury, engaged in investigating DiAgostino's income tax returns, that the money had been paid by DiAgostino to Mr. McCloskey.

Mr. Margiotti further testified on page 2159, etc., of the record, that he had conducted an investigation, at the request of the Governor, involving the conduct of certain individuals in connection with the application of Philip Gundelfinger to be appointed on the Liquor Control Board. This report was made to the Governor and the investigation was made personally by the then Attorney General, with Mr. Friedman, Deputy Attorney General, sometimes present. Mr. Margiotti testified that the record in the Attorney General's office consisted of statements made by a man named Margolis, of Bisceglia Brothers, Philip Gundelfinger, John B. Kelly, David L. Lawrence, and others.

None of these records were produced before the Committee, although the minority members thereon requested that they be produced.

When Mr. Leo Crossen, new Chairman of the Liquor Control Board was testifying before the Committee, he said that the Bisceglia Brothers had been cited for liquor violations, that a hearing had been held, that a recommendation had been made that the license of this firm be suspended for thirty days; that this, finally, on advice of Mr. Margiotti, had been reduced to a fifteen-day suspension, and that Bisceglia Brothers were notified some time in December that their license for the ensuing year would not be issued until January 15, which at that time would leave the firm without a license from January 1 to 15 inclusive.

Crossen testified that some time in November or December a large order for Christmas goods had been given to the Bisceglia Brothers, but that this order did not cover all of the goods that the board might, with propriety, have ordered from this firm. Nothing was said about the amount of money involved.

The circumstances thus far adduced on the record are suspicious in that an award of a substantial contract for liquors made to a firm one month before its license was suspended for fifteen days, might indicate that the purpose was to nullify the effect of the suspension, so far as any financial loss to the firm is concerned.

Mr. Margolis was not called; no records of the Bisceglia Brothers or the Liquor Control Board were produced.

It was stated by Mr. Crossen, when asked by the minority members of the Committee to produce reports made by an operator of the Liquor Control Board, involving charges against many licensees, to show what disposition had been made of these recommendations, that these reports could not be found. Mr. Crossen denied any knowledge of misconduct on the part of any member of the Liquor Control Board or its employees; but here, again, the subject was not inquired into any further than to quote on the record the denials made by Crossen; which makes it impossible that any conclusion can be drawn as to conditions in the Liquor Control Board.

GENERAL STATE AUTHORITY

The first subject which the Committee took up for thorough investigation was the General State Authority.

Colonel Janeway was called and testified as to the organization and executive officers of the General State Authority, and the manner in which its personnel was selected. It developed that when the question of retaining architects, engineers and inspectors for the various projects to be undertaken by the General State Authority came up, letters were sent to the sixty-seven Democratic County Chairmen, asking these Chairmen to recommend persons to fill these positions.

Then there was presented to the Committee a long list of witnesses with reference to the manner in which the Finance Building in Harrisburg was being built by Matthew H. McCloskey, Jr., with a view to determinng whether or not the plans and specifications were being strictly adhered to by the contractor.

Two engineers, Messrs. Penrod and Godfrey, were called and testified that they had visited the Finance Building, in the early days of its construction, and had observed many violations of the specifications, which they enumerated on the record.

Mr. Ross, of the firm of Gehron & Ross, architects for the Finance Building, in Harrisburg, was called and testified that the building was perfect and that the specifications had been complied with to the letter. He asserted that he as the architect was not responsible to see that the plans and specifications were strictly adhered to by the contractor, although his contract, introduced in evidence, specifically requires this service and compensates the architect for the service. However, on cross-examination by the

members of the minority on the Committee, he admitted certain discrepancies, and admitted that he was responsible for compliance with the specifications on the part of the contractor.

Then followed many witnesses, over a period of many days, on the question of the suitability of materials—particularly concrete and limestone. There was much evidence adduced that the concrete had been improperly mixed, improperly poured, and improperly tested; that the limestone used in the building did not meet the specifications, but was, in a large part, of an inferior grade. Faulty construction methods were alluded to by the witnesses, as well as many incidents pointing to a looseness in the General State Authority in connection with the supervision of this particular contract.

None of the other contracts let by the General State Authority, totalling something like $60,000,000.00 were even touched upon by the Committee or its counsel.

During the many weeks devoted to the investigation of the Finance Building, the minority group on this Committee asserted repeatedly (Record page 3700) that the Committee was in no position to investigate the Finance Building to determine whether or not the specifications had been complied with; and that the calling of witnesses who worked on the building, and were charged with the responsibility to see that the specifications be complied with, was no way to uncover any non-compliance, but that the proper thing to do was to employ a firm of reputable engineers to apply the plans and specifications to the actual construction as it now stands, and by tests, analyses and inspections determine whether or not the specifications have been met, and report its findings to this Committee. It is the work of technical experts and the question of whether or not these specifications on this building have been complied with will never be fully known until that procedure is followed.

We, the minority members of the Committee, further contended during the conduct of the examination of the Finance Building that this was but one step in determining whether or not a conspiracy existed between Matthew H. McCloskey, Jr. and certain officials of the State of Pennsylvania to cheat and defraud the State. To devote the time and effort to this subject, as was done by this Committee, constituted an inexcusable waste of time and of public funds and was one of the principal things that prevented this Committee from touching upon far more important charges and subjects before the Committee.

When the witnesses were called, they were not examined by counsel as they should be in the conduct of an investigation; first, because counsel themselves did not know enough about the subject under investigation to properly examine the witnesses on the subject, nor did the Committee; and obviously, without the technical advice of an independent engineering firm, neither counsel nor the Committee could have been in a position to properly examine the witnesses. And secondly, because counsel for the Committee seemed more anxious to leave the record bare of the derogatory testimony than to develop the actual facts. This is borne out by the fact that time after time witnesses were called to testify and were subjected, not to a searching, thorough examination by counsel, but were required only to answer a few direct questions put to them.

It remained for the minority members of this Committee in almost every instance, to demand progress charts, specifications, inspection reports and data of all kinds, which would be promised by the witness, or counsel, and oftentimes never produced, or never again alluded to. As a result, the members of the minority group on this Committee had to conduct lengthy examinations of the witnesses, because the Committee counsel invariably, in the first instance, failed to cover the subject thoroughly.

When the question of the quality of $300,000 worth of limestone in the Finance Building was before the Committee, the Committee refused the request of the minority group that the subject and the witnesses be deferred until a study of the material could be made by the Committee, so as to test the credibility of the witnesses. They failed to present Jacob Schmitt, a limestone expert, who also examined the building for the District Attorney of Dauphin County, and who made a report thereon condemning the stone.

Then counsel for the Committee, after qualifying certain witnesses, permitted one Brightly to qualify as our expert and to give a long and irrelevenat dissertation on the geology of limestone. He testified as to the quality of stone in the Finance Building, asserting that he had examined the building that very morning on which he testified. No effort was made to determine the extent of this examination, or the possibility of making such examination when the stone was wet, having been exposed to many hours of rain on the day Mr. Brightly's examination was made, so that the Committee could have some information by which it could determine the value of the purported examination. The minority members of the Committee developed from the witness that he was testifying as to the quality of stone and its color on a rainy day, by inspecting it from the ground. He said he simply walked around the building and made a visual examination. The limestone was, in places, 80 feet in the air. The witness finally admitted, under this cross-examination by the minority group of the Committee, that what he had done could hardly be called an inspection. (Record page 3861). Counsel for the Committee was perfectly satisfied when this witness testified that as a result of this examination, he believed the limestone in the building met the specifications.

Further diligent cross-examination on the part of the minority members of the Committee developed that the witness had made one other inspection of the building since May, when only 40% of the limestone was on the job, and that at that time 5% of the stone furnished failed to meet specifications, but he did not find this to be true on his second, so called inspection above. This leads to the inference that if the percentage of below grade stone did not decrease as the building progressed, there were some 9,250 cubic feet of below grade stone, involving $15,000 without labor costs.

No attempt was made by the Committee, or counsel, to develop the fact that both Mr. Penrod and Mr. Brightly were given government jobs shortly after their original reports, although Mr. Brightly was permitted to explain why his testimony differed from the information contained in his original report.

Mr. Ross, one of the architects for the Finance Building, after receiving a huge fee for architect's services, was permitted to testify, without challenge by the Committee or counsel, that he did not feel that full responsibility for the proper erection of the building, in accordance with the specifications, rested on the architect, but rather on the engineers for the State Authority and the inspectors for the Public Works Administration. And he asserted that everything was perfect in the Fiance Building and that he knew of no complaints. It was left to the minority members of the Committee to develop, by cross-examination, the fact that Mr. Ross did not know whether the limestone met the specifications in regard to quarry sap; but that he did know there were limestones in the building which did not meet the specifications, and that he had reported this non-compliance to Mr. Moffitt, Resident Engineer, who resigned to accept employment with Contractor McCloskey; and also that he had reported it to Colonel Janeway, and the P.W.A. Inspector, and that although the complaints were made months previously, they were ignored.

It was further left to the minority group of the Committee to develop the fact that although Architect Ross knew that the specifications required that medallions in the frieze of the Finance Building be carved from solid blocks of stone, he waited for this examination by the minority group before he admitted that the designs were carved on small stones and inserted in the solid blocks, by means of cement, thus saving many thousands of dollars. (Record page).

Again the Committee and its counsel dismissed as of no significance the fact that Governor Earle publicly announced, after a conference with the President in Washington, D. C., that Matthew H. McCloskey, Jr. would not bid on contracts of the General State Authority because

of his close political position and his confidential relationship to the Authority. Mr. McCloskey did bid and did receive some $10,000.000 worth of contracts from the General State Authority.

The uncontradicted testimony in the record asserts that while specifications on the Finance Building required concrete to be mixed for a minimum time of one and one-half minutes, it was actually mixed from twenty seconds minimum to fifty seconds maximum. But the Committee and its counsel permitted the witnesses called to assert that this time element in making concrete is unimportant. No effort was made to call an independent technical advisor on concrete, although time after time the minority members of the Committee demanded such testimony.

As a further indication of the fact that counsel for the Committee was not attempting to fully investigate and develop the facts in relation to the Finance Building, the record discloses that the minority members of the Committee, on this one subject alone, made twenty-three specific requests for documentary evidence, some of which was produced before the Committee, some of which was handed to counsel and never produced to the Committee, and some of which was never produced at all.

The net result of the weeks spent in examining the witnesses relative to the Finance Building contract of the General State Authority is as follows:

The record indicates that so far as the Finance Building is concerned, many of the officials charged with the responsibility of seeing that the Finance Building was built in accordance with plans and specifications, were Mr. McCloskey's appointees, and the record discloses further that the executive supervision on this building was grossly lax. The actual inspection of construction was loose and inexpert and in many cases actually non-existent. It is clear from the record that there are many violations of the specifications, and the workmenship on this building is poor, principally because the contractor rushed this construction so fast that mechanics could not do a workmanlike job. Walls were out of line, throwing each subsequent detail of construction dependent on the original lines for its contour, out of line. At places, the tile wall was so "tight" that it had to be broken off with hammers before the marble could be placed, and at other places, particularly around door jambs, the marble protrudes and is uneven. These facts were developed by the minority. While it is apparent that the plans and specifications of this building have been violated, no member of this Committee knows, nor can he learn from the record, to what extent the plans and specifications of the Finance Building were violated by the contractor, and only qualified technical reports can determine this question.

ERIE GRAVEL SCANDAL

One of the principal charges before this Committee was that a conspiracy existed among state officials and employees of the Highway Department to purchase gravel of an inferior quality at exorbitant prices from the Pioneer Materials Company.

Carl B. Shelley, District Attorney of Dauphin County, presented to the committee a report and supplemental report of Major Lynn G. Adams, exhaustively covering this subject, but the report has never been the subject of discussion before this Committee, and stands as a mere exhibit in the record, its contents never made public. Charles J. Margiotti, the then Attorney General of Pennsylvania, testified before the Committee, at length, in regard to the Erie Gravel Scandal.

He testified, beginning on page 2287 of the record, that Arthur Colegrove, of the Department of Property and Supplies, had told him of his suspicions in regard to the purchase of gravel from the Pioneer Materials Company. This conversation was reported by the then Attorney General to the Governor, but the Governor would not do anything in connection with the matter. Then Mr. Margiotti testified, on page 2549 of the record, that he had a conversation with Governor Earle concerning the Erie Gravel matter, in the Allegheny General Hospital, in April, 1937. And again, on page 2550 of the record, he had a further conversation with the Governor, in which the Governor told the then Attorney General that Major Adams of the State Police had been ordered to make a thorough investigation of the Erie Gravel Scandal. He testified further (Record page 2553) of a conversation in the Governor's office relative to the report which Major Adams had made, of the Erie Gravel situation, and that the Attorney General had demanded the report, which was refused him by the Governor.

Again the Attorney General testified (Record page 2560) that Arthur Colegrove had written a letter to Mr. Margiotti in December, 1937, in which the Secretary of Property and Supplies had charged that a conspiracy existed in the Erie Gravel Contracts, and had recommended a grand jury investigation.

The minority members of the Committee made a request that this letter be produced, copies of which, it had been stated, were in the hands of the Governor. Time after time efforts were made by the minority members to obtain this letter from the files of the Governor's office, or the Department of Property and Supplies, but it never appeared until Charles J. Margiotti, again voluntarily appeared before the Committee, weeks later, handed up a photostatic copy; but it is significant to note that Arthur Colegrove, himself, when he was called to testify, said that he had had a copy of the letter in his personal files in Harrisburg all the time, but that no call had ever been made upon him by the Committee counsel to produce the letter.

The last paragraph of that letter, which is Exhibit 153A and 153B, reads as follows:

> "Lastly, I would be willing and anxious if a way can be found to present the Erie Gravel Scandal, as it has become known involving those interests, to the Dauphin County Court, or to the Court of any other County. Following the resolutions of last week's preliminary action, I am convinced that the entire facts of the State Police Report, together with other facts which I will personally supply, should be made public through a Grand Jury proceeding or other similar means.
>
> "I insist upon this as justifying my own reputation and conduct in office."

Mr. Margiotti further testified, (Record page 2573) that the Governor told him that he could not have the report because he wanted to take care of David Lawrence. He said that Mr. Lawrence denied that he was involved.

Again the former Attorney General testified (Record page 2577) that at a meeting in Washington, attended by Senator Joseph Guffey, Governor Earle, Matthew H. McCloskey, Jr., John B. Kelley, Edward Prendergast, Ralph M. Bashore, David L. Lawrence, Clair Ross, Harry Kalodner and others, he had demanded the State Police Report of the Erie Gravel Scandal, which had been refused him. But again he was told that he could not have the report.

Mr. Margiotti testified, (Record page 2584) of a further demand that Governor Earle turn the report over to him, and again he was refused.

Mr. Margiotti testified (Record page 2595) that on October 10 he was called from Philadelphia to Pittsburgh by Governor Earle and David Lawrence, where he was told that Ray Spriggle, of the Post Gazette, of Pittsburgh, Mortimor Graham, the District Attorney of Erie, and Ed Griffith, an Assistant engineer of the Erie Gravel Case, had been closeted in a room at the Fort Pitt Hotel, Pittsburgh, and that the Governor and Dave Lawrence were of the opinion that Mr. Griffith was making a confession to the District Attorney and to the newspapers, and it was on this data that the report was turned over to the Attorney General. Mr. Margiotti testified to their conversations relative to demands which he had made previously for the report.

Mr. Margiotti further testified, (Record page 2608) that he asked Arthur Colegrove for the report on all of the circumstances in connection with the Erie Gravel case of which Mr. Colegrove had knowledge. He testified that he never got this report from Mr. Colegrove, because Mr. Colegrove said he didn't want to hurt Dave Lawrence. (Record page 2612 etc.)

When Mr. Colegrove was called, he testified (Record page 6742 etc.) that he believed a conspiracy to cheat and defraud the Commonwealth to exist in connection

with the Erie Gravel Scandal; in many details he corroborated the testimony of Mr. Margiotti, but he asserted that Mr. Temple, Chief Engineer of the Highway Department, and Mr. Griffith, Assistant Engineer in charge of the territory where the gravel was used, were wholly responsible for the collusion, and that the dismissal of these two men by the Governor closed the matter.

Here again, although numerous witnesses on the subject were named, by Mr. Shelley and Mr. Margiotti. none of these were called. Mr. Temple and Mr. Griffith, the most important of all in this case and the persons upon whom the accused officials rested the blame for the scandal, were given no opportunity to tell the Committee their side of the story.

No attempt whatever was made to examine the books of the Pioneer Materials Company, the Receiver of this Company was not called, and while Verona, one of the principal conspirators, was dead, nevertheless, Spurgeon Bowser. the surviving member of the Pioneer Materials Company, could have been called and we submit should have been called, as it is evident from the record that he knew much about the admitted frauds in connection with this material and this company. It might very well be that he could have thrown light on the question as to who, if any, of the state officials had guilty knowledge of the conspiracy. There seems, to the minority members of the Committee, no excuse for the failure to call Spurgeon Bowser, except it be that he might place the responsibility upon those whom this Administration, from the time the conspiracy was first exposed, attempted to protect.

The only conclusion which can be drawn from the record in regard to the Erie Gravel Scandal is that a conspiracy to cheat and defraud the Commonwealth of Pennsylvania in the purchase of gravel did exist, and was partly carried out. Whether or not this conspiracy involved high officials of the government cannot be known from this record, because the witnesses and the documentary evidence, such as records of the Pioneer Materials Company were never produced before this Committee; but a strong suspicion arises that a conspiracy of the scope and magnitude of this could not exist and operate without the knowledge of at least some of those officials charged by Margiotti and Shelley with having that knowledge. This subject, like every other subject which was touched upon by the committee, was by no means thoroughly or exhaustively investigated.

In answer to the charges in this connection, the record contains only the bare denials of complicity therein on the part of Arthur Colegrove, David L. Lawrence and Governor Earle; but the fact remains. not only undenied, but admitted, that for months the State Police report of the Erie Gravel Scandal was suppressed, and that this suppression was participated in by numbers of high officials of the Commonwealth and others prominent in the administration.

DENIALS

Governor George H. Earle; David L. Lawrence, Secretary of the Commonwealth; Ralph M. Bashore, Secretary of Labor and Industry; Arthur Colegrove, former Secretary of Property and Supplies; Roy E. Brownmiller, Secretary of Highways; Leo A. Crossen and J. Twing Brooks, members of the Liquor Control Board; Carroll McShane, former Chief Engineer of the Bureau of Safety under the Department of Revenue; Charles Melchiorre, Representative in the General Assembly, appeared before the Committee and made denial of all of the charges which were set forth in the amended Petition as filed by District Attorney Carl B. Sheley in the Dauphin County proceedings.

Almost without exception they were led by counsel for the Committee from paragraph to paragraph of the Petition, and asked whether they admitted or denied the charge made. The questions would not always be in the exact language, but the effect thereof was that they were to generally affirm or deny the allegation.

To most of the questions that were asked. the accused replied with a bare negative. and rarely, even as to obvious facts, answered that they had no knowledge or information.

One of the exceptions to this was Arthur Colegrove, who did relate a number of facts and circumstances pertaining to the purchase of metal equipment, and as to the so-called "Erie Gravel Scandal," which might have proven useful to the Committee if it had been properly investigated.

The minority members of this Committee, weeks before the hearings closed, time after time, demanded that the civil officers charged with these high crimes and misdemeanors be brought before this Committee to explain their connection with the matters involved. It was the hope of the minority group that these officials would appear on a date which would leave time for the Committee to call what witnesses it deemed necessary to refute or corroborate the officials, as well as to search the books and records pertinent to the questions. But this was never done, and these officials were withheld as witnesses until the closing days of the hearings, when they were permitted to walk in, one by one, and make blanket denials, leaving no opportunity for the Committee to call witnesses who might have definite knowledge of the transactions involved.

SUMMARY

While it would be unfair for this Committee to find that any or all of the charges made by the former Attorney General Charles J. Margiotti are sustained beyond a reasonable doubt on this record, it would be a travesty on justice for this Committee to say that by the bare denials of the accused they had acquitted themselves of the charges and that they were entitled to the confidence of the people of Pennsylvania.

After twelve weeks of almost continuous hearings we find ourselves at practically the same point at which we were when the Committee was appointed. There are a number of charges that have been made against the Governor and other civil officers. We have blanket denials by a number of the accused of all the charges. The Legislative Session and the Committee created during this Session, have been publicly and widely said to exist for the purpose of whitewashing the accused. We of the minority confirm that opinion. The record of the proceedings of the Committee and the action of counsel employed by it, must sustain that conclusion.

We feel that we can truthfully say that we have exerted every effort, and have devoted our time and our energies during the entire period of this investigation, in an endeavor to develop such facts and evidence from which any fair-minded group would be able to determine whether there was sufficient evidence upon which to base a recommendation to the House, either for or against impeachment.

While counsel for the Committee constantly admonished the members that we were Judges sitting as in a Court of Law, we could not be blinded to the fact that behind the scenes was being enacted such a travesty on justice that it amounted to a fraud on the people of Pennsylvania.

In the first scene appeared the District Attorney of Dauphin County, and the former Attorney General from whom counsel sought to elicit information as to what. in the parlance of the street "they had on" the accused. while endeavoring to keep out of the record anything which they might have heard related by others. The majority at every step tried to place the villain's cloak and mask on the District Attorney and Mr. Margiotti, until it was difficult at times for us to know whether it was the District Attorney and former Attorney General who were being investigated, or Governor Earle and other officials.

The amended Petition filed by District Attorney Shelley was used in such a way that these charges became a text book of counsel for the questions propounded to all witnesses. On many occasions we endeavored to clarify the atmosphere by advancing the thought that while the charges as appeared in the Petition were to be investigated, primarily our job was to investigate the Governor and the others to determine whether they were guilty of any acts which would warrant impeachment.

Of course, the majority and their counsel got themselves into hot water because they were trying to find out what Messrs. Shelley and Margiotti knew and what state-

ments and affidavits they had, and who were the people with information, while endeavoring to keep the same out of the evidence, where it would become public property. This required a bit of legerdemain in the efforts of Counsel to keep out the information, and on the part of Mr. Margiotti to get it in. From where we sat as spectators, the former Attorney General seemed to us to win the contest, although there still remains much testimony which in an investigation conducted according to the procedure heretofore discussed, woul dhave been given by him.

It is also to be noted that much of the condemnation of the accused came from Senator Joseph F. Guffey, who was never requested (except by the minority), to appear before the Committee and give information.

It was the duty of this Committee to try to determine, in the time available to it. whether or not any of the charges were well founded. On looking back over the nearly 8,000 pages of testimony and twelve weeks of time, it will be seen that not a single subject was exhaustively probed, so that the Committee might be able to say whether or not that particular charge was sound or unsound, and to make a recommendation to the House thereon.

True it is that the scope of this inquiry was so broad that no Committee. no matter how sincere and how diligent it may have been, could have within the time completed an investigation of all of the subjects charged. But at least some could have been completed by a sincere effort, and to that extent sound recommendations could have been made to the House.

This Committee must end its work on November 30th, because the term of its Members expire on that date. To all practical intents and purposes the tactics of the majority and the procedure laid down, have deprived the people of Pennsylvania of their right to have properly determined whether these public officers should be impeached, and if guilty so determined by the Senate.

It is a well settled principle of law, best stated in 22 R.C.L. 565, "that an officer cannot be impeached for an act committed during a prior term, and that the remedy (impeachment), is not available after the defendant has gone out of office."

The present Governor of the Commonwealth of Pennsylvania, and those other officers who are cabinet appointees. will go out of office on the 17th day of January. A new Legislature could not be convened until the first of December, and possibly not on that date. To be convened, they would have to be called into special session by the present Governor. As there would be but six weeks remaining of the term of most of the accused, it would not be possible to complete an investigation and secure trials within that time before the Senate.

It may be possible that grave injustice has been done some of these men. It may be possible that high state officials have betrayed the trust and the confidence of the people and may go unwhipped of justice in so far as impeachment is concerned. For causing that condition. we of the minority feel that we are not responsible, but that responsibility lies at the door of the majority and of the Counsel employed to represent the Committee.

The whole question of guilt or innocence will have to be left in the hands of the Courts, where it started many months ago. The accused stand at the place where they were in spite of their frantic efforts to stop a Grand Jury proceeding, except that by the will of the people they have been swept from office.

In concluding this Report, we would like to summarize all that has been said before into what might be considered "Findings and Observations."

They are:

First—That the so-called investigation has been a farce.

Second—That the procedure and tactics employed, were not conducive to securing evidence of witnesses who could shed light on the transactions in which the accused were said to be involved.

Third—That Matthew H. McCloskey, Jr. and other witnesses, and the books and records of the accused. of the Democratic Party and many of the witnesses, were not inspected nor produced as would be required as very essential to a proper investigation.

Fourth—In reference to the charge of macing, the Governor, National Committee Chairman for the Democratic Party, and David L. Lawrence, the State Chairman of that Party, denied all knowledge of any plan or program for the collection of money for any of the Campaigns for the four years that they have been in office. Ralph M. Bashore, as Secretary of the Committee, knew of two plans that were proposed, but denied any knowledge of any collection from any employees. As Chairman of the Democratic Committee of the County of Schuylkill, of which he is the Democratic leader, he denied any knowledge whatsoever of the finances of his County Committee. The Treasurer and the books and records of the Party were never produced. The majority, Council for the Committee and the accused, must believe that the minority members, as well as the people of Pennsylvania, are extremely gullible on this subject. Even to the most ignorant of politics, this testimony would make amusing reading.

Fifth—A disproportionate amount of time was consumed in the taking of testimony as to conditions at the Finance Building. This required the services of a person competent to study the blue-prints, specifications and other data, to determine whether the contractor was complying with them. The majority refused to employ such a person, and therefore the only alternative of the minority was to exhaustively examine from every angle. Continually we protested that conditions at the Finance Building were only an element in the whole question of conspiracy.

Sixth—Despite the praise heaped upon the Finance Building by the Executive Director, the Assistant to the Director. and the architect who planned the building, and in spite of the fact that all claimed that there was no criticism and no complaints in reference to that building, the evidence clearly shows that, notwithstanding our many handicaps, many defects were shown, all of which confirmed the testimony of Penrod, one of Shelley's proposed witnesses, and confirmed that the inspection on the building was lax and in many instances non-existent

Seventh—All of the inspectors on this building who appeared before the Committee, knew practically nothing about the specifications which they were required to support and maintain.

The Governor and the others were said to have entered into a conspiracy with Matthew H. McCloskey, Jr. to defeat and defraud the Commonwealth in reference to contracts.

In that respect we find the following:

(a) The Governor borrowed large sums of money from Matthew H. McCloskey, owing him at least $10,000 at the time that McCloskey bid upon the Finance Building, and other contracts with the General State Authority.

(b) The Governor was a member of the General State Authority at the time that McCloskey bid, although he said that he never took part in its proceedings after that date. (In this respect it is to be noted that the minutes of the meetings of the General State Authority were not produced to substantiate or refute this charge. In fairness to the State Authority, it must be said that its Counsel had offered us many opportunities to see the minutes before that time in reference to other matters. As the Governor was called on the last day that testimony was taken, no chance was had by the minority to inspect the minutes for the purpose of determining the aforesaid question.)

(c) In the Spring of 1937, the Governor announced at a conference in Washington that Matthew H. McCloskey, Jr. would not bid on any of the Authority contracts. In the Summer of that year, McCloskey said he was going to bid. The Governor says that he objected to this, because he felt that Authority contracts were "political contracts." But he stated that he could not prevent McCloskey from bidding, nor prevent a contract being awarded to him.

The Members of the Board of the State Authority are the political associates of the Governor, and most of them are in positions that make them subservient to his wishes. Any objection by the Governor to the Members of the State Authority would undoubtedly hold great weight. But even if he could not have stopped the awarding of contracts to McCloskey, his very objection and reason therefor, should have placed upon him the added responsibility to more diligently follow the performance of the contracts, instead of playing ostrich by closing his eyes and plugging his ears.

As the Governor, he must have known that the inspectors on the building had to have political endorsement before they were accepted.

As a leader in the Democratic Party, he could not help but know that such inspectors would be influenced by the fact that a prominent and leading factor in the Party was the contractor on the building. Complaints against material or workmanship supplied by such persons is not generally conducive to long terms in office on the part of the complainant.

The Governor denied that the fact of the loans had anything to do with his failure to stop McCloskey. Giving him the benefit of the doubt, on his own testimony he is at least guilty of failure to perform his duty, and to see that the people of Pennsylvania received full value for their money, and that the contracts between the Authority and McCloskey were carefully scrutinized.

Eighth—One John Lynam was transferred from the Department of Property and Supplies to the State Authority to work on the specifications for the buildings to be erected. Subsequently he resigned to accompany Matthew H. McCloskey, Jr. on a trip to Europe, the circumstances and inferences of which have been very significantly ignored. Immediately upon his return he was appointed a Deputy Secretary of Property and Supplies.

Ninth—Mr. John Moffitt was the Resident Engineer in charge of inspection on the Finance Building on which McCloskey held the contract. Many of the violations of the specifications occurred while he was responsible for proper inspection. After this investigation started he resigned and was employed by McCloskey as his superintendent on a contract at State College.

All of these matters are given an added significance by the recent public announcement of Secretary Ickes, that formal notice had been given to the General State Authority, that all inspectors recommended by or associated with Matthew H. McCloskey, Jr., must be dismissed under penalty of stoppage of federal funds.

Such matters deserve a far more searching and diligent investigation than was made or intended by the majority of this Committee.

Tenth—Another matter that challenges our interest is involved in and arises out of the so-called "Erie Gravel Scandal."

(a) In the year 1935, the Pioneer Materials Company bid to supply gravel to the Commonwealth under a plan which Arthur Colegrove, as Secretary of Property and Supplies, refused to accept because he thought it opened the door to fraud.

The then Attorney General Charles J. Margiotti and David L. Lawrence interceded for the Company and had many conferences with Colegrove in an effort to have him recede from his position.

(b) John Verona, a Democratic politician and leader of Allegheny County, appeared on several occasions with Messrs. Margiotti and Lawrence on behalf of the Pioneer Company.

(c) Subsequently Colegrove complained to Lawrence that there was some relationship between Griffith, the district engineer of the Highway Department, and the Pioneer Materials Company, and that it should be broken up.

(d) Colegrove says he was suspicious because of reports coming to him of inferior material being delivered by the Pioneer Company, and as to the manner in which material was being placed on the roads.

(e) These complaints were made many times during the year 1936 to Messrs. Lawrence and Van Dyke, who was then Secretary of Highways, but nothing was done about it until six months later when Colegrove insisted there was collusion between Griffith, the engineer, and the Pioneer Company.

(f) Griffith was a friend of long standing, and was sponsored by David L. Lawrence.

(g) In the Spring of 1937, almost a year after Arthur Colegrove stated he had first complained of the conditions in Griffith's district, newspapersmen brought the matter to the attention of the Governor, who ordered Major Adams to investigate

(h) When Major Adams made his report to the Governor. he, the Governor, stated nothing was said about the prior complaints of Colegrove, nor the refusal of Lawrence to remove Griffith.

(i) Although the State Police Report contained a flat statement from Colegrove that there was fraud, neither this nor other statements submitted in the police report were given in the public statements made by the Governor.

(j) The Governor stated he gave the report to Judge Kalodner to study. He says, however, that the Judge did not tell him that the report mentioned the names of Messrs. Margiotti and Lawrence, nor that fraud was charged.

(k) Mr. Margiotti says that on many occasions he asked the Governor for the report but never secured it until five or six months later. The Governor confirms this, but excuses the delay by saying that Margiotti always asked him for it at some time when he, the Governor, was at a place other than his office.

(l) In December 1937, Colegrove wrote a letter to the Attorney General which he concluded with the statement that he had evidence as to collusion in addition to that contained in the police report, and that there should be a grand jury investigation. A copy of this letter was sent to the Governor.

(m) The Governor addressed a reply to this letter to Colegrove, telling him that if he had further information to send it to him. This Colegrove never did. The Governor made no further inquiry.

(n) Mortimore Graham, the District Attorney of Erie County requested on many occasions that the police report be turned over to him for the purpose of determining whether a criminal act had been committed in that County.

(o) This the Governor refused to do, saying that the District Attorney would only use it for political purposes.

(p) When the State Police Report was put in evidence before the Committee, the same was withheld from the press.

(q) The Governor says he was advised that the report would not support indictments, and that as he had dismissed the engineers, Griffith and Temple, nothing further was to be done.

(r) The former Attorney General says that the Governor stated to him that he would not give him (Margiotti) the report because he had to protect Lawrence.

This is a strange and curious story. Cabinet officers and close advisers, according to the Governor, told him nothing for a period of almost a year, about the fraudulent and collusive actions of an employee of the Highway Department and a company supplying materials to the State. Nor did his advisers tell him, at the time he received it, that the names of some of his cabinet members appeared in the report.

But on the other hand, to all intents and purposes the report was suppressed by him and kept from the hands of an officer charged with enforcing the law.

On his own story the Governor is either guilty of nonfeasance or malfeasance in office.

Eleventh—Counsel and investigators for the Committee have interviewed a number of witnesses who have given statements tending to sustain the charges and detrimental to the accused. Yet these witnesses have not been produced before the Committee. Such conduct merits our most severe condemnation. It violates all obligations of good faith due this House and the people of the State. It has undermined and destroyed all possibility of this Committee properly discharging the duty for which it was appointed, and is a disgrace to this House under whose authority these proceedings were undertaken.

Twelfth—One of the charges set forth in the District Attorney's amended petition, and a question concerning which was raised in the public charge of Mayor Wilson, pertained to loans of moneys made to the Governor of the Commonwealth by Matthew H. McCloskey, Jr., a contractor holding millions of dollars worth of General State Authority contracts.

The Governor admitted making such loans in the total amounts of $26,500, but alleged partial payment thereof, and produced cancelled checks to show payment of principal thereon. No payment of interest was made, nor was any explanation given by the Governor in his testimony as to why these loans were secured from McCloskey rather than from a bank or other lending institutions.

Nor was McCloskey called to affirm or deny the Governor's testimony; nor were the bank records of the account of either of them produced.

We of the minority consider that these loans, the circumstances and conditions under which they were made, are matters deserving a far more rigid and searching investigation than that given them by the Committee and its counsel.

Thirteenth—From photostats of certain records of the Bankers Securities Corporation and other testimony, it was learned that George H. Earle had given a note to J. David Stern, Publisher, or to the New York Post, for $50.000 in payment of a subscription to $50.000 of bonds of that publication. As additional collateral, $22,500 worth of stock belonging to The All Continent Corporation, a holding company for the William Fox interests, was put up for the Governor's loan.

He, the Governor, stated he never knew about the collateral, never paid any of the interest on the loan, never paid anything on account of the loan, which was finally liquidated, as he relates, by the sale of the bonds.

A strange and interesting transaction, certainly requiring further investigation. For the transaction took place during the Session of 1935, and the evidence shows that Warner Brothers, a moving picture outfit, were interested in the said New York Post.

Fourteenth—Another loan of $20,000 was made to the Governor by the Bankers Securities Corporation, of which Albert M. Greenfield, who is engaged in the real estate, insurance and bonding business, is the dominant factor. He, Greenfield, does a large business with the Commonwealth and its Departments.

Fifteenth—Many important witnesses who were vital to a proper investigation were never called. Some of these were:

(a) The truck concerns involved in the payment of $50.000.

(b) Frank Mattis and Mead Mulvihill in reference to the sale of beer legislation.

(c) Matthew H. McCloskey, Jr., who appears in most of the matters heretofore related.

(d) Spurgeon Bowser and the Receiver of the Pioneer Materials Company, as to the sale of gravel, etc.

(e) The engineers, Griffith and Temple, in reference to the Erie Gravel Scandal.

Sixteenth—A $50.000 appropriation, and many other thousands of the people's money have been spent on a Special Session of the Legislature and a mock investigation to defeat the orderly processes of the law.

As a result of the procedure adopted by the majority, the record now includes relevant testimony against some of the accused given by the former Attorney General, Charles J. Margiotti, supported in part by documentary evidence, in part by circumstantial evidence, and in part by the admission of others. Opposed to this testimony stands the bare, blanket denial of the accused.

It might well be said that such allegations and such denials raise a "jury" question, which in this instance should be resolved by a trial by the Senate, in the manner prescribed by the Constitution. Mowever, the fact remains, that the evidence, necessary to tip the scales in either direction, remains hidden in records unproduced by the majority, and in the hundreds of witnesses uncalled by the majority.

On this record stand charges made against public officials, and on the record stand the blanket denials of these officials. Both of these we had in the beginning. We cannot say the former Attorney General failed to support his charges because the majority produced before us only witnesses who had no knowledge of the subject, or could be calculated to deny. The evidence of witnesses who might have supported such charges of the Attorney General, was carefully, and we believe designedly, ignored. The majority of the Committee in some cases has failed, in others has refused, and we believe intentionally so, to produce testimony which lies between the charge and the denial.

Therefore, we the minority, must report to the House of Representatives, and through it to the people of Pennsylvania, that in our opinion the Committee appointed by this House cannot make a complete and proper report based on an intelligent finding of facts. That by reason thereof the House of Representatives is deprived of its power to intelligently and conscientiously discharge the duties placed upon it by the Constitution of Pennsylvania.

The rules and the procedure arbitrarily adopted by the majority of the Committee have made it impossible to conduct the "honest, fair, impartial and searching investigation" charged upon the members of the Committee by the Speaker of the House, and urged by the Governor himself.

The determination of the questions raised by this investigation, and the proper maintenance of the peace and dignity of the Commonwealth as relates thereto, must now rest with the judicial branch of the government. Any other action to be taken must be left to a subsequent Legislature.

Respectfully submitted. November 29, 1938

DAVID R. PERRY
ELLWOOD J. TURNER

REPORT OF THE LEHIGH COAL AND NAVIGATION COMPANY FOR THE YEAR 1937

The Lehigh Coal and Navigation Company
1421 Chestnut Street
Philadelphia, Pa.
December 21, 1937

Henry H. Pease
Vice President and Secretary

To the Senate and House of Representatives of the Commonwealth of Pennsylvania in the General Assembly met:

In compliance with the requirements of the 19th Section of Act of Assembly, passed March 20, 1818, entitled "An Act to Improve the Navigation of the River Lehigh," I would respectfully report that the tolls received on the Lehigh Navigation during the year 1937 amount to one thousand seven hundred thirty-three dollars and forty cents ($1,733.40), according to the returns made to this office.

Very truly yours,

HENRY H. PEASE
Secretary

State of Pennsylvania }
} ss.
City of Philadelphia }

Before me, the subscriber, a Notary Public of the County of Philadelphia and State of Pennsylvania, personally appeared on this twenty-first day of December, A. D. 1937, Henry H. Pease, Secretary of The Lehigh Coal and Navigation Company, who being duly affirmed according to law, did depose and say that the above statement is just and true to the best of his knowledge, information and belief.

HENRY H. PEASE

Affirmed and subscribed before me
the day and year aforesaid.
A. C. J. Schabacker
Notary Public
My Commission expires March 6, 1939.

RUTH COMMISSION REPORT OF THE INVESTIGATION OF THE ADMINISTRATION OF CRIMINAL JUSTICE

To His Excellenc the Hon. George H. Earle,
Governor of the C nmonwealth of Pennsylvania:

Pursuant to the Joint Resolution adopted and approved on the ninth day of March, 1937, and known as Act No. 11 (P. L. 35) and amended on July 2, 1937 (P. L. 2703), we have the honor to present the report of the Joint Legislative Commission to investigate the criminal justice practice and procedure and the probation and parole of persons guilty of crime.

We transmit under separate cover the Record of Hearings and Testimony of the Commission together with Exhibits which were a part of that record.

July, 1938 FRANK W. RUTH, Chairman.

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Numbers preceded by P.H. are the page numbers of the testimony at the Public Hearings.

REPORT OF THE JOINT LEGISLATIVE COMMISSION

To His Excellency the Hon. George H. Earle,
Governor of the Commonwealth of Pennsylvania:

Your Commission, appointed pursuant to a Joint Resolution adopted on March 9, 1937, known as Act No. 11 (P. L. 35) as amended by Joint Resolution adopted July 2, 1937 (P. L. 2703), and directed to make a careful, thorough and impartial investigation of the general practice and procedure in the Courts of Quarter Sessions of the Peace, Oyer and Terminer and General Jail Delivery in the various Counties of the Commonwealth and the Municipal Court of the City and County of Philadelphia, with special reference to the prosecution, trial and disposition of all criminal cases and the probation and parole of persons guilty of crime, respectfully submits to Your Excellency the following report of its investigative findings, and suggestions and recommendations for constructive changes in the laws of this Commonwealth, to correct defects, imperfections, evils and abuses in the aforesaid practice and procedure.

The members of the Commission were appointed as follows:

By the President of the Senate

Hon. Frank W. Ruth — Hon. Charles R. Mallery
Hon. Walter S. Pytko — Hon. J. Albert Reed

By the Speaker of the House

Hon. Leo A. Achterman — Hon. Robert N. Bierly
Hon. Eugene J. Hagerty — Hon. Robert E. Woodside, Jr.

Ex Officio

Hon. Harvey Huffman, President of the Senate
Hon. Roy E. Furman,
Speaker of the House of Representatives

The Commission organized on March 25, 1937, by electing Senator Ruth, Chairman; Representative Woodside, Vice-Chairman; and Senator Pytko, Secretary, and by selecting the Bellevue-Stratford Hotel, in Philadelphia as the office headquarters.

CHAPTER I

INTRODUCTION

§1. Prefatory Remarks

At first there was a widespread misapprehension of the function of this investigation. Persons throughout the Commonwealth thought that this Commission was a kind of super-police, and that it had been invested not only with police, but also with prosecuting and judicial powers. Demands in great numbers for all types of investigations, into all kinds of alleged wrongs reached the Commission. These varied from requests that the Commission investigate the internal affairs of private corporations, to requests that it look into the failure to pay support orders in divorce cases, and the like. The public seemed to be unaware of, or at least not alive to, the jurisdictional limits of the work we were undertaking.

There were, however, some fundamental and obvious limits on the activities of the Commission. First it was clear that the Commission was not intended as a super-police, nor as a prosecuting or judicial body for the supervision and investigation of the activities of the law enforcement agencies throughout the Commonwealth. On the contrary, it was purely a fact-finding Commission with definite instructions to report its findings and recommendations for the purpose of correcting alleged defects in the law, and abuses and evils in the practice and procedure in the so-called criminal courts. Therefore, its activities would have to be limited to the matters encompassed within those instructions.

At the outset it was obvious that it would be impossible to cover the entire Commonwealth of Pennsylvania. It was therefore decided to concentrate the investigative and research work on the larger centers of population.

No attempt has been made to gather exhaustive criminal statistics—rather, we were seeking specific evils, defects and abuses. We have considered that a "system" exists where facts reveal a constant repetition of the same wrongful practice.

After the Commission was organized, it immediately held an executive meeting and designated Chet A. Keyes, Esq., of the Kansas City, Missouri Bar and formerly a special assistant to the United States Attorney General, as General Counsel. The Commission is deeply indebted to Mr. Keyes for his supervisory control of the work of the Commission and for his untiring efforts in analyzing and collating the various suggestions and recommendations presented to the Commission and incorporated in this report.

The Commission also designated A. S. Harzenstein, Esq., as its Chief of Investigation. Mr. Harzenstein holds a similar position with a branch of the United States Treasury Department at Washington, D. C., and was given a temporary leave of absence to carry on this activity. His diligent work, which continued throughout the entire investigation was supplemented by a staff of special investigators loaned to the Commission by the Pennsylvania State Police as well as a number of attorney-accountant-investigators loaned to us by the Pennsylvania Liquor Control Board.

The Commission wishes to acknowledge our grateful appreciation to Commissioner Percy W. Foote of the Pennsylvania State Police, and the Hon. Leo A. Crossen of the State Liquor Control Board for this splendid corps of investigators. Their work has been outstanding. Their fidelity and loyalty to the Commission has been unquestioned and bespeaks the type of service which the people of this Commonwealth expect of their law enforcement officials.

Mr. Keyes was assisted in the preparation and editing of the Final Report by Ellwood L. Englander, Esq., Samuel Popper, Esq., Julius Weisglass, Esq., Charles Lakatos, Esq., and Martin I. Rabinovitch, Esq., associate counsel, of the Philadelphia Bar.

Prior to the creation of this Commission, one of the leading daily newspapers in Philadelphia,[1] conducted an extensive investigation into alleged abuses and improper

[1] The Philadelphia Record.

actions in connection with the trial and disposition of criminal cases in that city. This investigation resulted in a series of special articles, showing various phases of these abuses.[2]

The public reaction to the revelations thus made caused Your Excellency to submit the entire matter to the Legislature. The creation of this Joint Legislative Commission was the result.

We considered it our first duty to analyze and investigate each of the cases set forth in the articles mentioned. While the preliminary investigation by the newspapers was conducted by newspaper men and not trained investigators, it was a thorough and intelligent piece of work. Hundreds of witnesses were called to testify before the Commission, and many pages of testimony were stenographically taken. As a result we have in a large measure verified and confirmed the facts revealed in said articles.

After that preliminary survey was made, we were able to go into other phases of the investigation which had been brought to our attention through various sources. In addition to the many public hearings which have been held, there were literally hundreds of conferences and private hearings conducted by members of the Commission, its Chief of Investigation and its General Counsel, at which complainants were heard who did not wish to make public statements, either because they considered the matters involved were too intimate or because they were fearful of personal violence if they were to give evidence in public.

A total of 135 hearings were conducted; approximately 13,000 pages of testimony were stenographically taken and transcribed from a total of 1152 witnesses. Investigations and research have been conducted in 48 counties in this Commonwealth. Whenever a matter under investigation disclosed a present criminal conduct, the complete file was turned over to the appropriate prosecuting officials. During the progress of our work we have turned over to various agencies, State and Federal, a total of 156 separate files. Many of these cases have resulted in indictments and successful prosecutions.

It may be noted that throughout this Report, there are several recommendations which may appear to be inconsistent. By the very nature of the problems involved such a situation is unavoidable. The Legislature may see fit to accept some recommendations and reject others. The adoption of a completely new procedure along certain lines will make minor recommendations not only unnecessary, but conflicting. On the other hand, if the general procedure remains unchanged, certain individual matters require correction.

No effort has been made to list all of the clases or testimony supporting any particular statement, but reference is made to illustrate examples of definite facts clearly established.

The general substance of this Report and the recommendations herein have been approved by the undersigned unanimously. In individual instances there has been an occasional dissent, but every recommendation represents at least a majority decision.

Of course, we have not thought that in this Commission alone resides the wisdom and experience to deal with the problem of a rejuvenated criminal law structure in this Commonwealth and so have called upon the various Judges, District Attorneys, educators and others to present their views and suggestions to the end that every phase of the subjects under consideration be given proper attention.

It is probably self-evident that the effectiveness and efficiency of a Government depends primarily not upon the structure of that Government, but upon the calibre of the men and women who administer it. We desire to state emphatically that the recommendations which we propose do not purport to be a panacea for the difficulties that have beset the Commonwealth in the administration of its criminal justice. We do believe, however, that the changes which we recommend will result in a decided improvement in administration.

[2] The special articles were written by David G. Wittels, Esq.

We wish to make plain the fact that the evils shown and the improper practices revealed are not chargeable to all of the law enforcement officials generally. In a large measure the officials charged with the responsibility of enforcing the criminal laws of this Commonwealth are hard-working, honest and courageous. To these officials we pay the highest tribute. They are entitled to the best tools and machinery with which to work. Our suggestions and recommendations are made with that thought in mind—the thought that we must first take into consideration what is best for the welfare of the general public. After the safety of the public is guarded, then the welfare, reform and rehabilitation of the criminal may be taken into account. So far in the United States, the public seems to be of the opinion that these principles have been reversed.

We approach the task of making recommendations with considerable hesitation. Personnel matters differ in the various parts of the Commonwealth—suggestions which may work in one city or county, may fail in others. But we hope to leave with Your Excellency and the Legislature something concrete, something practical; at least we offer some ideas which are specific enough to be debatable. We are aiming at long run results rather than temporary expedients.

§ 2. General Statement

The lengthening shadow of crime—and particularly organized crime—falls upon us all. Its cost in terms of public expenditure, private loss, physical disability and sudden death defies all efforts at calculation. Above and beyond such concrete losses is the social disintegration which occurs under the continuous impact of criminal operations. Unles successfully checked, crime detroys the whole fabric of society, and degrades the malefactor and the innocent alike. Ultimately, crime forces control the operations of government itself, and when that occurs the law-abiding citizen is left helpless before criminal attacks. Popular self-government cannot long survive such ills, and eventually succumbs. That has been the experience of other lands than ours, and of other civilizations than ours. We can and must profit by their unhappy example.

This is a time for plain speaking. The campaign against crime is not a matter for independent action and detached treatment by public and private agencies. If our aims are to be realized, it will prove essential to have concerted action and close coordination of all parts of the criminal justice machine. One of our principal errors has been that we have thought and acted in terms of the police alone, or of prisons alone, or of courts, or prosecution, or parole, and have directed our attention to the improvement of each of these separately without any persistent attempt to correlate their independent activities.

All of us must boldly determine to destroy all corrupt connections with these agencies. We refer not alone to the outright sale of public justice for a cash consideration, but also to the subtle system of barter which conceals the real elements of these corrupt transactions, while trading upon a multitude of social, economic and political ties. The only sure protection against such influences is the character and integrity of our justice officers. This in turn means that appointing authorities, both State and local, as well as all voting citizens, must be alert to protect this vital feature of our governmental system.

We have before us the ideas, suggestions, and recommendations from every source; letters and questionnaires were sent to Judges, members of the Bar, editors of newspapers, ministers, criminologists penologists, psychiatrists and others who were known experts and pecialists in this field, in this Commonwealth as well as elsewhere. The general public was invited through the public press, to participate, as it will eventually have to meet all the costs of crime, but whose interests have not as yet been adequately protected.

The response was overwhelming, as shown by the tremendous amount of material furnished.

This quickening of public interest and concern is of special moment, because it means that the greatest single obstacle to a successful program of crime suppression, can be removed. So long as the general public is indifferent to the challenge thrown down by the criminal, the best

efforts of able and conscientious justice administrators are thwarted.

A large number of public hearings were held in Pittsburgh and Philadelphia. Interested public bodies sent their officers; judges from various parts of the Commonwealth voluntarily appeared, as well as lawyers, public officials and experts in various fields. We are much indebted to these high-minded citizens for their wholehearted cooperation. We realize the sacrifice in time and effort they had to make in order to assist this Commission in the preparation of this program for the improvement of criminal justice.

To The National Probation Association; The Pennsylvania Prison Society; The Committee of Seventy; The Philadelphia County Medical Society; The Crime Prevention Division of the Philadelphia Department of Public Safety; The Northeast Philadelphia Chamber of Commerce; The Philadelphia Criminal Justice Association; The Philadelphia Voluntary Defender Association; The Pennsylvania Committee on Penal Affairs of the Public Charities Association of Pennsylvania; The Philadelphia Psychiatric Society; The State Psychiatric Service; The State Mental Hygiene Committee; The State Medical Society of Pennsylvania; The Prison Association of New York; The Federal Bureau of Prisons; The Allegheny County Behavior Clinic; The Philadelphia Bar Association; The Pennsylvania Bar Association; The Association of Police Chiefs of Pennsylvania; The Association of District Attorneys of Pennsylvania; The Crime Prevention Association of Philadelphia; The Boy Scouts of America; The Interstate Commission on Crime; The Federal Parole Department; The University of Pennsylvania Law School; The State Liquor Control Board; The Temple University Law School; The Criminal Justice Section of the American Legion; The Legislative Reference Bureau, through its director, John H. Fertig; The various State Executive Departments; The Illinois Division of Pardons and Paroles; The United States Department of Justice; The New York Division of Parole; The California Board of Paroles; The American Judicature Society; The American Bar Association; The Grand Jurors Association of New York City; and others, all of which have conducted extensive studies in criminal justice, we wish to express appreciation of their help. Some of the recommendations which we shall present to Your Excellency in this Report have originated in the serious labors of those public bodies.

Two of the principal obstacles to effective criminal justice, are inadequate administrative machinery and inefficient officials to operate our mechanism of justice. Of course, the Legislature cannot cure the faults in the local administrative machinery. The chief responsibility for curing such faults lies with the local communities themselves. The cities, towns and villages in preponderant measures determine the extent and character of the police, the prosecuting and judicial service which each community is to receive.

Much the same is true of crime prevention activities, of probation, a wide variety of local detention, penal and correctional institutions, and of parole supervision over persons released on parole by the courts. In all of these fields, the local units of government are primarily responsible, and will continue to be responsible so long as we adhere to our present system. Public opinion can and ought to make improvement of these local agencies. Wherever our research has disclosed an evil which could be corrected by legislative action, we have made such recommendation.

Serious obstacles to effective criminal justice are also found in the defects in the criminal law itself—in the definition of crimes, the provisions of penalties and procedural defects of many kinds. As to these obstacles, we are directing a definite legislative program. Its enactment will go far, we are convinced, to remove completely these barriers to speedy and certain conviction and sentence of our vicious criminal element, and eliminate in a large measure the public criticism engendered by our present system. These will be treated hereinafter under their respective subject headings.

In this Report we are presenting a number of concrete recommendations. Some of them have previously been before the Legislature. Also, we realize that other worthwhile recommendations may be submitted to Your Excellency and the Legislature from various other sources. What we need, is effective action for concrete practical results to solve the problems before us. Such action should be as non-partisan as crime itself.

Let us make it clear that we are not in the least bit concerned as to whether these recommendations are translated into legislative enactment by bills sponsored by Republicans or Democrats. What we desire is to have the recommendations presented in this Report adopted. We urge that they be presented and adopted during the next session because we believe they are in the immediate interest of the public.

We trust that no one will seek to prevent the enactment of these recommendations by shackling this program with political consideration, political bickering or attempts to gain so-called political advantage. The people in Pennsylvania are not interested in the stimulation of political dispute. The people are anxious to strengthen the arm of law-enforcement in order to destroy racketeering and major crime.

It is hoped that both major parties will consider this subject of the reform of criminal justice administration of such importance that they will place it in their respective party platforms and thus remove it from partisan party politics.

More and more we realize the tremendous importance of strengthening our law-enforcement machinery. More and more we appreciate the absolute need of destroying racketeering and major crime. If Your Excellency and the Legislature can jointly advance along the lines suggested in this Report, we are quite certain the people of this Commonwealth will consider the results of your labors to be as important, if not the most important, as any service that could be rendered.

§ 3. Findings of Fact

Numerous questionable practices by Clerks of Courts, District Attorneys, Court Officials and Courts have been brought to light as a result of our investigation. No attempt has been made to list all of these, but the following is a general summary. Other abuses will be found hereinafter under particuar section headings:

The Commission has found that reconsiderations and modifications of sentences have been made by the Courts after the term has expired;[3] that such matters have been handled privately in chamber instead of in open court; that defendants after entering pleas of nolo contendere have been found not guilty by the Court;[4] that provisions of the Probation Act are ignored in that probations have been granted to defendants convicted of crimes for which the Act provides that there shall be no probation; that probation has been allowed to defendants who have previously served time in prison; that problem has been granted to persons with long criminal records, notwithstanding the provisions of the Act that no probation should be granted unless the Court believes the character of the defendant is such that he is not likely again to engage in an offensive course of conduct and that the Court believes the public good does not require the defendant to suffer the penalty imposed by law.[5]

The Commission has further found that contrary to the Act of Assembly and Rules of Court, paroles have been granted in many cases without a formal petition being filed; without required notice being given to the District Attorney's office; without proper posting of notice at the District Attorney's office; without required notice being given to the prosecutor; without a definite date for the hearing being set; without including in the petition any statement of the prisoner's criminal record; without a hearing in open court or two judges being present; without required notice to the Director of Public Safety; without any notes of testimony being taken; and in some cases without any of the requirements being met, as in one case

[3] See Section 43.
[4] See Section 44.
[5] See Section 70.

where the parole was granted by mail and the judge instructed someone else that he could sign his name to the order;[6] that paroles are refused by the Court when formal petitions are presented by attorneys, but are granted shortly thereafter upon the request of a politician or favored lawyer;[7] that no regular check is made to determine whether the arrested criminal was on parole or probation at the time of his arrest and to revoke such previous parole or probation.[8]

The Commission has also found that in numerous cases Courts have required defendants acquitted by a regular trial jury to furnish excessive bail to "keep the peace," and upon failure to furnish said bail the defendants have been committed to jail. This has been done without any formal charge being filed or legal hearing held.[9]

The Commission further finds several cases in which the penalty for the offense was only a fine, but the Court deferred sentence from time to time, with the practical result that the defendants served time in jail,[10] but that in another case the deferred sentence was used to keep a defendant out of jail as he was allowed his freedom on bail, while his sentence was indefinitely postponed.[11]

The Commission further finds that in some cases the Court does not have the ocmplete criminal record of the defendant before passing sentence, with the result that frequent offenders receive light sentences;[12] that exhibits which are to be used in evidence are not always given into the custody of a single responsible individual, but are in many cases taken in charge by the magistrate, or by the Mayor, who acted as a Committing Magistrate, so that they become lost or misplaced at time of trial, resulting in a failure of prosecution;[13] that cases are postponed time after time without any reason being given;[14] that many criminals are acquitted or discharged due, frequently, to lack of preparation by the District Attorney. the improper presentation of evidence, or the failure to have the proper witnesses on hand;[15] that in some cases important witnesses essential to a complete case were not subpoenaed; that in some drunken driving cases the Police Surgeon has failed to appear, with the result that acquittal is directed;[16] that in at least one case in which a well known numbers banker was a defendant, together with a number of lesser defendants, subpoenas were sent to witnesses containing the name of only one of the minor defendants with the result that the witnesses had no knowledge or evidence prepared on the case for which they were to testify;[17] that no permanent record is kept of all subpoenas that are issued; that the clerk merely copies the names of witnesses from the bill of indictment;[18] that no proper record is kept by the Philadelphia Police Department to show whether the subpoena has been served;[19] that in a number of cases where a defendant who is out on bail fails to appear and the bail is forfeited, that such bail is not sued out, no judgment taken, and no collection made.[20]

Investigation has disclosed the practice of postponing trials time after time until the case comes up before a particular judge who is known to be generally lenient or even friendly to the defendant;[21] that in many cases fines were imposed and were never paid and no effort has been made to collect them;[22] that in many cases, particularly in the cases that on their face looked questionable, no notes of testimony were taken;[23] that despite a Philadelphia rule of court to the contrary, clerks of court have been found to have posted bail in criminal cases, sometimes with the permission of a judge.[24]

Investigation has further disclosed that criminal court records in Philadelphia County are often kept in a careless manner;[25] that in many cases reconsiderations, probations, and other orders of the court are written out by a clerk of the court and not signed by the court;[26] that orders for remission of fines are often shown only by the clerk's notation, and bear no signature of a judge or other record showing the remittance to be a judicial act; that in some cases reputable defendants have testified before the Commission that they paid their fines and forgot all about the matter, whereas the court record indicates that these fines were remitted, with no indication that the fine was ever paid;[27] that in many cases fines have been remitted at the request of a politician;[28] that in some cases of conviction for drunken driving the record was not certified to Harrisburg as required by law; and that in some cases in which a defendant has been convicted of drunken driving and his license was not revoked, he has continued to obtain his license and was not required to post any bond or security;[29] that important papers are difficult to find.[30]

Investigation has disclosed that there is considerable jury tampering in many parts of the State;[31] that the present method of selecting juries in many counties is a direct invitation to Embracery;[32] that there were many cases of substitution of jurors in Philadelphia County; and that testimony by jurors before the Commission disclosed that they were excused from jury duty and that they never signed any pay vouchers, yet their names appeared upon vouchers for pay;[33] that jurors were, in numerous cases, influenced by the conduct of the Court itself; that in one case a judge threatened a juror with contempt if "he did not go along with the rest of the jury,"[34] and that the Court instructed the clerk to see to it that certain jurors were drawn as foremen on certain juries.[35]

The Commission has further found cases in which costs of prosecution are assessed on a public officer by a jury and that the Court has refused to remit costs even though no evidence of malice on the part of the prosecutor has been shown.[36]

Abuses of authority by magistrates have been shown to exist in that defendants are released from jail by sentencing magistrates before they have served their terms in prison, although a magistrate has no authority to parole or modify a sentence;[37] that there was considerable abuse in the matter of release on "copies of the charge"; that the Act of 1937 designed to curb this practice is still being evaded[38] that efforts to take the magistrates out of politics have had no practical effect, as numerous cases of political favors have still been brought to the attention of the Commission; and that the Chief Magistrate himself (Philadelphia County) has refused to abide by the provisions of the law requiring approval of all bail by a Bail Commissioner.[39]

The Commission has further found that in the majority of cases the business of professional bondsmen borders on a racket; that they employ numerous straw men to put up bonds;[40] that they overcharge in many cases;[41] that they have connections in police stations and with certain clerks of courts and attorneys, which lend themselves to the easy fixing of cases;[42] that in many cases when certain defendants fail to appear and the bondsman fears that bail will be sued out, he has transferred his property to relatives

[6] See Section 72.
[7] See Cases 62, 204.
[8] See Section 70 and 72.
[9] See Section 45.
[10] See Case 1020, 1082.
[11] See Case SU 337.
[12] See Cases 1242, 1615, SU 310. Also see Section 29.
[13] See Section 63.
[14] See Section 28.
[15] See Section 27.
[16] See Section 27.
[17] See Section 27.
[18] See Section 27.
[19] See Section 52.
[20] See Section 25.
[21] See Cases 1835, 1740. Also see Section 28.
[22] See Section 31.
[23] See Section 53.
[24] See Section 24.
[25] See Section 50.
[26] See Section 49.
[27] See Section 54.
[28] See Cases 91, 327.
[29] See Section 55.
[30] See Cases 431, 226, SU 307
[31] See Section 38.
[32] See Section 38.
[33] See Section 37.
[34] See Case SU 179.
[35] See Case 1285.
[36] See Section 39.
[37] See Section 13.
[38] See Section 14.
[39] See Section 16.
[40] See Section 26.
[41] See Section 19.
[42] See Section 20.

or other straw parties;[42] that in some cases where a defendant is called for trial and he does not appear the bondsman has procured a substitute for the defendant and thus avoided forfeiture of the bond.[43]

The Commission has found that some "third degree" methods and the confinement of prisoners in "cold storage" are still used by police;[45] and that gun permits are granted to persons with criminal records and bad reputations.[46]

The Commission has found that in Philadelphia County where Lunacy Commissions are appointed to pass upon the transfer of insane prisoners from a penal institution for mentally deficients, that the two doctors and attorney who are assigned to sit as such commission are, in a great many cases, selected from a small clique and that the "reasonable fee" allowed them in accordance with the terms of the Act of Assembly is $200.00 each, although the actual duty of examining the patient has been previously carried out by the psychiartists regularly connected with the institution; and the "reasonable fee" allowed by judges in other counties is seldom more than $25.00 and generally $5.00 or $10.00.[47]

The Commission has had considerable opportunity to note the general effect on citizens of the community of these questionable practices in the Courts, and their feelings in regards to such matters. The Commission has found that the expressed attitude of a large number of citizens does not reflect a proper respect for our system of criminal justice; that their feeling (whether based on fact or not) is that it is much easier to get a case "fixed" than it is to go to trial regularly; and that in one case at least, a witness before the Commission was so disgusted with the way the case was handled and the obvious manner in which it was "bounced out," that he stated "that if ever again he witnessed a crime being committed, he would turn his head away rather than take a chance of being subpoenaed to attend court time after time and then seeing the whole matter obviously 'fixed'."[48]

CHAPTER II

CRIME PREVENTION

§ 4. Crime Prevention Generally

Crime prevention is the most appealing phase of the entire crime problem. Every year more recruits are added to the long list of known criminals and juvenile delinquents. The average age of prison inmates is twenty-three years, but the largest age group is composed of those nineteen years old. Moreover, the tragic truth is that the first offender in the legal sense is frequently an old offender in the eyes of the parent, the neighborhood, the attendance officer, the police officer, the social officer, the social worker and the church. Even though there were an immediate release of all prison inmates, the cells would begin to refill overnight, the largest group of recruits being those who were in the schoolroom only four and five years ago.

We must place more emphasis on prevention. The reformation of the adult criminal with fixed habits, and mental patterns is obviously difficult and very expensive. Real economy demands that measures be developed to discover, diagnose and eliminate personal, educational, economic and social conditions that produce warped personalities, especially during the impressionable periods of childhood and adolescense. Many of the problems incident to other aspects of crime, such as those dealing with detection, arrest, trial and commitment, and post-institutional care and control, lend themselves to specific remedial legislation. However, the multiple factors entering into the causation of crime preclude a specific formula. While we have no specific authority to conduct a research into the subject of crime prevention, we feel that it is a basic and integral part of the entire problem under consideration. Therefore, it is our duty to state these conclusions which have been developed through our investigations and research. A preventive program is harder to organize than a curative or punitive program. The fundamental aspects of a prevention program center around the personality problems of the individual on the one hand and his social setting on the other hand. Inadequate personality, especially lack of intelligence and emotional balance; the broken, poverty-stricken home in the slum area; maladjustment in school; lack of wholesome recreation; inadequate vocational guidance and training; unemployment; blind-alley jobs and inadequate wages; lack of contact with religious and wholesome social agencies all these potent deficiencies create anti-social attitudes in the predelinquent long before he is called before the bar of justice.

While we are convinced that a new governmental agency is required to develop an effective prevention program, such a plan predicates increased rather than lessened responsibility in such basic agencies as our schools, our churches, local crime prevention bureaus and social agencies generally, that mould for good or evil the lives of the predelinquents. Each must meet this challenge: "Does your work at the present time measure up to the demands of society in its fight to eliminate crime?"

For example, in terms of their present curricula, vocational programs, modes of administration, contacts with parents and relationship to community life, do our schools prevent or create maladjustments which are the foundation of school failures, lack of progress, truancy, and the anti-social attitudes that are the warning signals of predelinquency? Do our several dominant religious organizations meet the needs of the community by inculcating high standards of personal and social behavior? Do our local police departments conceive their work in terms of prevention as well as apprehension? Have they evidenced special interest by establishing properly organized and soundly conceived juvenile aid or crime prevention programs?[49]

Are our own community programs for recreation sufficiently complete and attractive to compete successfully with the alley, the dance hall, the pool room and certain types of demoralizing commercialized recreation? Do local communities permit the development of slum areas that breed crime? Does local business condone and profit by the ingenious forms of extortion devised by the racketeer?

We raise such questions in order to emphasize the fact that crime prevention is a complex problem and that the standards of morality and integrity of the people in the community are an important factor in the delinquency habits of juveniles. Crime prevention must always be regarded as primarily a local problem, and programs must be developed in accordance with local needs. Yet the Commonwealth can and must assist in the development of a program of crime prevention that should prove as profitable as have similar programs in the field of health. No lasting progress can be made unless there is developed in communities throughout the Commonwealth a sense of responsibility for an adequate, constructive, continuing program of prevention. Such a program must be developed in cooperation with the schools, the churches, associations of parents, social and civic organizations.[50]

We recommend that there be set up within the Executive Department, a Bureau of Crime Prevention, the function of which shall be to assume leadership in the stimulation, development and coordination of local crime prevention activities. This bureau should:

(a) Stimulate State departments to develop their facilities and methods to control the factors entering into delinquency and crime.

(b) Visit, study, and evaluate conditions in com-

[42] See Section 26.
[43] See Section 20.
[45] See Section 8.
[46] See Section 81.
[47] In Allegheny County each commission is paid $50.00. (See Exhibit 2A, page 20). In Dauphin County each commission is paid $20.00. In Philadelphia County each commission is paid $600.00. (See Exhibit 93). See also statement of A. G. Fraser, Esq., of the Pennsylvania Prison Society (P. H. 183).
[48] See Case 1740.

[49] See testimony of Thomas J. Hanley, Captain of Police and Director of the Crime Prevention Division in Philadelphia. (P. H. 296-319).

[50] See Exhibit 14. Recommendations of John D. Pennington, "The State, therefore, through its centralized penal and correctional agency must contribute the vision, the inspiration, and the intelligent leadership for all communal and societal planning that aims, not merely to prevent delinquency and crime, but to create those conditions that will foster the emotional growth and social maturation of all the children of the Commonwealth."

munities throughout the State and advise local agencies as to the organization and development of needed programs.

(c) Collate, interpret and publicize statistics and reports relating to the problem of juvenile delinquency and crime.

(d) As need arises, prepare and sponsor legislation bearing upon the many specific problems incident to crime prevention.

The bureau of crime prevention should consist of a competent director, possessed of liberal education and technical knowledge and experience, together with special qualifications for advisory work; and an advisory council of ten members, appointed by the governor, to include representatives of agencies interested in the fundamental problems of crime prevention. In addition, there should be field workers sufficient in number and competency to do the work of the bureau.

That the proposed bureau should be created admits of on doubt.[51] The continuous attention and intelligent planning that the bureau can do will be a progressive step in the field of prevention and the ultimate reduction of crime. The coordination of existing agencies, the planning to meet local needs, and above all, the stimulation, publicity and approval that the bureau can provide are essential to an effective program if we are to stop the flow of juvenile delinquency at its source.

CHAPTER III

DETECTION AND APPREHENSION

§ 5. Consolidated Police Units

Despite some notable advancecents in police technique, the are still many grave faults in police organization and management. Under our system, by which the State delegates major responsibility for police control to the local communities, these are matters which must be solved by local action. There are encouraging signs in some of our larger population centers of an awakening sense of local responsibility of a determination to weaken and destroy political influence in police administration, and of a desire to employ the many resources which an age of science has made available. While such problems are primarily of local concern, the State should stand ready at all times to aid in their solution.

Meanwhile, there are a number of matters in which the local communities are wholly dependent upon the State for legislative action and in which the police find that they are unduly handicapped in the performance of their duties. Our recommendations are directed against these specific defects.

We call your attention to the unfavorable influence which the small, poorly equipped police force exercises upon the larger problems of police administration. It is inevitable that a consolidation of police units will ultimately be carried out on a large scale. The trend toward this consolidation is even now well-defined in several other States. We believe the principle generally is sound, efficient and economical.

As a means for more expeditiously securing such consolidation of police resources, we recommend optional legislation which will permit two or more municipalities to consolidate the police units within their boundaries, and thus to modernize their own first line of defense against the criminal element.[52]

§ 6. Personnel: State Police

At the last Legislative Session, the State Police was placed under the jurisdiction of Your Excellency. Additional personnel has been added, and a criminal investigation unit was set up with a number of specially qualified officers assigned to this unit.

We recommend that this unit be strengthened and enlarged and that a crime laboratory be established therein, which will make the unit the outstanding service of its kind in the United States. This is in line with the traditionally honorable, efficient and effective record of the Pennsylvania State Police.[53]

§ 7. Personnel: Police Training

Police training in this Commonwealth has advanced during the past twenty years in the division of State Police. In the larger cities and in a number of communities of moderate size, the systematic training of police recruits is a basic requirement. The highly commendable efforts to extend this essential instruction in the policeman's art to the smaller forces have yielded some striking results while demonstrating that the full limtis of a purely voluntary system may have been reached. Municipal officials and police allies now look to the State to provide methods by which police training may be made compulsory for all.

We recommend that a system of police training be set up which shall coordinate the existing facilities maintained by municipalities, by the State and by the Federal Government, and that the State require that all police recruits hereinafter inducted into service by any city, county, town, village or sub-division of the State, be trained in approved schools now maintained or hereafter established by police departments; and that such recruits must receive a certificate of qualification from such school as a prerequisite for such employment. Full advantage should be taken of such instruction as is now offered by the Federal Bureau of Investigation of the Department of Justice in Washington.

§ 8. The "Third Degree" and "Cold Storage"

The Commission has found no systematic use of the so-called "third degree" in Pennsylvania. However, closely allied to this subject is the matter of "Cold Storage."[54] Testimony before the Commission discloses the fact that persons arrested by the Philadelphia Police are sometimes held incommunicado and are not permitted to see friends, relatives or counsel for several days at a time and are not slated or brought before a Magistrate during that time. This is a clear violation of the law and no legislation is needed to remedy the situation. Such practice will continue to exist so long as it is countenanced by the authorities. Francis Fisher Kane, Esq., President of the Pennsylvania Prison Society, in his statement to the Commission says,[55] "Philadelphia greatly needs a separate House of Detention and we hope that the movement to secure such an institution will bring in its train a better treatment of the untried prisoner. We want to have it definitely settled that prisoners shall, upon being held for further hearing or for court, be directly sent to the House of Detention in obedience to the order of commitment and not held by the police either at the City Hall or in the station houses of the city. This will go a long way toward preventing third degree and incommunicado. And secondly, if we can secure for the House of Detention adequate medical service, and have all persons examined upon entrance, with a record made of their physical condition, not only will the courts be assisted in the trial and disposition of cases, but a check at the outset will be placed upon police brutality."

§ 9. Police Officer as Witness

We find that in Philadelphia, when a police officer makes an arrest while on duty and he is later needed to testify before the court or magistrate, if the hearing or trial is scheduled for an hour or date on which he is off duty, he is required to attend such trial on his own time and is not given the equivalent time to make up for it.

This is hardly conducive to good law enforcement since it places a premium on lack of activity.

§ 10. Physicians to Report Gun Shot Wounds

Several states have made it mandatory for physicians to report to the local police officials, the treatment of bullet or gun shot wounds immediately, at least within twenty-four hours, together with other information per-

[51] See statement of Charles L. Chute, Executive Director, National Probation Association, (P. H. 170) of the Hon. Curtis Bok, (P. H. 336) of M. J. S. Stoney, Esq., (P. H. 402) and of Thomas A. Meryweather, Director of the Crime Prevention Association of Philadelphia (P. H. 505).

[52] See Exhibit 43, Recommendations of the Pennsylvania Prison Society.

[53] See Exhibit 54.

[54] See Exhibit 43, Statement by Pennsylvania Prison Society.

[55] See Exhibit 84.

tinent to the subject. It is recommended that a similar statute be enacted in Pennsylvania.

§ 11. Private Detectives

The present act[56] governing the licensing of private detectives provides that they be licensed by the Quarter Sessions Court of the county wherein their principal office is located, and that no license be granted until "satisfactory proof of the competency and integrity" of such persons shall be made to the Court.

We have found many instances where persons with criminal records and notoriously bad reputations as law violators have been granted such licenses. It has also become a practice for private detectives to obtain licenses in one county, and immediately move to another. The evils of this practice are apparent.

It is advisable, therefore, that the law relating to the licensing of private detectives, and private detective agencies, be strengthened, and to that end we recommend that the present act be amended to provide that petitions to the Court of Quarter Sessions contain an affidavit setting forth the following:

(a) Applicant's full name, age and residence address.

(b) That he is a citizen of the United States and 21 years of age or over.

(c) That he has resided in the county for a period of at least two years immediately preceding the filing of such affidavit, and that he intends to conduct his business in that county.

(d) That he has never been convicted of any crime (minor traffic violations excepted) under the laws of this Commonwealth, or of any other State, or of the United States.

(e) That applicant has never used any other name, or if he has, a list of all names used and the reason for using same.

(f) His experience and qualifications.

The act should further include the provision that any false statement contained in any such affidavit shall constitute perjury, and be punishable as such.

The applicant should also be required to furnish, in addition to his photograph as now required, a copy of his fingerprints, together with a certificate by the head of the local Police Department, or the State Police, that said fingerprints have been forwarded to the Federal Bureau of Investigation, and the report from said Bureau should be attached thereto.[57]

CHAPTER IV

MAGISTRATES

§ 12. Magistrates Generally

In its investigation into the criminal courts this Commission did not directly investigate any proceedings before magistrates. However, the Magistrates' Courts of the State play so integral a part in the enforcement and administration of the criminal law, and to such a large extent is respect for law determined by the respect for magistrates, that they cannot be entirely ignored. Some investigation into Magistrates and Magistrates' Courts was necessary, although incidental to the main work of the Commission.

This Commission is aware of the investigation conducted by the Commission Appointed at the Recommendation of the Special Grand Jury of 1935 to Study and Recommend Improvements in the Laws Relating to Magistrates and Magistrates' Courts in the City of Philadelphia, and the legislation adopted pursuant thereto; and feels that this subject has been well covered.

§ 13. Abuses

We found among others, the following specific abuses: modifying sentences after conviction and releasing prisoners from jail before the complete sentence has been served,[58] and sentencing for offenses which are not subject to summary conviction.[59]

§ 14. Abuses: Copy of the Charge

Another practice prevalent in Philadelphia County has been the matter of releasing prisoners on "copy of the charge," without bail. An attempt was made to cure this evil in the Magistrates' Act of 1937 which provided that no one should be released except on bail. Some of the Magistrates, by agreement, have decided that they can get around this law by requiring a nominal $1.00 bail. This is obviously a subterfuge, and appears an unnecessary one, since the less serious crimes are either exempt from this provision, or can be punished summarily.

§ 15. Abuses: Removal of Persons

We find that a peculiar practice has long been prevalent in the Philadelphia County in cases where a person is arrested in that county, for an offense committed in another county, and on a warrant issued in that other county. Numerous cases are on record wherein local magistrates have held preliminary hearings for prisoners who have been charged with crimes in other counties. In some cases[60] magistrates have decided that there was not sufficient evidence to hold the prisoner for court, discharged him, and informed the officers who had come to remove the prisoner that they could not have him.

A formal opinion-[61] from the Attorney General advised that the alderman or justice of the county in which the arrest is made is limited to the taking of bail from the defendant for his appearance at the court having jurisdiction of the crime [62] and may not summon witnesses and hold a preliminary hearing. This opinion further advised that if the defendant did not wish to give bail, he could waive the procedure outlined and be taken directly before an alderman or justice in the county in which the offense was committed.

The act quoted in the opinion of the Attorney General covers the subject of preliminary hearing by silence only.

It is recommended, therefore, that legislation be adopted explicitly limiting magistrates in an asylum county to the taking of bail, and explicitly stating that no preliminary hearing should be held in cases of this kind.

§ 16. Political Activity

In passing, furthermore, it should be mentioned that the mere legislating of magistrates out of politics has not, in fact, removed them from politics. Your Commission, though not looking for them, has had numerous recent cases of political favors by magistrates called to its attention.

We find, also, a disregard by one Magistrate for the Act of June 25, 1937, P. L. 466,[63] and this despite the fact that all other magistrates in Philadelphia, all the local judges, and even the United States Commissioners are cooperating with the Bail Commissioner and abiding by the law.

Legislation alone can not correct administrative abuses of the present law. They spring from defects of character in the individual, and in that respect the remedy for them can be supplied only by the people themselves at the polls.[64]

§ 17. Mayor as Committing Magistrate

There are several statutes dealing with the authority of the Mayor of Philadelphia to sit as a committing magistrate.

One [65] states that "the Mayor shall have all jurisdiction and power of a committing magistrate throughout the city." Section 2 of the same act empowers the Mayor to appoint any one of the magistrates to sit as "committing magistrate at the police station adjoining the office of the Mayor."

[56] Act of May 23, 1887, P. L. 173.

[57] These recommendations are in line with those made in Section 31 in reference to Gun Permits.

[58] See Case 502.

[59] See Case 486.

[60] See Case SU 172.

[61] Formal Opinion 213, October 16, 1936.

[62] Act of 1860, P. L. 427, Section 3.

[63] Bail Approval Commissioner Act, requiring real property taken as bail to be first approved by the Bail Commissioner before the prisoner is released.

[64] Report by the Commission appointed at the Recommendation of the Grand Jury, etc.

[65] Act of March 28, 1860, P. L. 318, Section 1. See also Act of 1789, 2 Sm. L. 462, Section 19, and Act of 1919, P. L. 581, Art. II, Section 6.

Another act[63] simply gives the Mayor the right to appoint someone "learned in the law to sit as committing magistrate at the central police station in the said city, during the term for which the Mayor shall be elected."

The practice has always been to designate one of the sitting magistrates to preside at the central police station. During the present administration, however, the Mayor has on repeated occasions acted as a committing magistrate and in many instances has created attending unnecessary newspaper publicity bringing the administration of criminal justice into public criticism and condemnation. It is questionable whether the Mayor still retained jursdiction, having once appointed some one else to act as committing magistrate for him, to sit in such cases. In any event, the Mayor of the City of Philadelphia should be sufficiently burdened by his regular duties and should not be tempted to lower the dignity of his high office by undertaking extraneous duties which can be quite capably fulfilled by officials regularly designated.

It is recommended, therefore, that all legislation empowering the Mayor of Philadelphia to sit as committing magistrate be repealed.

CHAPTER V

BAIL BONDS AND BONDSMEN

§ 18. The Professional Bondsman

Every rattlesnake shelters in his den a bat and an owl. The lair of every professional criminal feeds and shelters a shady lawyer and a crooked bail bondsman. There exists a close alliance between some criminal lawyers and the professional bondsman, which often goes into an agreement to share proceeds. "A good thief in jail is no good at all." lamented a prominent member of the criminal Bar. A thief in jail is no good to the lawyer, to the bondsman, to the receiver of stolen goods, to the dope-seller, or to any one of a dozen vultures, who take his booty and keep him always in sore need.

An habitual criminal out on bond is a desperate and dangerous man. He must have money at once for the vultures or go back to jail. No one who sees him come down the steps of the police station, after his release on bond, doubts in the least his dark purpose and dangerous destination.[67]

§ 19. The Professional Bondsman: Mulcting "Clients"

The bond racket is a cancer in our enforcement system. Cases have been called to our attention[68] where these professional bondsmen have preyed upon ignorant persons and have taken unfair advantage of their "clients." We find one situation where a professional bondsman charged $85.00 for simply taking a woman to the Bail Clerk's office where she put up her own home for bail. She stated she did not understand that her property was being so used.

§ 20. The Professional Bondsman: "Fixing"

The professional bondsman is a great source of "fixing." In one county the clerk of Court, for example, handles some bonds which are posted in connection with liquor license applications and he saw to it that at least on one occasion a case against one of his "clients" was nolle prossed, stating frankly that he had it nolle prossed because he did not want to take any chance of forfeiture on his bond. Another one of the evils of the professional bondsmen is the so-called "substitution of defendants." Complaints have come to this Commission that occasionally where a case is called for trial and the defendant does not appear, arrangements are made by the bondsman with the powers-that-be to have another person answer to the name of the defendant and then receive a suspended sentence or probation, thus preventing any forfeiture of the bond.[69] The relationship between professionals and court officials results in great improprieties. Clerks and police solicit business for and recommend bondsmen; often "tip-off" bondsmen as to the amount of valuables taken from a defendant and thus give an indication of what may be collected as a fee for signing a bond.

§ 21. The Professional Bondsman: Absence of Records

Professional bondsmen who testified before the Commission all admitted that they kept no record whatever of their bail activities,[70] and could give no information as to what cases or for what persons they entered bail, except what they could recall from memory and most of it was very feeble, perhaps intentionally so.

§ 22. The Professional Bondsman: Inconsistency of

Why, in the United States, do we have professional bondsmen when England, the country from which we borrowed all our theories and practices regarding bail, will not permit them? Not only is it a criminal offense in England to charge one a fee for furnishing bail, but to indemnify bail is a crime in itself. . . . England has never lost sight of the original theory regarding bail. That theory is that the reputation of the accused must be such that some reputable and responsible freeholder is willing to come and pledge his property for the defendant, which is prima facie evidence at least that the accused is not unsafe to be at liberty until his guilt or innocence is determined.[71]

§ 23. The Professonal Bondsman: Regulation of

It is recommended that legislation be enacted strictly regulating such professional bondsmen; accurately defining who is a professional bondsman, for example one who enters bail more than three times per year, or some such number, and including in the definition any one who solicits for or recommends or suggests any bondsman and receives any fee, commission, gratuity, etc. for so doing; providing that every applicant who desires to operate as such be thoroughly investigated; licenses issued; providing for a schedule of maximum fees they should be permitted to charge in various types of cases keeping of records; restrictions in reference to their use of runners; laws prohibiting the police or clerks of court from acting as agents for such bondsmen, forbidding straw parties etc.[72]

§ 24. Posting of Bail by Attorneys and Government Employees

It is also recommended that a law be enacted or rules of court be adopted prohibiting the posting of bail by a Court official, attorney, or employe of the Federal, State or Municipal government, except for an immediate member of the family.

The Rules of the Quarter Sessions Court of Philadelphia County prohibit clerks from posting bail in criminal cases. Investigation discloses that this rule is not always adhered to and is frequently violated with the knowledge of the Judges themselves.[73]

The opportunity for "fixing" by officials is always present. Our records contain an example where three men committed a crime jointly and were equally guilty. A clerk of the Court, in violation of the Court rule, was permitted to sign the bail for two of them and they were then at liberty until trial, while the third defendant could not make bail and remained in jail. At the trial they were all convicted, but the two defendants with whom the clerk was friendly were placed on parole and the third defendant served his full time.[74] This sort of situation engenders in the mind of the public a lack of respect for the administration of criminal justice.

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[63] Act of April 9, 1873, P. L. 575, Section 1.
[67] The Criminal and His Allies, by Marcus Kavanagh, Page 220.
[68] See Cases 71, 500.
[69] See also Section 24.
[70] See Cases 287, 1617, 1619, 1741.
[71] From a "Study of Forfeited Bail in Philadelphia" by the Philadelphia Criminal Justice Association. (See Exhibit 81).
[72] Many other states have realized the flagrant evils in the bond situation and have taken steps to end them. "The [Chicago] Crime Commission has been investigating the bond situation, and when it finishes it believes that a bond will be a bond and not a mere means of permitting criminals to escape punishment."—Journal of Criminal Law and Criminology. Vo. XXVI, No. 3. See also General Laws of Massachusetts (1932. Ch. 276, Section 61B). Also Warner and Cabot, Judges and Law Reform, Page 26.
[73] See Cases 34, 72, 218, 410, 629. The Allegheny County Rule of Court is as follows: "No attorney, sheriff, or sheriff's officer shall be admitted as bail or security unless by leave of Court for special cause shown." (See Exhibit 7).
[74] See Cases 34, 72, 218.

§ 25. Uncollected Bail

The great difficulty with our bail system is that bondsmen have no fear of their bail being forfeited and collected. Of the bail which is forfeited only a small percentage is ever collected.

In a study made by the Philadelphia Criminal Justice Association, it was found that during a period of a little over two years there was over a quarter of a million dollars in forfeited bail uncollected. Our recommendation for correcting this situation will be found in section 26.

District Attorneys frequently take the position that "production is the essence of bail. Collection is a secondary matter." We feel that a vigorous effort to enforce collection will finally result in greater production in addition to providing a large and legitimate source of revenue.

There is another serious side to the problem. The status of these forfeited bail bonds means that many who have probably committed serious crimes remain at large permanently, free to commit other crimes, while the State stands so impotent that it cannot even collect the pledged bail. In connection with this condition is the fact that the impunity with which bail is forfeited is a definite brake upon the speed with which felony cases are prosecuted.[76]

A survey made in Allegheny County indicates an earnest attempt by the Courts and the District Attorney's office to collect forfeited bail, but more important, to prevent the many abuses prevalent in the business of releasing defendants charged with crime in bail.[76]

§ 26. Bail as a Lien on Real Estate

Under the existing law, no lien is imposed upon the property of any person who goes surety and he is not legally obligated to see that the accused carries out the provisions of the bail bond. Many instances have come to light where some parcels of real estate have been used as security for scores of bail bonds far exceeding in amount the value of the real estate. This produces a very serious situation, particularly in large centers of population.

If professional bondsmen fear that there may be a forfeiture of real estate bail, it is a simple thing for them to transfer their properties. One bondsman testified that when certain of his defendants had failed to appear and he feared that bail would be sued out, he simply transferred all of his properties to relatives.[77] We often find properties continually transferred from one straw party to another, apparently for the purpose of avoiding collections or judgments in bail forfeitures.

We recommend for earnest consideration an enactment which will provide that a lien be imposed upon any real estate which is the security of the bail bond,[78] and to take care of other evils which have been mentioned.

This subject has received the consideration of many crime conferences and in many of the states, similar laws have been passed or have been recommended.[79]

CHAPTER VI
PROSECUTION

§ 27. District Attorney: Preparation of Cases

We find that many criminals are discharged on demurrers to the evidence or acquitted. This situation could be improved by a more careful preparation before trial by the District Attorney's office. Moreover, in some cases important witnesses who are essential to a complete case are not subpoenaed. Such laxities give a vicious advantage to the "fixer."

In this connection, a matter which has been brought to the attention of the Commission pertains to subpoenaes sent to the Commonwealth's witnesses in cases where there is a joinder of several defendants. Often the name of one defendant is put on the subpoena together with the words et al. When the subpoena is so made out, instead of using the name of the major criminal, the name of some minor defendant is occasionally used, and the person receiving such subpoena has no real notice as to whom he is to testify against. In such a situation a police officer who may have participated in the arrest of a large gambling syndicate and would know the names of two or three important defendants, would not connect that case when the only name on his subpoena would be that of some hanger-on who was arrested at the same time.

It is recommended that it be mandatory to list the names of all defendants on the subpoena.

Another defect is the fact that in some counties no permanent record is kept of all subpoenas that are issued and served.[80] Such a system affords an excellent opportunity for the so-called "fixers." It is evident that an important witness could be intentionally omitted when the subpoenas are being prepared and there is no permanent record to show whether or not a subpoena was ever issued, or if issued, no permanent record to show that the subpoena was served.[81]

§ 28. District Attorney: Trial List

Although the preparation of trial lists, or calendars as they are sometimes called, would seem to be properly a court function, this function in criminal cases is today usually exercised by the District Attorney with practically no supervision by the court in which the cases are pending. The District Attorney generally is not only allowed to decide for himself when a defendant shall be arraigned on an indictment, and when the cause shall be tried, but in Philadelphia where four criminal courts are operating at the same time, the District Attorney also distributes the various cases to be tried among the different judges so sitting as he desires.

It is obvious that grave abuses may arise under such a system. This system provides no safeguard against the danger that indictments may be pigeon-holed for indefinite periods in the District Attorney's office.

In an investigation in New York City, it was disclosed that this method was used by a former District Attorney to favor political friends. Our investigation has shown that in a large number of District Attorney's offices throughout the State, this practice prevails.

Investigation discloses a very inefficient and slovenly procedure for the handling of cases. Bills of Indictments and Trial Lists in some District Attorney's offices.[82] Cases are postponed many times for various reasons. One case disclosed that the trial was not held until fifteen years after the arrest.[83] No plausible explanation was offered. In another, the defendant was only brought to trial because during his trial on a subsequent case the Judge happened to look at his criminal record and found a prior indictment was pending undisposed of.[84] Moreover, this man was not a fugitive, for in the interim he had been arrested several times and served several sentences. A witness testified before the Commission that a trial in which he was interested had been postponed 27 times.[85] Testimony disclosed[86] that when a clerk discovered that this Commission was checking the records in a certain case, there was a hurry-up trial. Defendant was brought in, pleaded guilty, sentence was suspended and he was discharged seven years after he had been arrested. There are other cases[87] in which, at the time of examination by the Commission, there still had been no disposition whatever, even though the arrest had taken place many months before. It is an old story, but postponements cause the prosecuting witness to become disgusted and after successive postponements, he finally gives up and fails to appear and the defendant is discharged.

The District Attorney, under the present system, lists only the cases he wants to try, but does not list the undisposed of cases on his docket. If the District Attorney does not desire to try a case it is possible for him to permanently forget it simply by not listing it for trial. Some-

[76] Missouri Crime Survey. Page 203. gives a table of statistics showing the delays caused by the failure of defendants to appear when their cases are called.
[76] See Exhibit 6. Parts 1 and 2. Allegheny County.
[77] See Cases 1617. 1741.
[78] See Appendix D for a suggested draft of such an Act.
[79] Illinois, Iowa, Missouri, New York, Ohio, Indiana, Washington.
[80] See Case SU 148.
[81] See also Section 52 in reference to the records of subpoenas issued to the police.
[82] See Cases 1. 8. 67. 91. 130. 140. 162. 204. 411. 630. 1226. 1596.
[83] Case 139.
[84] Case 162
[85] Case 630.
[86] Case 1596.
[87] See Cases 8. 1226.

times a clerk can effectively postpone a case simply by temporarily "mislaying" the Bill of Indictment. A rule of Court could take care of this defect, but it is recommended that a statute make it mandatory for the clerk and the District Attorney to prepare a complete list of all criminal cases including those ready for trial and those remaining undisposed of, the date of the return of the indictment, the charge, and the name of counsel for the State and for the defendant. This list should be posted in a public place at the beginning of each term of Court.

The District Attorney and clerk should be required to furnish the State Department of Justice with a detailed inventory of all criminal cases in his office pending and undisposed of; and an audit should be made by the State Department of Justice semi-annually.[88] If the proposed Judicial Council is created, the reports would go to the Council.

We also recommend the enactment of a statute requiring each court with criminal jurisdiction to provide for the preparation and periodical calling of its pleading and trial calendars and if it has more than one judge, for the distribution of cases among the various judges, independently of the Distict Attorney.[89] The practice should be the same, as far as practical, as that in effect in civil cases. This would harmonize the practice in civil and criminal cases.

§ 29. District Attorney: Furnishing Criminal Record

We recommend legislation making it mandatory for the District Attorney's office or Police Department to furnish to the Court prior to imposition of sentence, a complete record of the defendant showing prior arrests and convictions. Wilful withholding or suppressing such record should be a misdemeanor. Under the system now used in Allegheny County, fingerprint records of all defendants are forwarded to the Department of Justice at Washington, D. C. for checking. The entire report is then furnished to the Court.[90]

§ 30. District Attorneys: Nolle Prosse

Consideration should be given to the advisability of legislation which will forbid the granting of a nolle prosse except by the written consent of the Court as well as the District Attorney, with notice to the principal prosecuting witness. The reasons for the nolle prosse should be stated in the order granting same.[91] Investigation has shown[92] that often the order of nolle prosse by the Court is only made verbally and the clerk makes a notation thereof. This procedure, of course, opens the door wide for improper practices by clerks.[93]

§ 31. District Attorney: Uncollected Fines

We find cases[94] in which fines were imposed and were never paid and no effort was made by the District Attorneys to collect such fines.[95] A report should be made by the District Attorneys to an appropriate State Department, or the proposed Judicial Council, showing the reasons for failure to collect fines as well as reasons for the remittance of fines already imposed.[96]

[88] The Act of 1847, P. L. 172, Sec. 2, now requires that such reports be furnished by the Clerks to the Secretary of the Commonwealth. However, in a letter to this Commission, dated March 7, 1938, the Secretary of the Commonwealth states: "Replying to your inquiry of recent date, you are advised that annual reports of clerks of Criminal Courts have not been filed in this Department." See also statement of George W. Norris, President of the Philadelphia Criminal Justice Association. (P. H. 491).

[89] Procedure adopted by Rule of Court, Allegheny County.: See Exhibit 2, Exhibit 7; P. H. 10.

[90] See Exhibit 6, Report of Allegheny County District Attorney, and Exhibit 7, Letter from Hon. Ralph H. Smith, Judge of Common Pleas Court, Allegheny County. See also P. H. 29.

[91] This is required by Rule of Court in Allegheny County. See Exhibit 2, Exhibit 7. See Appendix I for a suggested draft of an Act by Professor Edwin R. Keedy of the University of Pennsylvania Law School, adopted from the American Law Institute's Model Code of Criminal Procedure.

[92] See Section 49.

[93] See also Section 20 in reference to Nolle Prosse by clerks who are also bondsmen

[94] See Cases 80, 391.

[95] See also Section 25 in reference to uncollected bail.

[96] The Allegheny County Criminal Court requires monthly reports to the Board of Judges. See Exhibit 2 and Exhibit 7.

§ 32. District Attorney: Private Practice

One of the reasons for the laxity in the District Attorney's office in preparing cases,[97] in failures to collect fines,[98] in failure to collect forfeited bail,[99] etc., is the fact that the District Attorneys and their assistants are too busy with their private practice of law. Moreover, the situation of a public prosecutor receiving fees from private clients often leads to many improprieties. The District Attorney's office in the larger cities might function more efficiently if the number of Assistant District Attorneys were reduced and they were prohibited from engaging in any private practice whatsoever, whether civil or criminal. The Commonwealth would get more efficient service at a lower cost by reducing the personnel and giving adequate pay to those who are retained.

§ 33. District Attorney's Rail

We have received many complaints in regard to the practice of the District Attorney sitting "behind the rail" in front of the Judge, separated from the rest of the Court, giving a seemingly unfair advantage to the prosecuting official and, in addition, destroying the effect of the court being strictly impartial. In some Courts in Philadelphia the trial resembles a conspiracy between the Judge and the District Attorney against the defendant. The District Attorney should be moved out in front of the rail, on an equal basis with the defense attorney, the "trial by huddle" should be abolished, and conversations with the court should be only with the same privilege granted to the defense attorney, and under like conditions.[1] In most of the other Counties in the State, this practice has already been abolished[2] and it is non-existent anywhere else in the country.

§ 34. County Detectives

In some Counties the County Detectives function efficiently and constitute a real detective force. In others, however, the County Detectives have little or nothing to do with crime detection and all police work is left to the City Detectives. The personnel of this department should not be selected on a partisan political basis.[3] Of the present force of twenty-one in Philadelphia, eleven are elected ward Committeemen. It is impossible to expect persons interested in ward politics to act as impartial investigators of crime. In these positions political activity should be prohibited and the men be required to really investigate crime, and become what they were intended to be[4]—a super-investigative force to assist the District Attorney.

CHAPTER VII

JURIES

§ 35. Selection and Qualifications

The problem of the jury has now for some time past been confronting us. We must admit that this institution of popular justice as it functions today, has not received adequate public discussion. Opinion is divided between preserving and abolishing it wholly; but all insist upon its reform. To put an end to the scandal of excessively indulgent verdicts, and to remove what has been called "the crisis of the jury," seems to be a necessity. This

[97] See Section 27.

[98] See Section 31.

[99] See Section 25.

[1] This could be cured by a Rule of Court or at the request of the District Attorney.

[2] Upon reporting for duty in the Criminal Court the first Monday of February, 1936, a survey of the existing situation was immediately made by Hon. Ralph H. Smith, Presiding Judge, Allegheny County, which revealed certain facts with regard to the administration and efficiency of the court, etc., of which this was one. Attempting to meet the situation corrective measures were adopted. In his report Judge Smith said, "The District Attorney was asked to take his place outside the rail, alongside of defense counsel, so that there would no longer exist the possible misunderstanding that could come from his favored position inside the rail where his whispered conversations with the Judge might be misunderstood by the defense counsel or defendant. It was the theory that anything proper could be said in open court and anything improper had better be left unsaid." (Exhibit 2B, Page 7).

[3] See P. H. 30.

[4] See Act of 1919, P. L. 369, Section 1, as amended by the Act of 1925, P. L. 352, Section 1.

presents a problem of capital importance for the administration of justice and the suppression of crime.

The appeal to sentiment cannot solve this problem. The debate is liable to prolong itself indefinitely, unless we seek to avail ourselves of the lessons of experience, that great teacher, implacable but trustworthy. It is the experience of various states, acquired sometimes at a high cost, that will show us what alterations have been made and what remedies or reforms will be effective. We can profit from these lessons by adapting their warnings to our own vexatious problem.

No judiciary institution has varied more than this one, which provides for the direct participation of the citizenship in the processes of justice. To understand its evolution and its changes we must therefore, not lose sight of its origin and its essential nature.

Born out of the struggles of the English people against royal despotism, the jury was adopted as a democratic institutions.[5] It has rightly been a prized institution in English and American criminal procedure. It has been believed to be one of our fundamental institutions, and the peculiar bulwark of an accused in the protection of his rights.

The members of the jury, the "peers" of the accused, are drawn from the ranks of the community at large, constituting a cross section of it. They represent alike its common sense and its moral sentiment. The jury system is a timed honored one, and efforts at its reform must proceed with much circumspection.[6]

Juries in criminal cases have for the most part, a befitting sense of their responsibilities, are actuated by worthy motives, and are seeking to promote justice. But they are not without the weaknesses of human beings, and especially those who must be but occasional visitants at criminal proceedings.[7] Members sometimes are of but limited education. Few are expert or trained or fully suited for their special and temporary calling. Most have restricted understandings of the value and implications of evidence. Jurors are neither learned in the law nor skilled in the proper appraisal of testimony. They may be deceived by appearances, or taken by claptrap rhetoric. They may be swayed by sympathies or prejudices. Deliberations are likely to be controlled by dominant minds. Verdicts may be hastened by weariness of jurors or by business demands upon them. The requirement of unanimity in verdict may result in long drawn-out discussions. Possibly no unanimity can be reached, and there results a "hung" jury which is really a miscarriage of justice. If unanimity is reached, it may be at the expense of the surrender of the convictions of some. Great trouble and delay can be caused by one stubborn juror. Not infrequently juries slow up, and do not speed up justice.

A judge should have aid in the jury room in endeavring to administer justice, but he does not always receive it owning to the failure of thousands of capable and intelligent men who are either exempted or whose attendance the present system cannot secure, or who, when called, manage to evade service.

It is recognized that men of superior intelligence are required for jury service, and there should be more men of this sort who do not now serve, interspersed as it were, among all juries. This applies equally as well to women who are permitted to serve in this State. If jurors of this class served in ordinary trials, civil and criminal, the verdicts of juries would be more satisfactory and there would be fewer freed criminals. These intelligent jurors could hold others in check and bring them to a relization of their sworn duty, argue intelligently and bring to bear the wisdom gained from their education and large experience in business and worldly affairs, and restrain in some of their colleagues the human feelings of sympathy or prejudice.

The small storekeeper who is alone in business, and the wage-earner, who consider it a hardship that they must neglect their business or work, and whose minds are not free from the worry and loss that their absence from business causes them, do not make the best jurors when they look about them and realize that too large a part of our citizenry, men who could better afford to perform jury duty, escape it. Some exemptions may be proper, but why exempt holders of every public office under the United States, State or City Government and all election officers, as well as a host of other voluntary claimed exemptions, among whom are thousands of intelligent men and women qualified to act as jurors?

These exemptions and many others should be abolished. Thousands of business men who receive the protection of our laws and our jury system, who can demand a jury to pass upon their disputes in the courts of the city where they do business, cannot be compelled to serve in settling the disputes of their fellow-citizens because they reside outside the city where perhaps they are seldom called upon for jury service. Jurors possessing the qualifications prescribed by law, should be drawn from the entire community. A jury is not a representative one, a jury of one's peers, when so many thousands of intelligent and capable men are exempted, excused, or for various reasons, cannot be called.

Every man who is physically capable of performing duty, who resides or carries on a business in the City, and is otherwise qualified, should be compelled to serve, except perhaps, a limited class. Unless the entire community is drawn upon for jury service, exempting those only whose absence from their work might endanger life or health, or whose attendance to their public duties is necessary for the protection of life and property, the average intelligence of the trial jury is reduced. It cannot be successfully maintained that the present system with its thousands of excuses and claimed exemptions, represents the average intelligence and judgment of the whole community, which the verdict of the jury is supposed to represent. The banker or man with large business interests may learn to judge human nature and the character and credibility of witnesses in the jury room, from the humblest citizen and vice versa. In addition to these so-called exemptions and exceptions reducing the number of persons liable for jury duty, the present system is unfair to those who are willing to do their duty, as they must serve longer each time they are called and must be called more frequently. The courts may be relied upon to excuse those from duty when they can be spared and when proper or legal excuses are presented.[8]

All citizens competent and qualified for jury service should be interested in maintaining the high standard and efficiency that is sought to be achieved by our system of administering justice which affords them individual protection and safeguards our institutions. They should be willing and anxious to give at least one week's service for jury duty in every few years, which is probably all that would be required of them if there were fewer exemptions and exceptions. They should regard jury duty as an honor and duty and not as a hardship. They owe this duty to their country in time of peace, as much as a soldier owes his service in time of war.[9]

A recent issue of Popular Government contains a carefully considered and interesting discussion of modern juries and the mental qualifications of jurors, and also offers suggestions for improving juries. The article, under the caption Courts and Records by Dillard S. Gardner, begins by quoting Hon. Benton S. Oppenheimer on modern juries, in which he said: "We commonly strive to assemble twelve persons colossally ignorant of all practical matters, fill their vacuous heads with law which they cannot comprehend, obfuscate their seldom intellects with testimony which they are incompetent to analyze or unuable to remember, permit partisan lawyers to bewilder them with their meaningless sophistry, then lock them up until the most obstinate of their number coerce the others into submission or drive them into open revolt. The average citizen rebels at the very thought of being forced to participate in such proceedings, and regards jury

[5] Journal of Criminal Law and Criminology. Vol. XXVII. No. 1. Page 17.

[6] Best. Crime and the Criminal, Page 551.

[7] See Exhibit 88, General Instructions to Petit Jurors by Hon. William H. Hargest, President Judge of Common Pleas Court of Dauphin County.

[8] For a discussion of the question see Judges and Law Reform. Warner & Cabot. Page 116.

[9] Legal Topics, Vol. V, Page 15.

duty as an irksome and humiliating task, to be avoided if possible."

The article goes on to say that a systematic study made by the jury Commission of Cuyahoga County, Ohio, disclosed that of the 5,541 jurors who served in the county in 1936, only 329 ranked as Grade A, and 897 as Grand B. Jurors, under the classification of the Commission. According to these figures, as Mr. Gardner says: "Only about two out of every five were high type jurors, or fewer than three high type jurors per jury. Actually the picture was even more alarming, as the Commission found that nearly one-fifth of the 5,541 were excused by the court, and all who are familiar with the operations of courts know that the group excused usually is composed of the highest type of jury materials."

The article concludes with suggestions offered for improvements in the functioning of the jury system. They are: "(1) Reduction in the number and scope of statutory exemptions from jury service; (2) strict limitations on the number of jurors summoned; (3) restriction of early parts of terms to trial of jury cases only; (4) care on the part of judges to excuse temporarily all jurors not to be needed immediately; (5) insistance by judges that, so far as possible under our procedure, jurors be kept busy while attending court; (6) improvement in law and procedure generally, and specifically the accommodation and treatment of jurors so as to demand the respect of intelligent jurors; (7) effective education of the citizenship to the social value and individual duty of jury service."

At the annual meeting of the American Bar Association, held in Boston in 1936, the Honorable Merrill E. Otis, United States District Judge of the Western District of Missouri had this to say of the selection of juries: "The jury in the box was what was left after sifting all citizens through three successive screens. The first, exemptions withheld most of the educated men of the community; the second, excuses accepted by the court, withheld many of the most substantial who passed through number one; the third, challenges eliminated most that was good in what was left. The juries had been selected by a machine suggesting that farm contrivance designed to blow away the chaff and save the wheat. This machine blows away the wheat and saves the chaff. * * * It is difficult to conceive of any task given to human beings requiring a higher order of intelligence than the work committed by law to juries to discover truth in a mass of testimony, tedious, conflicting, technical, obsecure; that is the jury's task."[10]

Considerable variety and a wide range in the qualifications prescribed for jurors are to be found in the statutes of the several states.[11] In the statutes of twenty-four states, it is provided that jurors must be citizens of good moral character (or that they shall possess one or more of the qualities of good moral character).

In the statutes of thirty states an intelligence standard is established for jury service ranging from a requirement that jurors shall be men "of ordinary intelligence" to a requirement that they shall be "generally reputed to be intelligent and esteemed for sound judgment." In two states (Illinois and Kansas) jurors are required to be well informed. In seven states they are required to be able to read and write the English language. In eighteen states no affirmative character or intelligence qualifications whatever are prescribed for jurors. In those states, generally speaking, any elector (usually any male elector) is declared to be qualified for jury services unless disqualified because of some criminal record. It every state various classes are declared to be exempt from jury service. Generally the exemption statutes relieve the members of the learned professions from the necessity of service on juries. In those states in which there is no affirmative statutory intelligence qualifications for jury service the necessary effect of the exemption statutes is to produce jurors whose average intelligence is below the average of the community.

Where an intelligence standard for jurors is provided by statute it is of no certain value since the application of the standard usually is entrusted to officials of limited responsibility, as to deputy jury commissioners in large cities, as to local elective officers, (e. g., town clerks in Vermont) in rural counties. It is scarcely to be expected that officers of this character will use the standard provided by law for the purpose of securing a jury panel of the most highly intelligent and best qualified citizens. The tendency is to exclude none and to include all who are entitled to the franchise, and who, through its exercise, might punish those who classified them as incompetent for jury service.[12]

In Iowa, a juror must be able to read, write and speak the English language; in Indiana, he must be a tax payer and owning real estate in that state. The following qualifications are taken from the statutes of the several states: must have all qualifications of all electors; must pay taxes; must be a taxable person; must be on assessment rolls; must not be a public official; must not be an employee of city, state or federal government in any capacity whatever; must not have previously served as juror within one year; must not be insane or idiot; must be householder or freeholder; must not have been convicted of a felony in state or federal court or of any crime involving moral turpitude; must be able to read, write and understand the English language; must not be over sixty years of age; must be a freeholder within the state or a householder.

Facts brought to light by the Commission discloses that convicted felons have been found serving on trial juries and Grand Juries,[13] and have been permitted to serve as such although that fact was known to the authorities; that verdicts in criminal cases have been reached by "flipping" a coin;[14] that jurors could not read or write and did not understand the English language; that the "fixing" or contacting of jurors was a common practice; that persons summoned as jurors would turn their summonses over to a politician who would send a substitute and this substitute would assume the name of the person summoned and serve as a juror, receiving the usual compensation therefor;[15] that the publication of the list of jurors leads to many embarrassing situations and the harassment of individual jurors.[16]

We had occasion to question the entire jury in one case and were able to ascertain their individual reactions. The footnote contains excerpts from their testimony.[17]

[10] Report of the American Bar Association, Vol. 61, 1936, Page 404.
[11] See statement of Hon. Curtis Bok, (P. H. 321-323).

[12] Report of the American Bar Association, Vol. 61, 1936, Page 406.
[13] See P. H. 236, Statement of William A. Frack, District Attorney of Northampton County.
[14] See P. H. 238, ibid. Also see statement of Calvin F. Smith, Esq., (P. H. 242-250) of John A. Boyle, Esq., (P. H. 348) and of M. J. S. Stoney, Esq., (P. H. 401).
[15] See Section 37.
[16] See statement of Frederick B. Smillie, Esq., District Attorney of Montgomery County. (P. H. 296).
[17] Commonwealth vs. O'Connor; excerpts from testimony of various jurors (men and women) who rendered a "not guilty" verdict in an alleged murder case: "Q. Was there any discussion before you took the first vote? A. Well naturally some arguments. Q. What were some of the arguments that you had? What did you argue about? A. Well, of course, I don't know what it was all about even. Q. You didn't know what it was all about? A. No, because I argue. What it was all about I didn't know." * * * (Note: The juror who testified as follows stated he could not read or write or understand the English language.) "First I was for second degree. Q. How did you come to that conclusion in your own mind? A. Well, just as my own opinion . . . naturally if we find . . . which she commit crime, but we can't naturally . . . if we can't bring out she commit crime sure so I just make an opinion as second degree. Q. Do you think she killed the child by hitting her? A. I didn't think that because I don't know if she did or not. Q. How did you think the child got into the water? A. That's another understanding I don't know. I wasn't there, see. Q. And you couldn't understand that from the testimony? A. No, sir. Q. What made you change from Involuntary Manslaughter to acquittal? A. Well, as I understand after we went to bed in the evening . . . After all, it's pretty hard for us here on such a case. And as us people here we never study about the law. So it's pretty hard to decide a real clear verdict so finally we went to bed. The next morning we discussed the case again, and that's the last I can say. So bring ten to two. Q. Ten for acquittal and two for what? A. I don't know exactly what was the two for. Q. What made you change your opinion? A. Well, as I understand we start talk about bringing points as they brought so many witnesses of that good character witnesses, how good girl she was from her childhood and after all she trying bring some points how good she was and all. After all she just didn't mean it hitting the child. Just what they call accidentally." (Note: And so the witness goes on showing clearly that he didn't know either what went on at the trial or during the deliberation in the jury room.)

The jury system is in need of important readjustments. But the recognized improvements cannot be fought out as John Stewart Mill said, "between ignorant change on one hand and ignorant opposition to change on the other."

One thing is certain—if names of disqualified, incompetent ignorant men go into the jury wheels—some time they will be drawn to serve. The necessary purge should be before and not after their names are drawn.[18] Therefore it is reasonable to believe that only the names of those who are competent and qualified should be selected to be placed in the jury wheel. A shorter term of service would probably be more satisfactory as it would tend to eliminate excuses for purely business reasons. It has been suggested that service of jury notices be by registered mail in order to eliminate a great deal of unnecessary labor in making personal service. Better conditions surrounding the selection and empanelling of juries has also been proposed. Complaint is made that men and women selected for this important duty object to being herded in stuffy uncomfortable quarters. This should be corrected.

This subject has received the thoughtful consideration of the Judicial Conference of Pennsylvania and at their Third Conference held in Philadelphia in 1930 definite action was taken. The Hon. Robert Von Moschzisker, then Chief Justice, acted as Chairman, and Judge James Gay Gordon, Jr., of the Court of Common Pleas, Philadelphia County, acted as Secretary. One hundred and seventeen Judges attended this conference. A committee consisting of Judge Thomas D. Finletter, Chairman, Philadelphia County; Judge William C. McLean, Jr., Luzerne County; Judge A. R. Chase, Clearfield County; Judge George W. Maxey, Lackawanna County; Judge Richard H. Koch, Schuylkill County; Judge John E. Fox, Dauphin County; Judge Frank P. Patterson, Allegheny County, recommended, and the conference approved, an act establishing a mode of selecting and drawing jurors in and for the city of Philadelphia. This act provided among other things that the Judges of the Common Pleas Court, together with the Sheriff, shall constitute a board for superintending the proper selection of jurors; that the receiver of taxes shall furnish a list of all taxables; that from that list the board shall select a sufficient number of "sober, healthy and discreet" citizens as may be required to be selected for jury service; that the said board (or through masters appointed for the purpose) make inquiries touching the qualifications of the prospective jurors; that there be four jury wheels, one for each quarter, and the names finally approved and selected to be deposited in equal proportions in the four wheels; said names to be drawn out for jury service in the presence of at least one of the Judges; if legitimate excuse is made and allowed by the court, the names so excused to be put in the wheel for the next succeeding quarter. The entire act as proposed may be found in the Appendix.[19]

We recommend however, that the very minimum of qualifications should be the ability to read, write and understand the English language, and that jurors be physically qualified so far as sight, hearing, etc., are concerned.

We believe that this proposed act together with the several suggestions heretofore made in this section should be enacted into legislation, and we so recommend.

While this act was designed for Philadelphia County, the same underlying principle can be applied to the various counties, and we so recommend.

§ 36. Voir Dire Examination of Jurors

When a person is called as a juror in an important criminal case, the attorneys often occupy an inordinate amount of time in examining him as to his ability to act impartially. The abuse of this system is well known and needs little comment as the daily press tells us of the days and sometimes weeks, needlessly consumed in selecting a trial jury. We recommend that this preliminary questioning of the prospective juror be conducted by the court, rather than by counsel, with the right given to both the prosecution and the defense to submit proper questions to the court for resubmission to the individual jurors. Perhaps the court should have the discretionary power to permit counsel to ask additional questions in unusual situations. This power would seldom be abused. This is the system used in the Federal courts with much success, and recommended by the Conference of Senior Circuit Judges of the United States Courts.[20] A resolution embodying this principle was presented to the Third Judicial Conference of Pennsylvania.[21]

§ 37. Jury Substitution

Investigation by the Commission discloses many cases of jury substitution in Philadelphia County.[22] That is, when a person is summoned as a juror, he may send another person in his place. In other cases, he may ask a politician to get him excused, and the politician sends another person in his place without the knowledge of the original juror. It might be well to consider some method of compelling the juror to identify himself when presenting himself for jury duty. One method might be to obtain a signature when the summons is served on him, and then compare same when he appears and when he signs his pay-voucher. Another method might be to insist upon the presentation of some authenticated document of identification, such as a Social Security card, driver's license,

"There was no table in the room where we deliberated. There were just the beds and the chairs that go with the beds to throw your pants over. The room was empty except for the beds." * * * "At first I felt she was guilty of Involuntary Manslaughter but I changed my mind. Q. What was the basis on which you changed your mind? A. I really don't know. Q. You have no idea? A. I have no idea." * * * "I was for Involuntary Manslaughter . . . then somebody says, 'We might as well go for acquittal. Involuntary Manslaughter she might get maybe a suspended sentence, and then she'll say, "I paid my debt to society." 'Then they said if she was let go scot free she would worry more about it and she would suffer more on the outside than on the inside. So I thought it was pretty good logic." * * * "We had nine men against three women. . . . We couldn't convince any of the men." * * * "None of us knew we could go to the Judge and get further instructions as to some things we were not clear on." * * * "Q. What did you believe when you finally voted for acquittal? A. Well, I went with the rest because they all said she would be punished more on the outside than on the inside." * * * "I didn't get enough evidence on the case. . . . I just layed in bed. I had nothing to do with the members of the jury." * * * "Q. How did you arrive at the acquittal verdict? A. Well, they were speaking of it and they said why send her up for a few years. You might as well acquit her than leave it up to the judge. The foreman said that. He said if we bring her in on Involuntary Manslaughter it's only leaving it up to the Judge again. I told him it would look hard on our side to acquit a girl like that knowing how the newspapers are. He said it would be leaving it up to the Judge, and why leave it up to the Judge, she will suffer more on the outside in the end." * * * "The foreman was very stubborn. So they all swung over to his way."

[18] The "key number system" of selecting jurors has come into use in the superior court of Los Angeles County and is accepted as a great improvement on lists made up by officials. The first step is to select semi-annually from the voters' registration lists about 22,000 names, from among which 3,000 are chosen after personal examination. Over two million names are available on the lists in 4,300 voting precincts. To spread the service over the entire body of citizens, subject to the individual tests, every fifth precinct was sampled, beginning with number one. For the second half-year every fifth precinct was taken, beginning with number two. Every tenth name on these precinct lists was taken, beginning with number one. The voters whose names are thus selected are then invited to appear at the jury commissioner's office at the rate of 392 for each of four days each week for nine or ten months in each year. The system thus far is effectual in spreading the service and providing such a surplus of jury material that only the best one-fourth need be accepted, and at the same time there is little chance that any citizen will be summoned a second time. The important feature is the selection through formal tests made by the commissioner and his assistant, who examine about 300 each day, those exempt, or clearly unavailable having been first excused. The "key number system" has been successful in Cleveland, where it originated, and in the Recorders' court in Detroit. In both these cities there was first a special statutory provision, but in Los Angeles the system was perfectly adapted to the existing statute and it was only necessary for the court to authorize its adoption. The jurors so selected in Los Angeles County serve in both civil and criminal cases.

[19] See Appendix B.

[20] See Appendix F for a suggested draft of such a law adapted from that of the American Law Institute's Model Code. See also P. H. 436-437 for a discussion of this subject. This proposal has been endorsed by the American Bar Association as well as the Pennsylvania State Bar Association. Vol. XLII. Also Proceedings of the Attorney General's Conference on Crime, Page 406. (Representative Achterman does not concur in this recommendation.)

[21] 300 Penna. State Reports Pages XXXII to XXXIII; "RESOLVED, that the law should require the examination of prospective jurors on their voir dire to be conducted exclusively by the trial judge subject to the right of counsel after such examination, to suggest additional questions to be put to the prospective juror by the trial judge, in his discretion."

[22] See Cases 519, 524, 639.

etc. Witnesses before the Commission have testified that they were summoned and excused from jury duty. Yet their names were signed to vouchers for pay, and they have testified that the signatures are not their own, and that the vouchers were signed without their knowledge. This would mean either that there has been a substitution as before referred to, or that someone has simply pocketed this money. Committeemen have admitted that it is the general practice for them to receive summonses from their constituents and take them to the Clerk of the Court and have them marked "excused" without more ado. This is a local administrative vice which can be eliminated by alert officials.

§ 38. Embracery

Investigation by the Commission discloses that in some parts of the State, jury tampering is quite prevalent. Complaint having come to this Commission of widespread embracery in Berks County, investigation was made and hearings were held and the evidence turned over to the District Attorney, which resulted in several convictions.[23] There does not seem to be any legislation required in this connection, but is purely a matter of good law-enforcement.

However, the political method of selecting juries is a direct invitation to embracery. In many counties, names are forwarded to the jury commissioners by local committeemen at the request of the individual persons and when such persons are finally called for jury duty, they have a natural obligation to the committeemen and are easily influenced by their wishes. This situation can best be remedied by adopting a non-political method of selection of jurors.[24]

§ 39. Assessment of Costs on Public Officer

A very vicious practice has come to the attention of the Commission, that of the assessing of costs on a public officer. In several such cases, costs were assessed by a jury, sometimes the Grand Jury and sometimes a Petit Jury. Usually the Judge remits such costs and places them on the County, but in several cases which have come to the attention of the Commission, the Judge refused to remit the costs. It is impracticable to allow a Judge discretion in such matters, as unfortunately there are some Counties in which neither the Judge nor the citizens are favorably disposed to certain types of law enforcement, particularly matters involving liquor, numbers, slot machines, etc. This is grossly unfair to the enforcement officer attempting to do his duty and is a definite restraint upon him.[25] Sometimes these costs run into several hundred dollars and the practice becomes a real deterrent to efficient law enforcement when one considers the salary usually paid to such officers. Suggestion has been made that legislation provide that costs can be assessed upon a public officer only when actual malice has been shown. This would not appear to be an adequate solution of the problem. If malice is charged the officer should be entitled to a separate proceeding and an opportunity to adequately defend himself to prove that the charge is untrue, not to have the question decided as a collateral matter. If, on the other hand, the charge is true, such officer deserves a greater penalty than the assessment of costs; as a matter of fact, nothing less than a dismissal would be adequate in such a case. It is recommended that legislation be passed, as it exists in many other States, defining just how costs are to be placed when the prosecution is by a public officer.[26]

§ 40. Charge to Jury

At the Public Hearings it was pointed out[27] that some doubt exists in the minds of some of the Judges as to the function of the Court in charging the Jury.

It is suggested that it would be well to clarify the situation by suitable legislation.[28]

§ 41. Jury Verdicts by Less Than Unanimous Vote

It is recommended that consideration be given to the proposal (a Constitutional Amendment probably is necessary) that juries may return a verdict by less than a unanimous vote, preferably by a vote of ten or more, and that such verdicts shall be binding and permissible in all cases, except certain major felonies, which should be specified. This procedure has been recommended by many experts in the administration of criminal justice.[29] The Hon. Ferdinand Pecora, Judge of the Supreme Court of New York City and formerly Acting District Attorney of that City, made this significant statement at the United States Attorney General's Conference on Crime:[30]

> "This crime of jury corruption is one which is inherently difficult of legal proof, because it is consummated with the utmost stealth and circumspection. It could, however, be greatly overcome by amending the law so as to make a verdict arrived at by ten out of the twelve members of a jury decisive of the case. It would then be necessary to corrupt at least three members of a jury in order to defeat justice by venal means. It would be virtually impossible to reach out for three jurors who might be potentially corruptible without leaving behind some evidence of their attempted prostitution.
>
> "We accept with equanimity decisions vital to our economic and social well being when made by divided bodies. Business problems arising in our great industrial corporations are determined by a majority vote of boards of directors. Even in our judicial system, questions of vast importance to the common interest may be decided by a bare majority of the judges composing our highest courts of review. And yet, in most of our jurisdictions, we still fatuously insist upon unanimous jury verdicts upon the relatively simple questions of the guilt or innocence of the accused."

This proposal was approved at that conference.

§ 42. Grand Juries

It has been the experience of police departments and District Attorneys time and time again to be confronted by those who possess information regarding organized crime and can successfully defy the efforts of police or the prosecuting officials in their attempts at obtaining disclosures and evidence.[31] When, however, this occurs there is available the special grand jury investigation as a means to compel testimony which is soon respected and feared in the community in which it is invoked.

The power of such grand juries should be enlarged, fortified and strengthened. The law should be amended to permit such special Grand Juries to continue into succeeding terms by order of court with full power to return indictments and not make mere presentments. Courts should have the power to call such bodies either of their own volition or upon request of the District Attorney, or Attorney General in appropriate cases.[32]

We see no reason for a grand jury to consist of so large a number as twenty-three. The trial jury which determines the guilt or innocence of the accused consists of twelve and there is no convincing reason why twice that number should be required merely to establish the charge.

Reduction in size has been recommended[33]—in fact, five members as a minimum up to twelve as a maximum has been proposed as efficient and economical.[34]

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[23] Case 634.

[24] See Section 35.

[25] William B. McClenachan, District Attorney of Delaware County stated: (P. H. 194) "In my experience there never has been a prosecuting officer who brought a prosecution for a personal motive."

[26] Section 3830 of the Revised Statutes of Missouri, 1929, Vol. 1, is as follows: "When County to Pay. When such prosecutions are commenced by a public officer whose duty it is to institute the same, and the defendant is acquitted, the County shall pay the costs; if he is convicted, and unable to pay the costs, the County shall pay all the costs, except such as were incurred on the part of the defendant."

[27] By Professor Edwin R. Keedy of the University of Pennsylvania Law School, P. H. 451-452.

[28] See Appendix G for a suggested draft.

[29] Proceedings of the Attorney General's Conference on Crime, Page 453, American Law Institute, American Bar Association, Association of American Law Schools.

[30] Proceedings of the Attorney General's Conference on Crime, Page 173.

[31] Hon. George Z. Medalie, Attorney General Crime Conference, Page 183.

[32] George W. Norris, President, Philadelphia Criminal Justice Association, (P. H. 492).

[33] P. H. 195.

[34] See P. H. 323, 492, 513.

With this reduced membership, the pay should be increased. Civic responsibility imposes a duty to serve, but in many cases, the prolonged service may make an unfair and unnecessary hardship. Judge Bok[35] commented on this subject at the Public Hearing. He stated:

> "I think we should amend our fee statute so that a special grand juror, instead of being paid three dollars a day, shall be paid five dollars a day. The reason for that is very obvious. A difference of twenty or twenty-five dollars a month is a real difference, especially to a man making seventy-five or eighty dollars a month. Where they meet for a long length of time, day after day, only excluding Sundays, I think the pay of grand jurors should be raised."

It has been proposed in New York that their special grand juries be chosen from a carefully selected special panel.[36] In connection with this proposal, Judge Bok also stated:[37]

> "The general dea of this Act is to make available a certain panel from which the Judge may choose, when faced with a situation such as mine. I mean by that, a certain number of names would be drawn, as any jury is drawn, out of the wheel. I think they provide for about two hundred names in New York out of which the grand jury of twenty-three or twenty-four members is chosen. It is very important in an investigation such as we have throughout the city now to have jurors who are intelligent. I was lucky with my grand jury. I think we have a very intelligent group. That was by chance entirely."

CHAPTER VIII

COURTS

§ 43. Reconsiderations[38]

Investigation discloses numerous cases[39] in which Philadelphia Judges have reconsidered their sentences after the term of court had expired. This practice has been declared illegal by the Appellate Courts.[40] It cannot be claimed that the Judges do this entirely through ignorance. For example, in one case[41] a Common Pleas Judge officially set aside the order of another Common Pleas Judge on the grounds that such other order was a reconsideration made after the term of court had expired.

There are numerous cases in our files[42] in which Philadelphia Judges have reconsidered their sentences within the term of court, which is technically legal. In most of these cases the reconsideration was done quietly, not in open court and with no notice whatever to the parties involved. This practice is made use of by some Judges who impose long sentences on criminals, accompanied by a verbal excoriation. After the private prosecutor and the representatives of the press have left the court room, fully satisfied that justice has been done, the Judge later endorses on the back of the Bill of Indictment "Sentence reconsidered, prisoner discharged." It might be said that even this procedure is technically illegal because our Appellate Courts have held that all judgments must be rendered in open Court,[43] but ordinarily it is impossible to tell from the record whether the reconsideration was made in open court or not.[44] A statute is recommended providing that before a sentence imposed can be changed, that there be a hearing in open court with proper notice to the District Attorney, the arresting officer, private prosecutor and that the reasons for such modification be entered of record. A time limit of ten days should be set.

[35] P. H. 324.
[36] See Exhibit 61—"The Panel"—January, 1938, No. 1.
[37] P. H. 324.
[38] See also Chapter X—Probation, and Chapter XI—Parole.
[39] See Cases 8, 19, 26, 28, 33, 37, 46, 59, 67, 68, 78, 89, 107, 113, 123, 138, 151, 156, 160, 163, 182, 184, 185, 187, 191, 196, 200, 201, 204, 206, 209, 226, 228, 229, 238, 249, 276, 315, 332, 350, 351, 381, 411, 415, 1020, 1208.
[40] 57 Pa. 291, 90 Pa. Super. 416, 88 Pa. Super. 87, 279, Pa. 356, 84 Pa. Super. 224.
[41] Case 1020.
[42] See Cases 10, 49, 91, 156, 351, 410.
[43] 55 Pa. Super. 551, 24 Pa. 182.
[44] See statement of Rev. Louis Wolsey, P. H. 501.

§ 44. Nolo Contendere

Investigation by the Commission discloses several hundred cases[45] in which defendants pleaded nolo contendere and the Courts have adjudged them not guilty and discharged them. This is in violation of the law, since the Appellate Courts have repeatedly held that the plea of nolo contendere is in effect a plea of guilty and the Court is without authority on such plea to determine the guilt or innocence of a defendant and hears the evidence offered only as a means of determining the severity of the sentence to be imposed.[46] The absurdity made possible by such actions is best shown by a flagrant example; a defendant[47] was found guilty by a jury; later the same day the Judge granted a new trial; nevertheless the same day, defendant pleaded nolo contendere and was adjudged not guilty, and discharged. This was not only a violation of the law by the Judge, but particularly impressive since a jury had already found the defendant guilty the same day. It is suggested that the plea of nolo contendere be abolished. It serves no real purpose and only offers a foot-hold for political chicanery.

§ 45. Bonds to Keep the Peace

A practice has grown up among certain judges in Philadelphia in holding in "Bonds to Keep the Peace" defendants who have been acquitted by juries, and in some cases, persons who have not been charged with any criminal offense. The bonds are often fixed at an exhorbitant sum which such persons cannot procure and the effect is to keep men in prison for long periods of time until the judge decides to release them.

The legality of such procedure has never been directly tested in the Appellate Courts, chiefly because of the fact that the victims are not financially able to procure counsel and supply the fees and costs necessary for such procedure; or as we found in one instance,[47] because the judge voluntarily released such person when he learned that an application for a writ of Habeas Corpus was about to be filed.

However, it is the conclusion of many eminent jurists, lawyers, and scholars, that such procedure is clearly unconstitutional and a flagrant and dangerous abuse of judicial power.

It should be noted that there is a legitimate use of the "Security to Keep the Peace" in cases, for example, where threats of violence are made[48] and the bond is fixed in a reasonable sum. But in such cases a charge is preferred, the defendant is given a hearing and he is entitled to all the rights which the Constitution assures him.[49]

While there is little doubt that the practice in question is illegal, it might be well to eliminate all doubt by amending the act and adding a proviso that no such practice be permitted except under the conditions specified therein.

§ 46. Comparison of Sentences

One of the defects in our system of administering justice is the inequality of sentences meted out to offenders. There seems to be no general effort made to apply any rule of reason to determine the severity of the sentence to be imposed. Not only do the sentences imposed by different judges vary considerably for the same offense and the same types of individuals, but frequently a comparison of sentences by the same judge is inconsistent. We find many instances where on the same day the same judge, for the same crimes, gave light sentences or probation to notorious criminals and sent young boys, first offenders, to prison for several years.[51] Such a system is hardly compatible with any moral and intelligent conception of justice; and among prison inmates it creates a real problem.[52]

[45] For examples see Cases 52, 17, 19, 24, 43, 50, 67, 86, 101, 107, 111, 140, 156, 191, 256, 265, 287, 432, 499, 1601, 1608, 1611, 1614.
[46] 264 Pa. 246, 116 Pa. Super. 146, 125 Pa. Super. 154.
[47] Case 114.
[48] Case 501.
[49] Act of 1860, P. L. 427, Section 6.
[50] See statement of A. G. Fraser, Esq., on behalf of the Pennsylvania Prison Society, P. H. 181.
[51] See Cases 52, 57, 106, 186, 213, 278, 296, 329, 351, 447, 448, 449.
[52] See Statement of Herbert Smith, Warden of the Eastern State Penitentiary, P. H. 383.

The Hon. Curtis Bok, President Judge of Common Pleas Court No. 6 of Philadelphia County stated in reference to this subject:[53]

> "At present the trial yields up the story of a crime rather than the story of a person, but it is a person who must be sentenced by a judge who never saw him before, knows little about him except his criminal record, and has only a very limited opportunity to become acquainted. It is now the duty of the judge to say that if a prisoner shall spend an arbitrary number of days, months or years in a certain place he will be a chastened example to others. This is about as pointless as for him to predict that Lemon Hill will become an active volcano at six o'clock tomorrow morning. Hardened criminals are experts at good behavior in prison, and a prisoner sentenced to two years may reach a point of repentance and usefulness in three months and lose it again before his two years are up, or it may take him nine years. Who can tell in advance?"

He then presents his proposal of an indeterminate sentence discussed later in this report[54] and continues:

> "Such a system would solve many questions. It would eliminate the death penalty, as there would be no need for it. It would lessen political pressure on the judges, for their job would be only to see that the accused had a fair trial; the period of incarceration would be in the hands of the prison authorities. It would certainly eliminate the disparity in sentences now caused by the different temperaments of different judges, by temporary states of public excitement over particular offenses, or by the condition of His Honor's digestion and nervous system. It would also tend to eliminate many of the artificial distinctions between crimes, for the amount of sentence would not depend, let us say, upon whether the accused broke and entered or merely entered. The sole purpose of the trial would be to determine whether or not he did what he was charged with doing—a familiar principle of Anglo-Saxon jurisprudence—unmixed with the subjective considerations of hardship, first offenses or natural incompetence which unconsciously sway juries, judges and lawyers; that would be handled later. Justice would be swifter and the trial less a dramatic combat than a truth-eliciting process. The attitude of society toward released prisoners would be far less hostile and would give them more nearly an even break to succeed. The prospect of going to jail would be less like going to hell than to a clinic, and juries and lawyers would react accordingly."

Many other judges, district attorneys, legislators, and scholars are of like opinion.[55]

Our recommendations for correction this situation will be found in a later section.[56]

§ 47. Visiting Judges

Most lawyers in the larger cities are so frantically busy trying to extract an income from business quarrels that they are not interested in reform of the courts. No better illustration of this charge could be found than the continued failure of the bar to overcome legal delays.

In spite of the fact that most courts are bogged down with heavy calendars, many judges have been stretching their long summer vacations, (July and August) to include several weeks in the spring and many extra days at the Thanksgiving, Christmas and Easter seasons. In addition, the law recognizes many days in the year as legal holidays, when courts are closed, such as Sunday; Saturday, after 12:00 noon; New Year's Day, January 1st; Lincoln's Birthday, February 12th; Washington's Birthday, February 22nd; Good Friday; Memorial Day, May 30th; Independence Day, July 4th; Labor Day; Columbus Day, October 12th; Election Day; Armistice Day, November 11th; Christmas Day, December 25th; any day appointed or recommended by the Governor of this State, or the President of the United States for thanksgiving, religious observance, etc.; in the event of a financial crisis, any day appointed by the Governor of this State, or the President of the United States, as a bank holiday; third Tuesday of February; and the following days are designated to be observed, but are not declared to be holidays; Arbor Day, Bird Day, William Penn's Birthday and Free School Day.

Recently in Philadelphia County where there are twenty-one Common Pleas Judges and eleven Municipal Judges, it was found "necessary" to call in an up-State judge to sit in the absence of a regular judge. A local newspaper, irked by the whole proposition made a quiet survey and found that, of the Common Pleas Judges, eleven were in their chambers or on the bench, and that nine were taking southern cruises, were sunning in Florida or on other vacations.

We might add that the real burden of responsibility for making the courts operate efficiently rests upon the lawyers throughout the State, and almost without exception, they have been timid to the point of cowardice in criticizing incompetent judges and correcting inefficient practice.

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[53] P. H. 327-329.

[54] Section 75.

[55] Hon. Paul N. Schaeffer, President Judge Common Pleas Court of Berks County stated: (P. H. 132-134), "I come now to a change that I have recommended for years. I do not think that any Judge or Court or Judges should say how long a man should be sent to a prison. As a member of the Committee of the Pennsylvania Prison Society, I visited one cell in an institution, finding a fellow who was from Reading and whose first name was Jim. I said, "Jim, you have been here before." He said, "Yes, this is my third term." I said, "What are you here for now?" He said "Burglary." I said, "How much did you get?" He said, "Three years." In the next cell from his there was a fellow who was sentenced by a Judge from Montgomery County for burglary for a term of ten years. Here was a man sentenced to a term of ten years, with a wife and four children, and this other fellow got three years. When the fellow who got ten years finally gets out somebody is going to pay, and when he gets out the fellow will be a far more dangerous man than he was at the time he went before the Court. I do not see how any Judge or Judges or sentencing board can tell in advance how long a man ought to stay behind the bars. This is a question to be determined at the time of the application for parole; he is ready then to go out? That is a pretty difficult job to tell then. We send them to the mental hospitals that way, and we send them to the ordinary hospitals that way. What would you say of a doctor who said, "You have the mumps and you have to stay in for six weeks?" The judges have no control over the prison. At Huntingdon they do not fix a time. Commander Pennington and his staff, his clinic, recommend to the Board when a boy should be paroled. At Muncy, Dr. Wilson does that. It works well. We in Berks County never had a girl before the Court again after she was sent there. I think the sentencing authority in a Judge should be limited to not beyond the maximum time fixed by the Legislature for the particular offense, and the local authorities there determine when in the meanwhile, if at all, that fellow should be paroled and upon what conditions. That throws the responsibility upon the institution or the State Board of Corrections to supervise that fellow afterwards.

Senator Harry Shapiro stated: (P. H. 484-485) "I came to the conclusion a long time, having had considerable experience as a District Attorney, that sentencing should be taken away from the Judges entirely. There is no opportunity for a Judge to know just what sentence to impose. The Judge is confirmed by the Act. The Ludlow Act came along and said that your minimum must be half of the maximum. If you want to give a burglar a severe sentence you can give him twenty years, but at the end of ten years he gets out automatically. The Judge doesn't know anything about the prisoner. He sentences today a man for embezzlement in 453, he may give him two years, and for the same thing in other courts he may get five years. Instead of the judge sentencing a man to a determined sentence, he should send him to a certain jail where he belongs, and he should be let out when three things happen; one, when it will be safe for the community to let him out; second, when an example has been shown; and third, whn he has been rehabilitated or can make something of himself. Nobody can tell by looking at a man when it will be safe to let him out, in addition to which, no Judge has the time to devote to determining that question."

John A. Boyle, Assistant District Attorney, Philadelphia County, stated: (P. H. 344-345). "I have had a situation in my practice where in sodomy cases, a line of them, some judges imposed a sentence of two or three years. Another Judge, in an attempt at sodomy, where the gentleman was caught a little too quickly, imposed a sentence of thirty days. There should be some uniformity of sentences. I will agree that in the mass of business that passes through the Criminal Courts in a metropolitan center there must be expedition, it cannot be permitted to pile up, but it does seem to me in the graver crimes, in the major felonies, there should be some system or method whereby there should be more uniformity of sentence. After all, when a prisoner is sentenced and sent to prison, that prisoner who has received a sentence of five years, and then about a week or so later from another court comes another prisoner who has been convicted of substantially the same crime, but who has received a sentence of one and a half to three years or two and a half to four years, there is certainly a resentment in the mind of that first prisoner who has received five years, and the result of that is the creation of a condition which is not conducive to the best discipline in the institution housing the prisoner."

[56] See Section 75.

The spectacle of a so-called "tourist" judge being called in to specially preside in cases where the regularly elected judge wishes to escape an unpleasant duty or even to have a smoking chestnut pulled from the fire without searing his own lily white hands has been too often witnessed.

There is reasonable excuse for calling in outside assistance in the less populous communities but in the main the practice has always been condemned.

We recommend that this abuse of the visiting judge privilege be greatly curtailed.[57] By reason of the increase of six additional judges in Philadelphia County, there appears to be no excuse for the calling in of an outside judge.

CHAPTER IX

PROCEDURE GENERALLY

§ 48. General Statement

The administration of justice is a composite task. To deal with any one offender the efforts of police, prosecutors and judges are necessary. The success of criminal law enforcement depends upon the proper functioning of each one of these agents and upon their harmonious cooperation. Nor is it only upon these agents and the procedures they apply that satisfactory enforcement of the law depends. As an essential branch of government activity, the enforcement of the criminal law reflects the strength and weaknesses of the governmental structure. The composite nature of the task, the interdependence of the agents, the general dependence upon the government have been brought home to us by the American surveys of criminal justice of the past decade. The blame for the breakdown in law enforcement cannot be laid at the door of police without taking into account the subsequent activities of prosecutors and courts. No matter how intelligent police work is, it can be and often has been nullified by corruption, incompetence, or indifference in the prosecuting office. Ineffective prosecution of criminal cases, on the other hand, may be less the fault of the prosecutor than of the inefficient police work or the uncooperative attitude of judges. Yet judges and juries cannot be blamed for failure to convict in a sufficient number of cases, or adequately to sentence offenders unless police and prosecutors have entirely fulfilled their duty in unearthing and presenting evidence in court. If enforcement is unsatisfactory, no assignment of responsibility is fair until it is ascertained whether the fault lies with one or another group of officials or with political interference. The party in power manipulating the machinery of criminal justice for its own ends, or powerful persons using influence for personal profit, do just as much damage in different directions.[58]

We believe that each of these departments is entitled to full cooperation from the Legislature, whose business it should be to give them the best, most modern and efficient tools with which to work. Procedure in law is to these officials, the same as tools to a mechanic or artisan. Many suggestions for improvement have come from these groups. Earnest attention should be given them.

The objection may be made that we have been paying too much attention to minor details. Our experience has shown us that it is the little things in the administration of criminal justice which makes for success or failure. We must plug the small holes and cure the minor defects in order to make major recommendations operate successfully. An illustration comes from the pages of the public press wherein it was stated that not long ago in California, a great, giant, stalwart tree came tumbling to the ground. It was four thousand years old. It was a sizable tree when Columbus landed at San Salvadore. It had been struck by lightning fourteen times. It has braved, undaunted, the storms of four thousand years. It had defied earthquake and hurricane. It had laughed in scorn at the winter's blasts and blizzards, that would have destroyed it. But in the end, the tiny little bettles killed it. They bored under the bark, dug into its heart, ate away its mighty fibre—and one day, down came the lordly king of the forests. It is the little things that make or break us.

§ 49. Records: Orders Not Signed by Judge

In many cases, orders for reconsiderations of sentence, granting of probations and similar formal orders of the Court are endorsed by the Clerk of Court and no memoranda is available to show that the order was in fact made by the Court. This is a very dangerous practice and transfers the judicial power of the Court to the Clerk. In one case there was no record at all of any fine or sentence. The notes of testimony contain a statement by the Court to the defendant "to stand over in the corner for a time while I consider the matter." After the lapse of five years, an entry was made showing final disposition. Actually, he was at liberty on a separate order discharging him from prison, signed by the Clerk. It is clear that this is an improper practice, and is bound to lead to corrupt and improper dispositions. It is suggested that all orders, especially those releasing prisoners from a penal institution, be signed personally by the Court, who has the power to so release him. If the suggested system of "minute books"[59] were in force, this would probably not be necessary.

§ 50. Records: Inaccurate Keeping of

The records kept by the Clerks of Courts are often handled in a careless manner. In many instances the record in one Docket speaks of a parole, in another of a probation on the same Court order. The orders are often so ambiguously worded as to read "Sentence reconsidered, prisoner put on parole."[60] A general elementary rule of law is that " a Court speaks through its records." An orderly, systematic, intelligent method of preparing and handling court records in some of the counties would end the present chaotic condition.

§ 51. Records: Minute Book

We find that a system has developed where most of the official records in criminal cases are made by notations somewhere on the back of the Bill of Indictment, in lieu of being entered in a Clerk's minute book and subsequently entered in the permanent record. This permits records to be changed by unauthorized persons, permits a Judge to call for the Indictment and reconsider a sentence in private, change the sentence, wipe out fines, penitentiary sentences, and generally to nullify a successful prosecution without the knowledge of the Police Department, the private prosecutor or the District Attorney's Office. The Commission recommends legislation which will make it mandatory that all proceedings in criminal cases, of whatever nature and kind, be in open Court, with a representative of the District Attorney's Office present and the record to reveal that fact; requiring the clerk to enter in a minute book all proceedings of the Court, the same to be duly recorded in a permanent record or docket book, properly indexed and available to the public, and further requiring the clerk to furnish detailed information to the State Department of Justice[61] at stated intervals, and specifically providing that no entries may be made on the back of the Indictment or privately in any book or docket as a substitute for an official record, and providing a penalty for failure to observe this law.[62]

§ 52. Records: Receipt of Subpoenas by Police

In connection with the question of the manner in which records are kept, reference is made to the matter of the issuance of subpoenas mentioned in Section 27. It was pointed out that in many counties no complete permanent record is kept as to what subpoenas are actually issued and served. Similarly when subpoenas are served on the Police Department in Philadelphia, no signed receipt is given to the issuing Clerk by the Police Clerk showing what subpoenas he has received. The existing practice is

[57] A statement furnished to this Commission by the Auditor-General discloses that during the year 1936 the Commonwealth paid over $50,000 in extra compensation and expenses to visiting judges. See Exhibit No. 12.

[58] Vol. XXVII, No. 3, Journal of Criminal Law and Criminology, Page 305.

[59] See Section 51.

[60] See Cases 90, 113, 187, 388, 415.

[61] Or to the proposed Judicial Council. See Section 78.

[62] See P. H. 45.

that subpoenas for any member of the Police Department are served upon the Superintendent of Police, who then either forwards same to the District Captain or notifies him thereof. Although a clerk in the Police Department is required to enter in a book the subpoenas received, he takes what subpoenas are handed to him and takes it for granted that those are all that were issued and there is no way of ascertaining whether any subpoenas were held out or not. These subpoenas are usually transmitted to the Police Department in large numbers at a time, and it is possible for one or more to be omitted even accidentally unless some such receipt is furnished and careful check made. Our files contain cases in which Clerks insisted that subpoenas were issued, but the officers stated that they had never received same. A political "fixer" could use his efforts at several points down the line, and there would be no way of proving at what point the subpoenas were "lost."

It is suggested that it be made mandatory that some type of official record be kept, consisting of a receipt to be signed personally by as many persons as the subpoenas pass through in going from the issuing clerk down through the Police Department to the individual officer. With such a system the absence of a signed receipt anywhere down the line would be definite evidence as to how far that particular subpoena had gone.

This procedure may appear cumbersome, but it will promote long run economy when we consider the cost to the County of every prisoner apprehended, confined, and brought to trial, and then discharged owing to the absence of a material witness.

It might also be advisable to have a clerk check the names of all Commonwealth witnesses on the morning of the trial to ascertain whether or not they are present in court before a case is called. At present, in Philadelphia, there is a police clerk assigned to each criminal court room whose sole duty is to have with him the criminal records of all defendants on trial for that day in that court room, to submit to the Court in the event of a conviction. The duty of checking the presence of the witnesses might well be assigned to such officer without any additional cost to the County.

§ 53. Records: Notes of Testimony

We have at times been seriously handicapped in our investigation by the fact that in many cases no notes of testimony were taken by a court reporter. It is significant that particularly in those cases in which it was suspected that there were irregularities did we find this to be true. It is recommended that an Act of Assembly or rule of court make it mandatory that notes of testimony be taken in every criminal case, in every probabtion or parole hearing, or on every hearing for reconsideration of sentence, and that these notes shall be filed as part of the official records of the case; these notes to be transcribed upon good cause shown by order of the Court. This is particularly necessary in the larger communities.

The Commission believes that this will serve to avoid considerable improper maneuvering, and will also be of great value in the event any question is raised in reference to the handling of the same. Parole boards and officers have urged that this transcript be furnished for their use.[63]

§ 54. Clerks of Courts: Fines Paid But Marked Remitted

In connection with Section 49, referring to the practice of having decrees signed by a Clerk, orders for remission of fines are often shown only by a Clerk's notation and not signed by the Judge. This is a temptation for dishonest practices, since it is perfectly simple for a Clerk to pocket the money paid as fines and mark the docket remitted. There are some cases in our files[64] in which defendants testified before this Commission that they paid their fines and left the Court room and forgot all about the matter. Nevertheless, the record discloses that the fines were later ordered remitted and there is no evidence anywhere as to the receipt of the fine money. It would seem that someone unlawfully converted this fund. It might be well to point out here that the matter of imposition and remission of fines is a great field for political juggling. For example,[65] testimony before the Commission disclosed that a politician-committeeman arranged to have a defendant's fine remitted in return for which the defendant was to vote as the committeeman requested.

§ 55. Clerks of Courts: Certification of Conviction for Drunken Driving

Investigation by the Commission discloses that certifying to Harrisburg of convictions for driving while intoxicated, as required by law, is irregular and inefficient. There are several cases in the Commission's files in which such convictions were not certified.[66] It might be noted that in the course of this investigation, mistakes were also found to exist in the Harrisburg office. One case in particular[67] disclosed general inefficiency all around. The defendant's testimony before this Commission was to the effect that after he had been sentenced to prison, several others who had been convicted of the same offense recieved notices of revocation of their licenses, but he did not. After he had served his sentence, he returned home at the time when the license period was about to expire and found an application awaiting him for his new license. He was so surprised that he himself wrote to Harrisburg and called attention to the fact that he had been convicted and inquired as to the permissibility of obtaining a new license. He received in reply a letter stating that there had been no official notice of his conviction and he was therefore at liberty to obtain a new license.

We recommend that legislation be enacted empowering the Department of Revenue to formulate a uniform system of forms and procedure for certifying such convictions, and requiring the Clerks to adhere thereto.

§ 56. Simplification of Indictments

We are writing indictments today in the language of pre-Revolutionary times.[68] The language is archaic and confusing.[69] An indictment is in reality an information to the accused, and should be written in plain, understandable language. This could be accomplished by an Act of Assembly modifying the present law requiring them to be written in substantially the language of the statutes defining the offense. A suggested draft may be found in the Appendix.[70]

§ 57. Waiver of Indictment

Under the present law[71] the accused has the privilege of waiving an indictment only if he is willing to enter a plea of guilty. District Attorneys have stated to this Commission that they frequently are confronted with cases in which defendants do not wish to plead guilty but are willing to waive the indictment. Much as the District Attorneys would like to follow such procedure and bring the case to trial with dispatch, their hands are tied and

[63] Commander John D. Pennington stated: (P. H. 84) "It would be very helpful to us at Huntingdon in working out our program and in understanding and getting a proper understanding of the boy, if we have notes of testimony in the cases. . . . I would recommend unhesitatingly that the notes of testimony in every case of a man or boy committed to a penal institution be furnished the institution." Also see P. H. 97. See statement of A. G. Fraser of the Pennsylvania Prison Society (P. H. 187), who recommends that complete stenographic records of court proceedings be taken in all cases of felony.

[64] See Cases 2, 43, 80, 141.

[65] Case 327.

[66] See Cases 1277, 1278, 1279, 1280, 1282, 1789.

[67] See Case 1789.

[68] Earl Jay Gratz, formerly Assistant District Attorney of Philadelphia, Philadelphia Bar Association Address, March 10, 1937.

[69] The Criminal and His Allies, Kavanaugh, page 156.

[70] Appendix E, adapted from the Model Code by Professor Edwin R. Keedy. See statement of the Hon. Curtis Bok, President Judge of the Court of Common Pleas No. 6 of Philadelphia County, P. H. 334.

[71] Act of 1907, P. L. 62.

they are compelled to wait until the matter can be presented to a Grand Jury. We recommend that the law be amended so as to allow a waiver of indictment irrespective of whether the accused pleads guilty or not guilty. Such an amendment deprives no one of any rights yet allows the defendant an opportunity to have his case disposed of expeditiously. With the law so amended, a defendant could also waive a jury trial[72] should he so desire, and have his case heard and disposed of by a judge within, perhaps, a day or two after his arrest.

§ 58. Advance Specifications of Defense (Alibi, Insanity, etc.)

In a criminal case the pleadings tell nothing, and at the appropriate moment the defendant with a perjured defense has his choice of a crops of insanity experts, alibi witnesses who will testify that he was in another locality at the time of the offense, friends who will assert he acted in self-defense, was entrapped into committing the crime, that he labored under mistake or ignorance of law or fact, that he was an infant, coerced, intoxicated, immune from prosecution, or otherwise justified. The prosecution flounders in the dark. There is a last minute futile attempt to collect rebuttal evidence. Reasonable doubt has been raised. An acquittal follows, and the books on trial tactics have another illustration on how to "beat the case" through surprise.[73]

Why should not a defendant be required either to state his defense in writing at the time of arraignment in clear and concise language, or what would seem more practicable in most cases, present an oral titular designation of such defense, either as a special plea or as a specification under the plea of "not guilty?"[74]

Eight jurisdictions[75] require the defendant to give advance notice of an insanity defense; at least two jurisdictions[76] make the same requirement with reference to alibi, while Scottish law[77] extends the requirement to alibi, insanity, that defendant was asleep and that the crime was committed by another person named.

Several years ago the Michigan Crime Commission waged a successful campaign for the adoption of a statute requiring the defendant who proposed to offer alibi evidence, to give notice of that intention, and his whereabouts, at least four days before trial, to the prosecuting attorney.[78] Many defense lawyers, both before and after its passage, bitterly opposed the measure which has since survived attack and been at least inferentially sustained by the Michigan Supreme Court.[79] Says Harry S. Toy, Prosecuting Attorney of Wayne County (Detroit):[80]

> "The great increase in convictions where alibis have been offered since the passage of the act is attributed by police and prosecuting officials to the statutory notice given them, which permits an inquiry into the alleged facts of the alibi prior to trial and the refutation and destruction of a false alibi."

As the Michigan law now operates, prejury has been materially checked:

> "Instances have arisen where an alibi has been offered as a defense after notice given under the Alibi Act and the police and prosecuting officials have been able to prove that the alibi witnesses committed perjury. Several perjury convictions have resulted on that score in Detroit . . . Prosecuting and police officials of this County are firmly convinced that the present Michigan Alibi and Insanity Defense Law is a step in the right direction and that it prevents many miscarriages of justice."[81]

The Criminal Law Committee of the Ohio State Bar Association drafted an alibi defense statute containing virtually the same language as the Michigan statute, and secured its enactment.[82] Previously there had been many abuses of the alibi defense.[83]

The extent to which some defendants will go with a prejured defense is illustrated by the case of Hymie Martin a notorious gunman who when arrested in Pittsburgh for a murder committed in Cleveland secured a writ of habeas corpus and at the hearing produced alibi witnesses who testified that he was in Pittsburgh on the night in question. Disbelieving the witnesses the court refused to release the suspect and he was extradited to Ohio where he was indicted. He served notice required by the Ohio alibi law in which, to the amazement of all, he stated that on the night of the murder he was in Akron, Ohio.[84]

Under the Ohio law, the popularity of the alibi defense waned. Criminals found that an alibi defense refuted in open court was worse than no defense at all. The requirement of advance notice robbed this defense of its most valuable quality, i. e., the surprise element. All this was apparent two months after the enactment of the law, according to Miss Leona Marie Esch, Operating Director of the Cleveland Association for Criminal Justice.[85]

The Ohio Supreme Court, in a case not directly presenting constitutional questions,[86] upheld the lower court which had refused to admit evidence of alibi in the absence of an advance specification.[87]

The Attorney General's office has recommended to the federal Congress the adoption of such a statute.

Under both the Michigan and Ohio statutes, alibi is not raised by a separate plea, but by specification under the general issue. Both statutes provide that in the event defendant fails to submit advance notice, the court may in its discretion exclude alibi evidence. This grant of discretion seems a wise insertion both from the standpoint of the prosecution and the accused. Without such a penalty the requirement of the special plea would be a most ineffective gesture.[88] While the cases will be rare in

[72] Act of 1935. P. L. 319.

[73] Vol. XX. American Bar Association Journal. Page 436.

[74] See: Millar, "The Function of Criminal Pleading," (1922) 12 J. Crim. L. 500; Millar, "The Modernization of Criminal Procedure," (1920), 11 J. Crim. L. 344; Millar, "Reform of Criminal Pleading in Illinois," (1917) 8 J. Crim. L. 337 at 359; Millar, "The Statutory Notice of Alibi," (1934) 24 J. Crim. L. 849.

[75] Alabama, California, Colorado, Indiana, Michigan, Ohio, Washington and Wisconsin.

[76] Michigan and Ohio.

[77] Keedy, "Criminal Procedure in Scotland," (1913) 3 J. Crim. L. 728, at 751; Wood and Renton, Criminal Procedure, pages 73, 319.

[78] Mich. Comp. Laws (1929) Pars. 17313, 17314: "Whenever a defendant in a criminal case not cognizable by a justice of the peace shall propose to offer in his defense testimony to establish an alibi on behalf of the defendant or the insanity of such defendant either at the time of the alleged offense or at the time of trial, such defendant shall at the time of arraignment or within ten (10) days thereafter but not less than four (4) days before the trial, of such cause file and serve upon the prosecuting attorney in such cause a notice in writing of his intention to claim such defense and in cases of a claimed alibi such notice shall include specific information as to the place at which the accused claims to have been at the time of the alleged offense. "Same: effect of failure to file notice. In the event of the failure of a defendant to file the written notice prescribed in the preceding section, the court may in its discretion exclude evidence offered by such defendant for the purpose of establishing an alibi or the insanity of such defendant as set forth in the preceding section."

[79] People v. Marcus, 253 Mich., 410, 235 N. W. 202 (1931). See also People v. Miller, 250 Mich. 72. 229 N. W. 475 (1930); People v. Wudarski, 253 Mich. 83. 234 N. W. 157 (1931).

[80] (1931) 9 The Panel 52.

[81] That perjury would be reduced under such a law was one of the strongest arguments leading to the enactment. See Millar, "The Modernization of Criminal Procedure," supra, note 7, page 350.

[82] Ohio Gen. Code (1931) Par. 13444-20. The notice under this statute must be given not less than THREE days before trial.

[83] "No matter how carefully witnesses were subpoenaed, no matter how thoroughly their memories were tested, no matter how accurately their statements were reduced to writing, no matter how painstakingly the state prepared the case, alibi witnesses would pop up in the courtroom to prove that the defendant was not on the East side but on the West side of the city, or in Chicago, or New York, or somewhere else but NEVER ON THE SCENE OF THE CRIME at the time of its commission." Esch, "Ohio's New 'Alibi Defense' Law," (1931) 9 The Panel 42.

[84] Ibid, Page 43.

[85] Ibid, page 42.

[86] State v. Nooks, 123 Ohio St. 190, 174 N. E. 743 (1930). See also State v. Thayer, 124 Ohio St. 1, 176 N. E. 656 (1931).

[87] The defendant was indicted for larceny and "offered a witness during the trial, for the purpose of proving an alibi. The state objected as no written notice had been given, pursuant to the [alibi] statute, and the objection was sustained. The court of appeals then reversed the judgment, holding the testimony to be competent regardless of the statute, as it tended to disprove the truth of the state's witness, but the supreme court reversed the appellate court and affirmed the decision of the trial court, saying: 'To hold that there was an abuse of discretion under this record is to deprive section 13444-20 of any force and effect, as it is difficult to conceive how any alibi testimony in a criminal case would not tend to disprove the testimony offered by the state upon the point of the whereabouts of the accused at the time and place of the commission of the offense'."—Chamblin "Failure to Plead Insanity as a Defense," (1932) 6 Cinn. L. Rev. 313, at 316.

[88] New York and Nebraska provide for special pleas of insanity, but notwithstanding, permit insanity evidence to be offered under the general issue.

which the court should permit proof of an unannounced alibi, occasionally a defendant will be called upon in a tardy prosecution, to recall and substantiate his presence at a given place on a night some years previous. When such a case arises the discretion may be exercised so as not to penalize a defendant who has not had time to refresh his memory.[89]

With such unsolved fundamental problems in the insanity field as the basis for criminal responsibility, the inadequacy of insanity tests, the need for the creation of agencies for pre-trial psychiatric examinations, and the ultimate disposition of the mentally unsound, only the most superficial surface-scratching can be accomplished by tinkering with such purely mechanical innovations as the special plea of insanity. Our contribution is rendered all the more slight when it is realized that, contrary to popular opinion, the insanity defense is raised in comparatively few cases.[90]

However, by requiring advance notice of intention to present an insanity defense, some of the surprise element will be eliminated and feigned insanity may be discouraged. California statistics indcate that such a requirement will not necessarily result in fewer such pleas[91] although that has apparently been the result in Michigan.[92]

In Alabama,[93] California,[94] Ohio,[95] Washington,[96] Wisconsin,[97] and Indiana,[98] the defense of insanity at the time of the offense must be raised by a special plea, and unless it is so raised, no evidence of insanity may be presented at the trial. Louisiana had a similar statute, but in 1932 the section of the Code containing the provision for a special plea was amended and re-enacted omitting any reference to such a plea.[99]

In Colorado[1] and Michigan[2] insanity must be raised by a specification under the general issue. Unless so raised it cannot be shown under "not guilty" in the former state, and may be excluded by the judge in the latter.

In New York[3] and Nebraska[4] the defendant may make a special plea of insanity, but evidence of insanity is nevertheless admissible under the general issue,[5] a rather impotent provision, it would seem.

While three other states, Maine,[6] Maryland,[7] and New Hampshire,[8] make no requirement with reference to special pleas in insanity cases, their statutes appear to contemplate such pleas, and such pleas would not be rejected as they have been in other states.[9]

The Code of Criminal Procedure of the American Law Institute contains a provision, similar to that in Michigan and Colorado requiring a specification in advance of trial.[10] And the Missouri Crime Survey[11] and the Wickersham Commission[12] contain recommendations approving such a statute.

§ 59. Comment on Failure of Defendant to Testify

The Pennsylvania Bar Association[13] recommends that the rules of procedure be amended, permitting both Court and counsel to comment to the jury on the failure of the defendant in a criminal case to testify in his own behalf. This recommendation is considered the better procedure by many experts in the field of criminal administration.[14] We recommend this for your consideration.

§ 60. Proof of Prior Convictions to Affect Credibility

Most States allow evidence of prior convictions to be introduced to impeach the credibility of any witness or of the defendant in the event that he sees fit to take the witness stand in his own behalf. It is recommended that the law on this subject be clarified so that no doubt will exist as to the rule involved.[15]

§ 61. Segregation of Witnesses

In many states, by statute, or rule of court, and in others by the common law, witnesses may be withdrawn from a court room during the trial. It is not always conducive to honest testimony for one witness to hear the testimony of witnesses who precede him. The power to segregate witnesses should be discretionary with the Judge on his own motion and a matter of right on the application of either party. This is a matter which could be cured by Rule of Court.[16]

§ 62. Impeachment of Witnesses

It is recommended that the law of evidence relating to the matter of impeachment of witnesses be modified by expanding the right of both the prosecution and defense to impeach their own witnesses for giving testimony which is inconsistent with previous statements. This recommendation received a general discussion and approval during the Attorney General's Crime Conference in Washington. It has also been approved by the American Bar Association and is the law in most states.

§ 63. Retention of Evidence

There should be a definite rule as to who should be the custodian of all physical evidence obtained before the trial of a case. Many discrepancies were found in this matter. In one case, the committing Magistrate retained possession of documentary evidence. In another case a Judge retained possession of certain firearms. Sometimes the evidence is held by the District Attorney's office and sometimes by the police officers or the local enforcement agency, whichever it may be. It is recommended that provisions be made that a definite person conducted with the District Attorney's office receive all such evidence, who shall give a receipt therefor, and who shall catalog, index and be responsible for all such property. In this connection it might be well to consider legislation specifically on the question of firearms and providing that after such firearms have been used in evidence and the case is in final judgment, and the firearms have no further use as evidence, that they should be destroyed. The Commission has been informed by police officers that there are cases, to their knowledge, where, after a homicide trial, they dis-

[89] See Appendix H for suggested draft. Also see statements of William B. McClenachan, Esq., District Attorney of Delaware County (P.H. 191-193), Frederick B. Smillie, Esq., District Attorney of Montgomery County (P. H. 294), John A Boyle, Esq., Asst. District Attorney of Philadelphia County (P H. 352).

[90] "The Illinois Crime Survey, page 213, states that the number of defendants found insane by juries in the various municipalities and counties covered by the survey vary from less than 1 per 1000 cases to 1.5; and that 'the insanity defense has great publicity in a few homicide cases and creates the impression that a large number escape in that way.' On page 757 there are more detailed statistics of Cook County, showing in four years a total of only 11 findings of insanity in murder cases and 40 in all cases. . . . The California . . . report discloses (page 37) that in 8,336 cases there were 98 pleas of insanity, or a little over one per cent, and that of these 98 only 13 were successful, and in a majority of these the district attorney either stipulated that the defendant was insane or the experts called by the state testified that the defendant was insane." Bettman, Criminal Justice Surveys Analysis, Vol. 4; Report of The Wickersham Commission, page 129, 130. See also Section 65.

[91] Report of the California Crime Commission. (1931) page 35.

[92] (1931) 9 The Panel 52.

[93] Ala. Code (Michie, 1928) par. 4573.

[94] Cal. Pen. Code (Deering, 1931) par 1016.

[95] Ohio Gen. Code 1930, par. 123440-2.

[96] Wash. Comp. Stat. (Remington, 1922) par. 2174.

[97] Wis. Stat. (1931) par. 357. 11 (1).

[98] Ind. Ann Stat. (Burns, 1926) par. 2231. Insanity however is admissible in mitigation, though not pleaded. Hopkins v. State, 180 Ind. 293, 102 N. E. 351 (1913).

[99] La. Code Crim. Proc. art. 267; State v. Harville, 170 La. 991, 129 So. 612 (1930); amended by Act 136 La. Reg Sess. 1932, page 449.

[1] Colo. Laws 1927 c. 90, par. 1.

[2] Mich. Com. Laws (1929) pars. 17313, 17314.

[3] N. Y. Code Crim. Proc. par. 336; Gilbert's Pen Code and Crim. Law Ann. 1933.

[4] Neb. Comp. Stat. (1929) pars. 29-2204.

[5] Ostrander v. People, 28 Hun. 38 (1882); People v. Joyce, 233 N Y. 61. 134 N. E. 836 (1922).

[6] Me. Rev. Stat. (1930) c. 149, par. 1.

[7] Md. Ann. Code art. 59, par 6, as amended Laws 1931, c. 436, page 1108.

[8] N. H. Pub. Laws 1926, c. 369, par. 2.

[9] State v. Branton, 33 Ore. 533, 556; 56 Pac. 267 (1899).

[10] A. L. I. Model Code Crim. Proc. par. 265.

[11] Mo. Crime Survey, pages 371-373.

[12] Report, Wickersham Commission, vol. 8, page 34.

[13] See Report Vol. XLII. Also see P. H. 341, Statement of John A. Boyle, Esq., Assistant District Attorney, Philadelphia.

[14] Attorney General's Conference on Crime, page 454; American Bar Association; Association of American Law Schools.

[15] See Appendix J for a suggested draft of such a law. See statement of John A. Boyle, Esq., Assistant District Attorney of Philadelphia County, P. H. 337. (Representative Achterman does not concur in this opinion.)

[16] See statement of M. J. S. Stoney, Esq., P. H. 404, and of Vincent A. Carroll, Esq., Assistant District Attorney of Philadelphia County. P. H. 516 See also article by R. Allen Stephens, Esq., Philadelphia Legal Intelligencer, March 3, 1938.

covered that other persons have subsequently been killed by the same weapon.

§ 64. Compulsory Process by District Attorney

District Attorneys have complained to the Commission[17] of their difficulty in properly preparing their cases when Commonwealth witnesses fail to appear in their offices prior to the trial.

Consideration should be given to the advisability of legislation which will give the District Attorney compulsory process to bring in Commonwealth witnesses for questioning prior to trial.[18]

§ 65. Expert Testimony

It has been suggested that the whole system whereby a defendant employs and pays for medical opinion in the courts is wrong and should be abolished; that a defendant should have no more right to pick his medical expert than he has to pick the policeman who arrests him or the judge who presides at his trial;[19] and that it is an absurdity, on the question of the sanity of the defendant to have a jury of laymen unassisted by disinterested witnesses, decide beyond a reasonable doubt, a dispute between doctors.[20]

The idea of having disinterested qualified experts appointed by the court to decide this question was approved by the American Bar Association many years ago.[21]

Many states have recognized the value of this suggestion and have passed various acts to bring this about.[22]

We recommend some similar provision in our basic law. We believe, however, that both the defense and Commonwealth should retain their right to call additional expert witnesses.[23]

§ 66. Verdicts to be in Writing

It is recommended that verdicts in criminal cases should be reduced to writing, signed by the foreman of the jury and filed as part of the record in the case.

§ 67. Jurisdiction in Bastardy Cases

District Attorneys have recommended to the Commission that the law be amended in reference to the venue in cases where the fornication occurrs in one County and a child is born in another. Under the present law, each matter must be separately disposed of in the particular County in which it takes place.

We recommend for consideration the enactment of legislation which will give either County jurisdiction as to both matters.[24]

§ 68. Dying Declarations in Abortion Cases

District Attorneys have complained to the Commission of the difficulty of obtaining convictions on the strength of dying declarations in abortion cases because of the decision in 82 Superior Court, 355, interpreting Act of 1895, P. L. 367.

We recommend for serious consideration the broadening of the term "corroboration" in this respect.[25]

CHAPTER X

PROBATION

§ 69. General Statement

In some of our counties, separate probation service has been provided for different courts. A consolidated probation department in each of such counties would unquestionably be better. From it would come more uniformity, higher standards of work, greater economy and more effective administration. We recommend legislation enabling any county to consolidate its probation service into one unit.

In Rhode Island, Utah, Vermont and Wisconsin, and several other states,[26] probation is regarded as a state function and paid for out of state funds. In New York State, the only responsibility for probation that the state has assumed is through the activities of the State Department of Probation with a professional staff of five and the State Probation Commission, an unpaid Commission with seven members. That staff has attempted to persuade local authorities to establish local probation service, has made studies of existing services, and has tried to raise the standards by conducting training courses for probation officers as well as in many other ways.

We were interested in improving the Probation administration in this Commonwealth and invited the Hon. Charles L. Chute, Executive Director of the National Probation Association to appear at the Public Hearings[27] and suggest a plan for Pennsylvania. He stated there were three general probation plans in practice at this time:[28] (1) The Local Plan, the system now in use in this State; (2) The State Plan, is entirely state-administered and controlled; (3) The Mixed Plan, is where the state government, through a board of commissioners or a department, supervises and to some extent directs the work of the personnel and methods of probation in the local courts.

He further stated:

> "But in States where the system has developed on the other basis, as a local function in the courts, where the courts have been given the power to appoint a board of probation officers and where the county and city authorities are given the power to fix the salaries to be paid for that work, we have recommended the mixed plan, with a State supervisory plan. That is a plan that I think is adapted to Pennsylvania, not attempting to take probation entirely out of the courts' hands and have it administered by a State board or a State staff, as is done in Rhode Island, Wisconsin and in the Middle West in seven states which have adopted that system—seven Middle West States adopted that system last year to 1937. The tendency has been in that direction. But in the States where the probation is already established as a local function, I would leave it there. I would establish a small State division or bureau or board of probation to supervise the work of probation and set up standards and rules, and to have control over the probation officers.
>
> "Now, that, gentlemen, would be the thing that you would be most concerned with. That is the plan and that is the method which would be the best one for developing probation and improving it in the State of Pennsylvania."

Probation is everywhere accepted as a necessary and proper part of our system of criminal justice; it is here to stay.[29] With improved administration it is destined to play a much larger part in the correctional system of tomorrow.

Better facilities for the administration of probation and parole are being developed more rapidly than for many years.[30] In state after state the realization is become manifest that good probation and parole service is worth paying for, and must be paid for to make it worth having. The only ambitious attempt to organize volunteer service has been that of Texas where the men's service clubs, at the request of the Governor, enlisted committees of three to ten men in the larger counties to supervise parolees.

[17] See P. H. 192.
[18] See statement of George W. Norris, Esq., President of the Criminal Justice Association, P. H. 491.
[19] Dr. Foster Kennedy, Journal of the American Medical Association, February 26, 1938, page 634.
[20] Editorial, Philadelphia Inquirer, March 16, 1938
[21] American Bar Association Meeting in December, 1926.
[22] Massachusetts requires the appointment of three alienists, and the admission of their report as evidence; Williams, The Insanity Plea.
[23] See Appendix L for suggested draft of such law. Also see Singer, Insanity and the Law; Mercier, Criminal Responsibility; Kavanaugh, Criminal and His Allies, page 84.
[24] See Exhbit 9.
[25] See Exhibit 9 for a suggested draft of amendment.
[26] P. H. 148.
[27] P. H. 143-173.
[28] P. H. 147.
[29] See Exhibit 4, Report of J. C. Coulter, Probation Officer, Allegheny County; also Exhibit 91, Report of E. M. Hackney, Probation Officer, Philadelphia County.
[30] See article by Francis H. Hiller, Field Director, National Probation Association in "Coping with Crime," 1937 Year Book, National Probation Association, page 79.

But after a year's experience these committees, though they had been able to accomplish much in securing employment for parolees, have concluded that full time paid officers are necessary, and they are supporting legislative proposals to that end.

In the states studied by the National Probation Association[31] it seems to be the nearly unanimous opinion that adequate probation service can be provided only through the participation of the state government. In several of them provision has been made during the past year for such participation. In most of these states it has seemed best to combine parole service with probation, setting up a combination state department of adult probation and parole. Such a service has been set up in Kentucky in the State Welfare Department, with a state director of probation and parole and a probation-parole officer for each of the thirty-seven judicial districts, appointed under an examination system and paid by the State. In Utah the State Board of Corrections has been authorized to establish a department of adult probation and parole with a director and field staff selected by competitive examination. In Arkansas lack of funds prevented the establishment of an entirely separate staff, but a state director of adult probation and parole has been appointed by the State Penal Board, and one of the state police force in each judicial circuit is to be designated as the probation-parole officer, under the supervision of the state director. In Vermont a greatly increased appropriation has been made for the probation and parole work of the State Welfare Department; a director and six full time officers are to be employed. Similar state services are being organized in Tennessee and are under consideration in Oregon. In North Carolina, also, a state not included in the PIRA surveys, there is now being established a department of adult probation with a director and staff to be appointed and paid by the state.

§ 70. Probation by Courts

Some of our courts overlook the fact that there is a statute specifically defining the conditions under which a Court is permitted to grant probation.[32] This Act provides that probation shall not be allowed to any defendant convicted of certain specified crimes of a more serious nature.[33] We find many cases in which this prohibition is disregarded.[34] The Act further provides that probation is not permitted when the defendant has previously been in prison for crime either in this State or elsewhere. But many Courts also ignore this provision.[35] The Act further provides that probation is to be granted only where the "Court believes that the character of the defendant and the circumstances of the case such that he or she is not likely again to engage in an offensive course of conduct, and that the public good does not demand or require that the defendant should serve the penalty imposed by law." This provision is also ignored by many Judges. We find that in a large number of cases notorious criminals with serious records are arrested time and time again and are continually placed on probation.[36] As an illustration, we cite one case where the defendant had a long record of arrests, which repeatedly resulted in probations and discharges and while at liberty on the last probation, he murdered a police officer.[37] It should be noted that the granting of probation, is probation in name only. There is no regular supervision whatever over those who receive suspended sentences and are placed on probation. Frequently defendants who are at liberty on probation are again arrested and convicted of other crimes, and no effort is made to revoke their previous probation.[38] As a matter of fact, there seems to be no regular check made to determine whether or not the defendant was on probation at the time of his subsequent arrest. This is largely due to lack of personnel in the Probation offices. It is ridiculous to expect any one person to attempt supervision of this character over two hundred to a thousand probationers. This is what they are now expected to do in some of the large communities.

The violations referred to in this Section are not based so much upon the inadequacy of the law as upon the acts of individual judges in disregarding the law. In some instances Judges do this for what appears to be an entirely proper purpose. It is recommended, however, that the Probation Act be amended to forbid the discharge of prisoners on probation in all cases in which there has been a prior conviction for any crime.

Fingerprinting of all persons convicted would enable the Court to ascertain their true record before granting probation. This should be a mandatory part of the procedure.

In Allegheny County the Courts have inaugurated a splendid system of handling probation cases. They require the fingerprint records to be forwarded to the Federal Bureau of Investigation at Washington for the purpose of checking.[39]

§ 71. Behavior Clinic.

Every court called upon to pass sentence upon defendants and then to deprive them of their liberty or restrain them in the exercise of it has been confronted with the lack of sufficient facts regarding the various individuals to enable a proper discharge of that responsibility.[40]

It has been the opinion of many Judges,[41] District Attorneys and many others, experienced in this field, that the administration of criminal law has been out of line with the general scientific advancement in medicine, psychology, psychiatry and other fields of scientific endeavor.[42]

It was with this idea in mind that many of the larger cities in the United States have sought the medical and psychiatric approach to a solution of the crime problem.[43] These methods have been called "Behavior Clinics," "Classification Clinics," "Medical Clinics," "Guidance Institutes" and other similar names and have been established and operated with excellent results in New York, Chicago, Boston, Baltimore, St. Louis, Milwaukee, Pittsburgh,[44] Reading and other large cities. The experience of these clinics may well be used as a guide in considering the subject from a legislative standpoint.

Pennsylvania's first clinic was established by the Hon. Paul N. Schaeffer, President Judge of the Common Pleas Court of Berks County.

Judge Schaeffer appeared before the Commission at a session of its public hearings.[45] Summarized, he stated that the "Guidance Institute," as it is called, was established ten years ago; at first with a psychologist, case workers, and stenographers; some help from the psychiatrist at the Wernersville State Hospital; finally their own psychiatrists. The doctor and probation officers were appointed merely under the Act authorizing the courts to name the probation officers and directing their duties.

Prior to 1938 the annual cost was fifteen hundred dol-

[31] Ibid. Page 80. See also Exhibit 77.
[32] Act of 1909, P. L. 495.
[33] Murder, administering poison, kidnapping, incest, sodomy, rape, assault with intent to rape, arson, or burglary of an inhabited dwelling house.
[34] See Cases 8, 89, 106, 107, 152, 250, 276, 401, 472.
[35] See Cases 4, 18, 26, 29, 73, 77, 89, 90, 103, 112, 114, 115, 141, 156, 162, 182, 194, 250, 252, 262, 315, 374, 391, 405, 472.
[36] See Cases 29, 78, 89, 106, 260, 374, 432.
[37] See Cases 260, 374, 432
[38] See Cases 4, 66, 67, 78, 89, 152, 162, 206, 410.

[39] See Statement of Hon. Ralph H. Smith, Judge Common Pleas Court, Allegheny County, Exhibit 7; also P. H. 10; Exhibit 4, Exhibit 6.
[40] Exhibit 2, Exhibit 7. Also See American Bar Association Journal Vol. XXI, No. 5, Page 271; in the matter of sorting out mentally defective persons, the so-called Briggs Law of Massachusetts seems to have met with great success. Under this law every defendant who has been indicted by the grand jury for a capital offense or arrested more than once for the same offense or who has been convicted of a felony, must be examined by the department of mental diseases. If he is found insane, he is sent to an institution. If he is found not insane, and is put on trial, the prosecution may call as witnesses the examiners of the department who examined the defendant. It is interesting to note that about 20% of all persons examined were found insane. "Archives of Neurology and Psychiatry," Vol. 34, No 2, "Society Transactions," Philadelphia Psychiatric Society.
[41] See statement of Judge Bok, Section 76 (P. H. 333). See also P. H. 12.
[42] Exhibit 2A, Page 9.
[43] This system is used by the Federal Government See testimony of Dr. Nathaniel S. Yawger, P. H. 264. See also "Coping with Crime" 1937 Year Book, National Probation Association, Page 286.
[44] P. H. 12. Judge Ralph H. Smith. See Also Vol. 84, Pittsburgh Legal Journal, Nos. 27, 28, 29, 30, 31.
[45] P. H. 123-141.

lars; this year the court increased the budget to twenty-five hundred dollars. The Institute is now staffed by a trained psychiatrist, by psychologists, by trained psychiatric social workers and a stenographer, and two young college graduates with two years of social case work. This institution continually aids the court and is constantly working on cases.

As to the duties imposed upon this institute, and results obtained, he further stated:[46]

> "We have a parole system with a special staff in our county of four adult parole officers . . . dealing with adults exclusively. We hold a Sentence Court twice a month. Before we impose sentence we insist upon receiving a report from the parole officer, upon the defendant's prior criminal history, his employment record, his full social record, meaning his psychiatric record, the family record and other records, with a statement of the offense itself. We find there are officers who cannot make more than two such investigations a day. It is a big job to do that. He must see the defendant's side of the story, he must see the parents, he must see the employer, he must get the school record and often contact the minister. That is handed up in typewritten form to us, given to us about twenty-four hours before court so that we judges may have a chance to look over it. . . . I think the system is effective, and I think it has great value. I think it has paid for itself many times over."

After Judge Ralph H. Smith of the Common Pleas Court of Allegheny County had presided over the criminal court of that County for several months, he realized the need of such a clinic whose findings would be available to the sentencing judge. On April 30, 1936, he appointed some twenty-six outstanding lawyers, physicians, psychiatrists and educators as a committee to determine the advisability of establishing such a clinic. In due time the committee reported favorably with definite recommendations. Public approval was instantaneous. Orders were then made by the court to carry out the recommendations. The Allegheny County Behavior Clinic is now in successful operation and all under the existing law. Apparently it has found favor with all of the judges of that court.

The complete story of its organization and operation was related to the Commission at Public Hearings conducted in Pittsburgh.[47] Judge Smith and many others who assisted in creating this clinic appeared and testified. A number of statements, letters and charts were furnished and offered as exhibits for our record.[48]

A similar clinical procedure has been established in the Pennsylvania Industrial School with Dr. Arthur Phillips as Senior Psychologist and Director.[49]

The Municipal Court in Philadelphia which has a limited criminal jurisdiction (murder, manslaughter, treason, burglary, etc., excepted) [50] has established a medical department, with an unpaid medical advisory board consisting of seven physicians and psychiatrists.[51] This board was created for the purpose of supervising the medical department and passing upon applicants for appointment. The medical director is employed full time with one specialist in children's disaeses, one ophthalmologist, and four women physicians, one a specialist in laboratory work and in charge of the court's laboratory, and three doing special and gynecological work. The work of the physicians is aided by thirteen full-time nurses.[52]

This medical department is used almost exclusively for the juvenile, domestic relations and women's misdemeanants divisions.

William Drayton, Jr., M.D., psychiatrist of this department states:

> "Of late, a few of the judges in the criminal courts of Philadelphia, have asked for psychiatric examinations of men and women who have pleaded or have been found guilty before imposing sentence. The judges realizing that something was peculiar in the character make-up of the individuals, have been anxious to find out just what was wrong and have asked advice as to the appropriate type of sentence."[53]

Dr. Drayton also expressed the opinion that if a similar clinic be established in Philadelphia County that it should be added to the already established clinic in the Municipal Court, which would be a great saving in expense. He stated:[54]

> "If we had more psychiatrists, more psychologists and more investigators, I do not think the thing could be done any better elsewhere. I think that one or two psychiatrists should be added, one or two psychologists, and perhaps five or ten investigators. Then if the Criminal Courts find this is a good plan, that it should be gradually increased until we have a large central clinic for all of the Courts in the City of Philadelphia."

On October 6, 1937, the House of Delegates of the Medical Society of the State of Pennsylvania adopted a resolution advocating the establishment of psychiatric services to assist Criminal Courts in the disposition of offenders. We deem it of sufficient importance to set it out in full in the footnotes.[55]

A number of physicians and psychiatrists appeared before the Commission at the Public Hearings[56] and expressed their views on the subject.

Shippen Lewis, Esq., of the Philadelphia Bar and Chairman of the Committee on Criminal Justice of the Philadelphia Bar Association stated that while the plan seemed good, the Bar Association as yet had taken no definite action; that his committee felt, ". . . it is a worthwhile experiment to start in a small way, and if it goes well to extend it. . . . You cannot force it on the Judges, you can persuade them to try it. It is very much better to have the Judges want it than to force it on them."[57]

While we have given the local clinics considerable attention we believe the basic principle may well be carried

[46] P. H. 127.
[47] See P. H. 1-65.
[48] Exhibits 2, 3, 4 and 7.
[49] P. H. 77, 99 et. seq.
[50] Report of Municipal Court of Philadelphia, 1936.
[51] Ibid. Page 345.
[52] Ibid. Page 346.
[53] Ibid. Page 421.
[54] P. H. 268
[55] See Exhibit 50-A, which reads: "Whereas: There exists today in the commonwealth a public dissatisfaction with the system of parole, and

Whereas, It is believed by organized medicine that there exists an obligation on the part of the medical profession to share in the contemporary problems of priminal justice and penal affairs, and to make available its knowledge to the court and penal institutions, and

Whereas, Psychiatry, a branch of medical science, is rendering a valuable contribution in the disposition of offenders in other jurisdictions and in the criminal courts of Allegheny and Berks counties and in the Municipal Court of Philadelphia, and

Whereas, The proper segregation of offenders, the adequate treatment and prevention programs for the rehabilitable prison group, and the effective parole scrutiny in the commonwealth, can not be accomplished without statewide participation of psychiatry, and

Whereas, the American Bar Association has recognized the need for psychiatric participation in the disposition of criminal offenders and in the policy of parole and probation, and has passed resolutions in advocacy of such participation, and the American Psychiatric Association and American Medical Association have approved of such resolutions; therefore be it

Resolved, (a) That there be established psychiatric services to assist the criminal courts of the commonwealth in the disposition of criminal offenders;

(b) That there be established an adequate psychiatric service in every penal and correctional institution in the commonwealth;

(c) That there be a psychiatric examination and report of every prisoner convicted of a felony before he is paroled or commuted; and be it further

Resolved, That there be created a special committee of our State Medical Society for the purpose of studying ways and means of promoting the above resolution; and be it further

Resolved, That copies of the above resolution be conveyed to the Governor of the Commonwealth, the Attorney General, the Secretary of Welfare, to the proper authorities of the several judicial districts of Pennsylvania, to the Chancellor of the State and Philadelphia Bar Association, and to the Board of Trustees of the State Medical Society."

[56] Dr. Camilla M. Anderson, Dr. Frederick S. Baldi, Dr. A. Baron, Dr. Earl D. Bond, Dr. William Drayton, Jr., Dr. Philip P. Ferguson, Dr. Samuel B. Hadden, Dr. James M. Henninger, Dr. Samuel Leopold, Dr. S. D. Ludlum, Dr. Edward E. Mayer, Dr. Arthur Phillips, Dr. Philip Q. Roche, Dr. William G. Turnbull, Dr. Nathaniel S. Yawger.

These physicians represented inter alia, the Philadelphia County Medical Society, Philadelphia Bar Association, Municipal Court, Behavior Clinic of Allegheny County, Juvenile Court of Allegheny County, Pennsylvania Industrial School, Pennsylvania Hospital Institute, Philadelphia County Prison Board, Philadelphia General Hospital, Mental Hygiene Committee of Public Charities Association.

[57] P. H. 272-274.

out on a more comprehensive plan in the state correctional institutions. If the prison administration has a sufficient staff of experts, such as psychiatrists, psychologists, social workers, and a vocational teacher, it can give to the parole board a systematic analysis of each man and can interpret the findings of the board, which then can make an intelligent decision regarding present or future parole.[58]

We believe that the scientific approach to the problem of crime has received general favorable comment and has been obtaining excellent results in the various jurisdictions where established. While the clinics in this state connected with the criminal courts have been created under the existing law, controversies have already arisen. Ample authority appears to exist for the creation and maintenance of these clinics under the present law.[59] Nevertheless, we recommend a clarification of the situation, so that clinics may be established in the larger centers of population if the courts in those communities desire to avail themselves of its advisory function.

Most certainly no prisoner in a state penal institution should be released until the paroling power has had the benefit of the report of these experts.[60]

We further recommend legislation which will permit smaller counties to use the service of the clinic attached to the state penal institutions, or to permit these counties to consolidate their efforts in a district clinic to be maintained by the counties joining in such consolidation.

Since these clinics at the outset will not be sufficiently large to examine all cases, we are of the opinion that the following classes of cases should be given preference:

1. First Offenders.
2. Obviously Mental Cases.
3. Defendants in Sex Offenses.[61]
4. Alcoholic and Narcotic Cases.

We are convinced that many persons make their first appearance in the criminal court because of some mental defect or disorder, which, if scientifically detected, may be properly treated and corrected. As a result, the individual may be saved from a career of crime. Thus society will have restored to it as a law-abiding citizen, an individual who might otherwise have become a burden and a charge upon the community.

Sex crimes invariably result from some mental aberration. Such cases call for special scientific consideration, not only to attempt to reclaim the individual, if possible, but also to prevent him becoming a contaminating influence to society.[62]

CHAPTER XI

PAROLE

§ 72. Parole by Courts

In the matter of granting paroles, some of the Judges pay as little attention to the law as do the recipients of their paroles. The Act of Assembly states clearly and definitely under what circumstances a judge may grant parole. In many instances this law is disregarded entirely. We find numerous cases in which a parole was granted and no parole petition was filed,[63] no notice was given to the District Attorney's Office,[64] no notice was given to the private prosecutor,[65] no definite date was set for a hearing,[66] the ten-day rule was disregarded,[67] no proof of service was presented.[68]

In addition, the Rules of Quarter Sessions Court (Philadelphia) specify additional requirements which are ignored. We find numerous cases in which a parole was granted and the petition did not include the prisoner's criminal record and other details required by the Rules of Court;[69] there was no hearing in open Court,[70] the hearing was held by one Judge instead of two, no notice was given to the Director of Public Safety, no notice was posted a tthe District Attorneq's Office, no notes of testimony were taken.[71]

There are several cases in which all the requirements are violated.[72] An example is the "mail order" parole.[73] A visiting Judge imposed a sentence and returned to his home county. There he received a letter from the defendant's lawyer requesting a parole. The Judge then wrote to the Parole Officer stating that he had forgotten the facts in the case but "if you think he should be paroled, do so, and sign my name to the parole order." The Parole Officer wrote an order on the back of the Bill of Indictment, mailed it to the Judge, who signed it and mailed it back.

There is no attempt made to maintain any regular supervision over paroled criminals. This situation becomes even more absurd in cases in which the defendants are subsequently arrested for crimes committed while on parole and are re-sentenced and very frequently put on probation, or granted parole without any attempt being made to revoke the prior parole and very often without any knowledge whatever of such prior parole.

The basic theory underlying the principle of parole is the belief that the defendant has been sufficiently punished, has learned a salutary lesson and that he will not again engage in a course of criminal conduct. That this idea is wholly disregarded is evident from the fact that many Courts continually parole notorious criminals. As an example, we find a case[74] in which the defendant was paroled on his thirtieth arrest. This man's record finally ended with the murder of a police officer.

§ 73. Notice to the District Attorney

In a number of cases[75] in which paroles were granted, notations appear on the Bills if Indictments, or other records, which read "Ten Days' Notice Waived" and signed by one of the Assistant District Attorneys. This clearly indicates that the District Attorney's Office is fully cognizant of the rule. Moreover, the ten days' notice is only waived in those cases where there is not a full ten days before the hearing and even though the District Attorney were permitted to waive his ten days' notice he certainly has no authority to prejudice the rights of the private prosecutor who is, under the same statute, entitled to the full ten days.

§ 74. Local Parole Board

In order to eliminate many of these evils, and to eliminate as far as possible any charge of political chicanery in the granting of paroles from local institutions, it is suggested that in the larger counties the power of parole be taken away from the individual Judge and given exclusively to a local Parole Board. We feel that a large majority of the Judges would be pleased to be relieved of this burdensome duty. On this Board there should be a representation of Judges, a representative of the District Attorney, possibly a representative of the Superintendent of the County Prison and such other persons as shall be deemed advisable; or perhaps a board composed entirely of laymen with a representation of medical experts. It should be mandatory that all petitions for parole be submitted to this Board, that the hearings and proceedings of the Board should be public, and held in a certain designated place at stated times, and stenographic notes should be taken and transcribed of all the proceedings. The law creating such a Board should specify over what types of crimes the Board shall have jurisdiction, should provide for proper notice to the parties interested, for such other

[58] Book of the States, 1937, Book 2, Page 16.
[59] Act of June 19, 1911, P. L. 1055, Sec. 3, as amended by the Act of June 21, 1919, P. L. 569, Sec. 1; See Exhibit 2-A, page 26.
[60] This situation emphasizes the importance of the indeterminate sentence; See Section 75
[61] For a full discussion of sex offenses see Exhibit 71, Conference of Welfare Council, New York City.
[62] This section should also be considered in connection with Section 46 and Section 75.
[63] See Cases 3, 37, 209.
[64] See Cases 3, 37, 47, 184, 201, 209.
[65] See Cases 3, 13, 15, 21, 31, 37, 64, 103, 140, 171, 184, 185, 191, 192, 209, 230, 256, 332, 364, 381, 405, 416.
[66] See Cases 3, 37, 185, 209, 332, 381
[67] See Cases 3, 12, 15, 34, 37, 64, 72, 74, 100, 105, 109, 111, 144, 184, 185, 196, 201, 218, 238, 256, 273, 292, 332, 364, 366, 381, 405, 416.
[68] See Cases 3, 15, 37, 79, 243, 274, 332, 381.
[69] See Cases 3, 12, 39, 105.
[70] See Cases 3, 37, 209, 332, 381.
[71] See Cases 3, 37, 332, 381.
[72] See Cases 3, 33, 37, 185, 200, 238, 332, 381.
[73] Case 33.
[74] Case 237.
[75] See Cases 34, 72, 109, 111, 144, 196, 218, 364, 366.

matters in connection therewith which may be considered convenient and proper.[76]

§ 75. State Parole

Throughout the country the public conscience has revolted at the crimes committed by felons with a parole or pardon in one hand and a smoking pistol in the other.[77] This has tended to throw the parole system, indeed even the theory of parole, into public disrepute. It is only too true that one crime committed by a pardoned or paroled convict can do more to prejudice the public mind than the perfect record of five hundred exemplary parolees can do to arouse favor for the institution of parole.[78]

This condition has resulted in building up two schools of public thought—one represented by many respected and sincere public officials and citizens who feel that probation and parole should not be granted under any circumstances; the other by many other prominent men and women, as well as law-enforcement officials and judges throughout the country who believe in the theory or principle that the object of punishment is not only to suppress crime by incarceration behind prison walls, but to reform the offender as well, and if possible, to suppress crime by making an investment in humanity.

The confusion existing in the minds of the public and representatives of the press regarding probation and parole and their failure to distinguish the difference between the two methods of treating offenders convicted of a violation of the law, have resulted in instances in which parole is charged with failures that properly belong to the probation system.

Probation, like parole, is an effective method of treating selected types of offenders. No attempt is made to defend parole by minimizing the effectiveness of probation. The press and the public, however, should be acquainted with the fact that probation and parole are not synonymous terms, but that they represent two separate and distinct systems for treating delinquents and criminals.[79]

Probation is the method of supervising in the community, convicted offenders instead of incarcerating them in penal or corrective institutions. If individuals placed on probation violate the conditions of probation, they may be committed to a correctional institution.[80]

Parole is the supervision in the community of a convicted offender after he has served part of the sentence imposed by the court in a reformatory or a state prison or a county penal institution. In this Comminwealth parole may be granted by the sentencing court to those offenders sentenced to county penal institutions.

The administration of probation is a local matter. The number of probation officers serving in the courts of a county or city, depends upon the local fiscal authorities. Individuals who have been convicted of crime are placed on probation by local judges who make the decision that the individual should be given an opportunity to readjust in the community under supervision, instead of being incarcerated in a correctional institution. The responsibility for the administration of probation and of parolees from county institutions under the present system belongs to the local judge.

While we have no mandate to investigate the State Parole System, and Your Excellency has appointed a special body to study this subject, we feel we should make available for consideration the material gathered during the scope of our work which inevitably led to the paroling of persons convicted of crime and allied subjects.[81] The Commission does wish, however, to record its opinion that these suggestions be considered in any changes or reforms of our present parole system.

One of the glaring defects of the entire parole situation today is that of inadequate personnel. The vast majority of states do not have a sufficient staff with which to maintain a well-balanced parole system. Analyzing the findings of the Prison Association[82] it is revealed that 191 parole officers supervise 46,613 parolees, or that on an average, each officer has a case load of slightly over 244 persons.

A report[83] submitted by the Senior Field Agent of District No. 1 of the Pennsylvania State Parole Department which district includes the counties of Berks, Bucks, Chester, Delaware, Lehigh, Montgomery, Northampton and Philadelphia, disclosed that ten agents supervised 1589 parolees and in addition to their Pennsylvania cases, supervised 217 parolees from other states with which Pennsylvania has reciprocal agreements. This situation is also true in the other districts. The report also indicates that the case load per agent at the end of 1937 would be 200. This does not permit effective work. Influencing human behavior is a difficult and time-consuming process. To do the job right, there must be a sufficient number of properly trained parole officers. We recommend adequate personnel.

The three subjects of Parole, Penal Institutions and Sentencing Power are so closely allied that they should receive joint consideration.

The effectiveness of our penal institutions as instruments of crime control is very materially affected by the method of sentencing.[84] The validity of the indeterminate sentence in principle is well established. The exact date on which any given offender should be released from confinement, with due regard for the protection of society and the increase of the prospects of his rehabilitation, is actually indeterminate. It cannot be determined accurately by even the wisest persons, five, ten or more years in advance. It is on this fact that the principle of the indeterminate sentence is based with a lower and an upper limit. Within these limits, on the basis of a more complete study[85] of the individual rather than can be made at the time of trial and in the light of the institution record and current attitude of the offender, the proper release data can be determined with more accuracy than is possible at the time of conviction and sentence.

Many states have enacted indeterminate sentence laws and have credited full-time boards of parole to consider the facts surrounding each individual as a basis for release.[86]

We recommend for your consideration that sentences to county jails be limited to a maximum of two years, and that all others to be incarcerated be sent direct to state institutions, without any minimum or maximum time specified except, of course, that the maximum cannot be greater than that provided for in the Act defining the crime; that a board of prison terms and paroles be created of perhaps five members who would serve full time with adequate compensation and their appointment made by the Governor, and so staggered, so that at least one would be appointed by the succeeding Governor.[87] It is our suggestion that the general procedure be similar to that now used at the Pennsylvania Industrial School.

It would probably be necessary to amend the Ludlow Act to conform to the principles herein expressed.

[76] See Appendix C for a suggested draft of a law for such Parole Board. Also see P. H. 495, statement of Rev. Louis Wolsey. In connection with this Chapter there should also be considered Section 71.

[77] See Exhibit 75, a compilation of 320 editorials from newspapers throughout this Commonwealth and the United States

[78] Governor James V. Allred, of Texas, in "Parole in the Southwest."

[79] See Annual Report, Division of Parole, State of New York.

[80] See Sections 69 and 71.

[81] See Exhibits 3, 5, 16, 17, 18, 20, 22, 23, 26, 30, 32, 35, 42, 51, 52, 55, 62, 64, 75, 90.

[82] 91st Annual Report, The Prison Association of New York. "The following table, based on replies received from 133 different institutions (including prisons, reformatories and juvenile industrial schools.:

42 institutions had no parole officers for a total of 12,182 parolees. 36 institutions had one parole officer each or a total of 36 officers for 8,566 parolees. 14 institutions had two parole officers each or a total of 28 officers for 2,407 parolees. 10 institutions had three parole officers each or a total of 30 officers for 3,593 parolees. 5 institutions had four parole officers each or a total of 20 officers for 6,881 parolees. 4 institutions had five parole officers each or a total of 20 officers for 1,112 parolees. 2 institutions had six parole officers each or a total of 12 officers for 1,540 parolees. 4 institutions had seven parole officers each or a total of 28 officers for 3,962 parolees. 1 institution had eight parole officers or a total of 8 officers for 222 parolees. 1 institution had nine parole officers or a total of 9 officers for 6,148 parolees."

[83] See Exhibit 59, Parts 1, 2 and 3.

[84] See Exhibit 28. Statement of Governor A. E. Smith on "Sentencing Board."

[85] See Section 71.

[86] See survey reported in 91st Annual Report of the Prison Association of New York. The states include Arizona, California, (District of Columbia), Indiana, Louisiana, Maine, Michigan, Massachusetts, Nebraska, Nevada, New York, Oregon, South Carolina etc.

[87] In connection with this subject see Section 46. Also see P. H. 327.

We believe an indeterminate sentence law should be enacted which would give such parole board the power to fix and determine and redetermine what length of time persons sentenced to be imprisoned in a state institution should be imprisoned and to allow, suspend, revoke, forfeit and again allow prisoners to go upon parole outside the prison buildings and enclosures.

We believe that parole officers should be selected because of definite qualifications as to character, ability and primarily with regard for their capacity and ability for influencing human behavior; that they should be men and women likely to exercise a strong and helpful influence upon persons placed under their supervision.[88]

We believe that this system with adequate personnel for parole supervision, and increased clinical study of the individual will enable society to more effectively restrain the recidivist and sex moron and at the same time permit rehabilitation in those who are worthy.[89]

CHAPTER XII

PENAL INSTITUTIONS

§ 76. Penal Institutions Generally

In the fight to control crime, penal and correctional institutions should have two functions; one is to hold in safe custody persons who are a menace to society when free, the other is to bring about the reclamation to law-abiding life of the largest possible percentage of the delinquents and criminals committed to their charge. Practically all of those now serving sentences in our institutions will be free again in less than ten years. A majority in five years or less. It is, therefore, not enough that our jails, prisons and reformatories be merely secure cages for those who break the law. It is axiomatic that they must somehow accomplish the reformation or rehabilitation of a substantial number of their prisoners, if they are to give society anything but temporary protection.

This Commonwealth has made a huge investment in its penal and correctional institutions and their maintenance places a heavy annual burden on the taxpayer. Every effort should be made to attack crime effectively at its roots. By spending a dollar for crime prevention we may eventually save one hundred dollars for prison costs. A wise and carefully controlled extension of probation and parole will save human lives as well as tax-dollars. But however effectively we may work to prevent crime or to deal with delinquents outside of prison walls, we shall presumably always require institutions for a large number of offenders. It therefore behooves us to operate them efficiently and effectively, so that we shall get from our investment the highest possible returns in criminals diverted from further criminal acts.

We were not empowered to act in reference to penal institutions. However, since the penal system is an integral part of the criminal justice administration, we invited several experts who have conducted extended research and surveys in this field to present their findings and recommendations to the Commission. Their testimony will be found at length in the record of the public hearings.

The Pennsylvania Committee on Penal Affairs conducted an extensive survey and study of the Eastern State Penitentiary and the Philadelphia County Prisons, covering a period of ten years. Studies of probation and parole by county courts were made in eleven counties, and studies of county prisons were made in thirteen counties.

Many charts and graphs were prepared, showing the present organization of state correctional services and statistical data, valuable and necessary for study of this subject.[90]

Leon T. Stern, Esq., Secretary of that Committee, appeared before this Commission and outlined their findings of fact together with their specific recommendations based thereon.[91] Those recommendations were as follows:

A. DEPARTMENT OF CORRECTIONS.

The creation of a State Department of Correction, with a Secretary as member of the Governor's Cabinet, is reccommended to administer all the prisons and the investigation and supervision of parolees, to control standards of county jails and probation services in the counties, to develop training courses for prison, probation and parole personnel, and to certify qualified persons for appointment in the prison, probation and parole services.

1. The Department should administer:
   (a) state prisons
   (b) state reformatories
   (c) regional state prison farms
   (d) prison and reformatory prison labor systems
   (e) educational systems in the institutions.
2. The Department should conduct investigations of prospective parolees for the proposed State Parole Board, and supervise all parolees to whom parole has been granted by the State Parole Board.
3. The Department should control standards of:
   (a) county probation service
   (b) county jails
4. The Department should certify prospective personnel who have been tested and qualified for positions in the county probation service, local prisons, state prison and parole services and professional personnel employed in the department of correction, state prisons, probation and parole services.
5. The Department should conduct training courses and institutes for employees in the prisons, reformatories, parole and probation services.

B. PRISONS AND REFORMATORIES.

1. Sentence all offenders serving maximum sentences of two years and minimum sentences of one year to the State prisons.
2. Establish regional prison farms for misdemeanants and short term offenders. They should be completely under State control and they should not be farms operated by a county or a combination of counties.
3. Turn the county jails into places of detention for those awaiting trial.[92] No convicted offenders should be sent to the county jails.
4. The State should pay for all prisoners who should be committed to the State prison or who are committed to the State regional prison farm.
5. If long term offenders are sentenced to the county prison due to overcrowding of the State prisons or for any other reason, the State should pay for their care and control standards of care.
6. Combine the Allegheny County Workhouse and the Allegheny County prison under one administration.
7. Combine the House of Correction and the Philadelphia County Prison under one administration.

C. SERVICES IN PRISONS AND REFORMATORIES.

1. Require each prison or reformatory to have a psychiatrist.
2. Case work service in the institutions should be maintained and strengthened. It should be directly related to prison treatment, parole and all forms of discharge.

D. TRAINING COURSES.

1. Conduct training courses and institutes for employees in the prisons, reformatories, parole and probation services.

A. G. Frazer, Esq., Executive Secretary of the Pennsylvania Prison Society also appeared before the Commission and presented recommendations made following a study made by that Society.[93] That Society is committed to the following recommendations:[94]

I. The adoption of Commander Pennington's Ten-Year Program in full, including:

[88] See Exhibit 53, page 16, Ch. 824, Laws N. Y., 1930, Sec. 117.
[89] See Section 71. Also see P. H. 188, 290, 359, 377, 425, 483, 489.
[90] Exhibits 44A, 44B, 44C, and 44D.
[91] P. H. 206-229.
[92] Philadelphia should have a separate house of detention (See Section 77.)
[93] P. H. 174-189.
[94] Exhibit 43.

1. The creation of a State Department of Correction to embrace all the correctional services. This would provide:
   (a) Unified control and an integration of the various treatment services, particularly that of prison and parole.
   (b) Supervision of parole services preferably through a commission or board attached to the Department; parole selection to be the responsibility of the institution management with the advice of the clinic and subject to approval by the board or commission.
   (c) Some supervisory power over probation for purposes of establishing uniform standards.
1. Classification clinics in all state institutions.
   3. Adoption of the indeterminate sentence.
   4. Adoption of a merit system of appointment and an in-service training program in all correctional services.
   5. Abolition of the county jail and the substitution of state regional farms.

II. The establishment of a separate house of detention in Philadelphia.[95]

III. Removal of the power of parole from the courts and vesting it under the authority of the State in the institution to which the offender is committed.

IV. Abolition of the county jail and substitution of state regional farms. As this cannot be achieved at once there should be legislation enacted making all sentences of one year or more to penal institutions state prison offenses. This would at once make the clinical service already established in the state institutions available for classification and parole planning purposes.

V. Legislation making the state financially responsible for all state prisoners.

VI. Further extension and development of the state's plan for classification by institutions. This includes the plan for the new industrial school at Cumberland Valley, for an institution for delinquents at Huntingdon, and a possible extension at Muncy to accommodate the female prisoners now confined in the county jails.

VII. To relieve present prison congestion the state should establish mobile prison camps for minimum security types of prisoners. These prisoners could be employed in state reforestation projects and similar enterprises.

VIII. Extension of prison labor so that all prisoners may be employed. We believe this may be accomplished through a limited extension of trade training facilities, organizing the so-called housekeeping services of the institutions on a training basis, and by development of farm colonies and prison camps.

IX. Philadelphia County Prisons. In order to promote efficiency and eliminate duplication of services, there should be consolidation of the Philadelphia County Prisons and the House of Correction. and the establishment of a classification and case work unit to the end that all three institutions may provide differentiated service and that there may be adequate parole planning.

Commander John D. Pennington, former Secretary of Welfare of Pennsylvania and now General Superintendent of the Pennsylvania Industrial School at Huntingdon, likewise appeared before the Commission and presented his recommendations based upon his experience:[96]

"To recapitulate, I am urging as prime requisites for a comprehensive penal program for the Commonwealth: First, Centralized Control of State-owned penal institutions. Against the positive arguments already developed, there is only one objection that has been raised that merits consideration. It is argued by many that centralized control is undemocratic and that it destroys local rule. This argument overlooks completely that penal institutions are state institutions. They are not local institutions. They are supported by the taxpayers of the entire state and are a part of the state-wide penal system. Management and control of spearate state institutions to be coordinated with a statewide system and be effective, should not be under the control of local boards of Trustees. The fact that the local communities where they are placed do profit economically by their location should never be construed to mean that they are subject to the attitudes and sentiments of the locality that are likely to be provincial.

"Furthermore, this objection is based upon a misunderstanding of American democracy. Our democracy began, it is true, with the New England Town Meeting, but as the system showed its weakness in the clash of local interests, American democracy became representative democracy. It stands for government by chosen representatives. It cannot be gainsaid that that the Governor of the Commonwealth is more responsive to the collective judgment of state-wide sentiment and opinion than any other individual in the state. Placing the penal institutions under the control and management of the Secretary of Welfare in direct line with the Governor of the Commonwealth truly conforms with representative democracy. Such a system would be more responsive to the sentiment of the Commonwealth than control of separate institutions by locally minded Boards of Trustees.

"Like sentiment could be secured and its value conserved if Boards of Trustees were placed by Boards of Visitors with authority to make the fullest investigations at all times and report their findings to the Governor of the Commonwealth.

"Second, Coordination of Prison and Parole Services under One Agency of the State. This suggestion is so obviously demanded for the safety and the security of the people of the Commonwealth that it is difficult to see how its adoption can be longer delayed. The break in the treatment of prisoners—the division of responsibility between two state agencies each of which has authority at different points in the program cannot be justified by anyone who takes an objective point of view, seeing the situation without prejudice.

"Third, A Centralized Classification Clinic. This would provide the Department of Welfare with an instrumentality for the execution of the entire program in a scientific, careful manner. These prisoners are humans and humans differ. Proper classification will not only expedite the entire program, but will prove economical in that prisoners will receive the type and degree of training for which they are adapted and the treatment that their specific personality problems require.

"Fourth, The Extension of the Indeterminate Sentence. Sentences should be indeterminately short and indeterminately long. A prisoner should be submitted to parole only if and when he is prepared for an adequately controlled adjustment effort. Some few, should never be paroled. Others receive irreparable damage by retention in prison when the time for conditional release has arrived.

"Release should never be granted on 'the pound of flesh' principle, but solely on the ground of successful rehabilitation effort on the part of the prisoner. The convicted man is punished enough only when he is no longer a menace to the safety and security of the law abiding. Precisely when this moment arrives cannot be determined in advance of treatment and training, and the individual's response. The duration of punishment should be adjusted and adjustable to the prisoner's progress and development in social attitudes and ideals.

"The theory of making 'the punishment fit the crime' has resulted in fine distinctions as to degree of guilt and punishment, and opened the way for arrested individuals to bargain for the degree of the crime to which they are willing to plead guilty. It is conservatively estimated that 70% of all men received in 1931 at the penal institutions of the state of New York were not convicted by juries, but accepted pleas of guilty to lesser offenses than that for which they

[95] See Section 77.
[96] P. H. 74-98.

were indicted. Inequalities in sentences for the same crime result. The clever criminal who is wise to the loop-holes of the law profits most. Such injustices and inequalities will be defeated by the indeterminate sentence when duration of custody is determined not by the lesser plea, nor even by the crime, but by the criminal himself and his preparedness for a life of relative freedom.

"Fifth, The Merit System and the Training School. No penal system, in the last analysis, is stronger or more effective than the men who manage and direct its program and those who execute it, both professional and custodial personnel, whether serving in the institution or aiding prisoners to adjust to free society when paroled. No machine can be more effective than the men who run it. Those familiar with the merit system and its workings in other states are unanimously in its favor. They declare that the one argument used against it, i. e., the inability to remove ineffective individuals, is specious and false.

"Sixth, the Coordination of County and State Penal Institutions in a Unified System. The county jail system should be displaced by regional industrial farms. Prisoners are placed in county jails for short terms who should be sent to the state penal institutions for longer periods of treatment and training. County jails have no facilities for classification, segregation, training and treatment or controlled adjustment to society upon release. A comprehensive penal program demands that the entire prison population of the state should be submitted to rehabilitative influences."[97]

The Hon. Paul N. Schaeffer, President Judge of the Common Pleas Court of Berks County, testified:[98] "We need an intelligent prison program. . . . I emphatically endorse Commander Pennington's program. . . . We need a Department of Correction . . . I like the Classification Board. I would not have a State Classification Board. I think it should be connected with the institutions. . . . Have a Department of Correction with a Board of Control in office for eight years, one appointed each year. There should be a fulltime scientific board."

Dr. Samuel B. Hadden, a member of the Philadelphia County Medical Committee, said:[99] ". . . I will heartily endorse . . . the need of more intermediate types of institutions for the criminal who is criminal because of a mental defect, yet is not sufficiently mentally ill to be confined in a hospital for the criminal insane."

Dr. Frederick S. Baldi, Director of the Medical Department of the Philadelphia County Prison Board, said:[1] ". . . We do not possess in this state what I always wanted, a model institution for mental defectives, for the want of a better name. . . ."

At the request of the Commission, the Hon. Curtis Bok, President Judge of Common Pleas Court No. 6 of Philadelphia, appeared and testified at the Public Hearings in reference to this subject as follows:[2]

"My program in brief is this: . . . The adoption of Commander Pennington's recommendations, looking to a unified state penal system of maximum, medium and minimum institutions. I would modify the Commander's thought only as to their underlying character. He believes that they should be penal, whereas I am convinced they should be educational. The diagnostic depots mentioned in his plan should have the discretionary power to release outright or on parole, certain classes of prisoners—that is, those convicted of a stated group of minor offenses, or those who because of youth, first offenses or extenuating circumstances, do not require prison observation and treatment. The prisons should be widely equipped to discover and develop each prisoner's ability, to teach him a trade and to maintain such contacts with the outside world as to provide him with a job when he is discharged. Each prisoner should be observed by a group or board representing physical, psychiatric and social points of view and released only when in their opinion he is fit to take his place in society. The discipline of the prisons should be exacting but not deadening, so that he may lead there as nearly a normal life as possible.

"The creation of the indeterminate sentence in order to allow the prisons to carry out the treatment above outlined and in order to place the prisoner's liberty in the hands of those who are in the best rather than the worst position to observe and pass upon his development. In short, it would be the province of the courts to determine whether he committed the crime. It would be the province of the prisons to determine why he committed it and to correct him.

"I see nothing in this plan which is not capable of realization within five or ten years at most. It should be introduced as a whole. If, however, public opinion is not prepared for the indeterminate sentence, Commander Pennington's system of prisons could be established under the present method of sentencing. I believe it would soon prove that the other is a proper and necessary part of the whole problem of handling crime and criminals. If the present method of sentencing is to be retained, the criminal courts should certainly be equipped with a staff of physicians, psychiatrists and social workers competent to give the judge in each guilty case an intelligent idea of the person he is sentencing and of his background and psychological motives for committing the crime. The Voluntary Defender provides a good example of this in the cases he handles. The Behavior Clinic which has been urged in Pittsburgh is another example of an intelligent effort to make the judge something more than a trapshooter firing in the dark.

"This is perhaps a long-term method and costly process. It is one that cannot be established overnight, but it is something I think we can grow to."

We submit these opinions for your consideration. That a general overhauling of our present penal system is needed is evidenced by the unusual interest in this entire subject shown by those who participated in the Public Hearings.

§ 77. HOUSE OF DETENTION (PHILADELPHIA COUNTY)

Sound penology requires, and an increasingly well informed public opinion is demanding, the segregation of first offenders from the time of their commitment pending trial until the time of their final release. This is in accord with sound psychological practice and would do much toward furthering the cause of rehabilitation among this class of offenders.[3]

In both Allegheny County and Philadelphia County[4] this has been a major problem for many years. This subject is discussed at length in a preceding section.

In Philadelphia County, Moyamensing Prison is used as a House of Detention. In it you will find the drunks, the disorderly characters, Federal prisoners, long-term offenders, short termers, the convicted, the untried, the sex criminals, the recidivists, and worst of all the youths of tender age who have been sentenced to the Industrial School at Huntingdon.[5]

[97] See statement of Thomas A. Meryweather, Director of the Crime Prevention Association of Philadelphia. P. H. 502.
[98] P. H. 123-143
[99] P. H. 231.
[1] P. H. 275.
[2] P. H. 331-333.

[3] Exhibit 2B, Page 15.
[4] See Statement of Capt. Thomas J. Hanley of the Crime Prevention Bureau, Philadelphia Police Department. (P. H 318).
[5] Leon T. Stern, Esq., of the Pennsylvania Committee on Penal Affairs testified as follows: (P. H. 223-225). "The story in back of it is that in 1917 the State Legislature provided for a separate House of Detention in Philadelphia. The funds were earmarked at various times, but this money was used for other purposes,—I mean legitimately. * * * * Council decided to use it for other purposes. * * * * Moyamensing Prison, the House of Detention,—it has the drunks, the disorderly characters, young fellows waiting to go to Huntingdon. It is a melting pot. It has Federal prisoners. It has long term offenders. But for some reason or other they do not go to Holmesburg. It has people there to keep the peace for immaterial matters. It has short termers It has the untried. It is a double system, with convicts on one side, and when you get crowded on one side you put them on the other side, so that the convicts are pushed over to the untried department. You have the situation of three men in a cell. The colored prisoners are ones that suffer the most . If you are convicted of a crime you are likely to get a little better treatment. Captain Mills is making every effort to make the lot of those people as good as it can be.

A survey of this latter group through the courtesy of Commander John D. Pennington, Superintendent of the Industrial School, reveals the fact that large numbers of bodys between the ages of fifteen and twenty-three are kept there for periods of from one to three months or more both before and after trial.[6] They mix and mingle with the older, more experienced criminal classes as well as with moral degenerates of various kinds. It provides a school for crime with many receiving post-graduate courses.

The Pennsylvania Prison Society first made its protest against this system in 1798 and A. G. Fraser, Esq., Secretary of that Society, at the Public Hearings, commented:[7] ". . . and we are still looking for some kind of a house of detention in Philadelphia. That was more than a hundred and thirty years ago. . . ."

We wish to call this vital subject to your attention so that it may be given proper treatment under the general revision of laws relating to penal institutions.

CHAPTER XIII

JUDICIAL COUNCIL

§ 78. Creation of

We believe the most important recommendation this Commission can make is the creation of a judicial council.

The legal publications and the press contain many articles describing and commending the work of these councils in the various states[8] and we are confident Your Excellency is acquainted with the history and development of this important branch of administrative law.

A revised list of the various states having such councils and the dates of their creation follows:[9]

1. Ohio,	1923	14. Idaho,	1929
2. Massachusetts,	1924	15. Texas,	1929
3. Washington,	1925	16. New Jersey,	1930
4. California,	1926	17. Utah,	1931
5. Virginia,	1926	18. Oklahoma,	1933
6. Kansas,	1927	19. South Dakota,	1933
7. Connecticut,	1927	20. Missouri,	1934
8. North Dakota,	1927	21. New Mexico,	1934
9. Wisconsin,	1929	22. New York,	1934
10. Michigan	1929	23. West Virginia,	1934
11. Kentucky,	1929	24. Indiana,	1935
12. Maryland,	1929	25. Arizona,	1936
13. Illinois,	1929		

We recommend for Pennsylvania, the creation of a Judicial Council which shall consist of four members of the Bar from different parts of the Commonwealth, and two citizens of the Commonwealth at large to be appointed by the Governor by and with the advice and consent of the Senate,[10] the Chief Justice of the Supreme Court, President Judge of the Superior Court, the Chairman of the Committee on the Judiciary of the Senate, the ranking minority member of the Committee on the Judiciary of the Senate, the Chairman of the Committee on the Judiciary of the House of Representatives, the ranking minority member on the Judiciary of the House of Representatives, the head of the Legislative Reference Bureau, and the Attorney General, who shall by virtue of their respective offices, be members of such Judicial Council. The Chief Justice of the Supreme Court shall have authority to designate another judge of said court to act in his stead for a stated time. This privilege should also be given to the President Judge of the Superior Court. The Chief Justice of the Supreme Court should be the Chairman of the Council with the privilege of said Justice to name any member of his court to act as such Chairman. Provision should be included which would permit the appointment of persons qualified for legal research, investigating and statistical work as may be deemed necessary to enable the Council to perform its duties and administer its affairs. The Council should be permitted to make and modify rules and regulations for the conduct of its proceedings and the exercise of its powers. The Council should be permitted to appoint regular and special committees of its members in any number, to investigate and report upon any matter relating to the duties imposed upon the Council. The Council should serve without compensation, but be allowed actual and necessary expenses incurred in the performance of their duties.

The important phase of this recommendation is the powers and duties to be conferred upon such Council. Briebly summarized, these powers and duties should be: (a) To make a continuous survey and study of the organization, jurisdiction, procedure, practice, rules and methods of administration and operation of each and all the courts of the Commonwealth, including both courts of record and courts not of record, the volume and condition of business in said courts, the work accomplished and the results obtained; (b) To collect, compile, analyze and publish the judicial statistics of the Commonwealth; (c) To receive, consider, and in its discretion, investigate criticism and suggestions from any source pertaining to the administration of justice and to make recommendations in reference thereto; (d) To keep advised concerning the decisions of the courts relating to the procedure and practice therein and concerning legislation affecting the organization, jurisdiction, procedure and practice of the courts; (e) To recommend from time to time to the legislature any changes in the organization, jurisdiction, operation, procedure and methods of conducting the business in the courts which can be put into effect only by legislative action and to recommend to any court or to any body vested with the rule making power for any court, any changes in the rules and practice of said courts or the methods of administering judicial business therein which, in the judgment of the council, would simplify and expedite or otherwise improve the administration of justice

Everybody works against tremendous odds. If we have a place for the untried it does not mean that the tough birds who have committed some crimes should necessarily be in there. With proper correlation, with the use of records at City Hall, in the Identification Bureau, you could keep them in a separate part of the prison."

[6] See Exhibit 13. This chart shows the time spent in County jails by juvenile offenders before transfer to the Pennsylvania Industrial School and their confinement in cells with adult criminals while in the County Prisons. Analyzing this chart, Commander Pennington testified: (P. H. 91) "I can picture in my mind no more devastating influence on a young individual convicted of crime or awaiting trial than to be thrown into an institution housed with unclassified prisoners of the type that we have in county jails. Therefore, I have, with the approval of your Counsel, prepared a card showing exactly where each boy has spent his time, how much time he spent before the trial, how long he spent after trial, before he reached Huntingdon Take Philadelphia, for instance; the number of days the defendant was confined to prison before trial. Before trial thirty-four defendants of five days or less; eighty defendants six to ten days; eighty-one defendants eleven to fifteen days;fifty-nine defendants sixteen to twenty-nine days; forty-four defendants thirty to fifty-nine days; eight defendants sixty to ninety days before trial; eight defendants ninety days or more before trial. Then the number of days confined in prison after trial before being transferred * * * * * Eighty-one defendants five days or less; forty-five defendants six to ten days; fifty-seven defendants eleven to fifteen days; sixty-eight defendants sixteen to twenty-nine days; fifty-four defendants thirty to fifty-nine days; six from sixty to ninety days; and three over ninety days, after sentence to Huntingdon before they were transferred. * * * * Eight were housed by themselves; forty-six were housed with one other; one hundred and seventy-two had two in the cell with them; seventy-two had three in the cell with them; sixteen had four or more in the cell with them. In many instances much older men were in the same cell with them. A boy of sixteen years of age came in from Philadelphia County and told me he had been in the one cell that seemed to be the place where all the drunks were thrown as they came in, one after another, and he had spent the entire evening fighting for his life. It was too awful for words. These were unclassified prisoners, they were not prisoners of like age, and not like offenders, not like characteristics. These are the ages of the group that I just read, this all being from Philadelphia County: Seventy-eight were between fifteen and sixteen; seventy-seven were seventeen; fifty-eight were eighteen; fifty-four were nineteen; and twenty were twenty; fourteen were twenty-one; five were twenty-two; four were twenty-three; four not given."

Considering the relative size of Allegheny County, the situation is substantially the same with the important difference, however, that in that county each defendant was housed in a cell by himself. Also see Exhibit 92.

[7] P. H. 176-177.

[8] See Statement of Charles L. Chute, Executive Director, National Probation Association (P. H. 171), of Robert B. Shick, Esq. (P. H. 410), of Alvin A. Swenson, President of the Northeast Chamber of Commerce (P. H. 421) of the Hon. Curtis Bok (P. H. 336), of M. J. S. Stoney, Esq. (P. H. 405) and of Rev. Louis Wolsey (P. H. 491).

[9] The American Judicature Society, Volume 20, No. 2, August, 1936, Page 45.

[10] Or appointed by the Chief Justice of the Supreme Court.

therein; (f) To adopt and from time to time to amend and promulgate rules and regulations not inconsistent with any statute with respect to the manner of keeping records of the business of any court, either of record or not of record.

The clerk of each court of the Commonwealth and each judge or justice of a court not of record which has no clerk, and each official referee, as well as the district attorney, parole and probation officers of each county, should be required to make to the Council such reports on such matters and in such detail and form as the Council may direct.

The Council and any committee of the Council empowered by it, should be authorized to make an investigation and to hold public or private hearings with respect to any matter relating to its powers and duties, with the right of subpoena to compel the attendance of witnesses, and require the production of books and papers, and to take and hear testimony.

The Council should be required, at stated intervals, to make a report to the Legislature, if in session, and to the Governor when not in session, which reports should be made public. A suggested draft of this proposed law will be found in the Appendix.[11]

A step in the right direction was made when the enabling act was passed conferring broad powers in respect to rule making by the Pennsylvania Supreme Court. However, this enabling act does not confer the power of investigation, public hearings, subpoenaing of witnesses, etc., and it is intended to operate exclusively on the civil side of the administration of justice. We believe it should also include the criminal as well. In the past, particularly since the middle of the last century, the duty of making judicial procedure responsive to the needs of a rapidly changing society has rested upon the shoulders of our legislators. In recent years, many persons have come to realize that the Legislature, by its very nature, is not equipped to deal adequately with such a technical subject.[12]

This conception that control of procedure is the function of the Legislature has been effective in warning courts off the field of procedural reform, but it has not resulted in the Legislature occupying it.[13] The Legislature is a hard worked body without the interest, experience or technical knowledge necessary to keep legal procedure up to date.

Nevertheless, if courts are to perform their function, it is imperative that this be done, especially in a period of change like that since the Civil War, a period which has seen the growth of great centers of population and the profound alteration of our ways of life by electric light, the automobile, the airplane, radio and other products of modern science.[14]

But in spite of all the difficulties and the failures of the past, we feel convinced that the hope of reform lies in the judges. The initiative should often come from the Bar and the public through the Judicial Council. But the judges' attitude should be one of active interest and cooperation in all efforts looking to improvement. The problem is two-fold: to create among our judges a sense of responsibility for the administration of justice, and to devise some method for initiating and pressing suggestions upon them.

It will be noted that the proposed Council would include the entire administration of justice set-up including civil and criminal.

Many of the recommendatons which will be found in this Report could be referred to this Council for action. If there is to be a revision of the State laws, it could be handled under the superintending control of this Council. A codification of the criminal laws, deemed by so many practitioners to be essential in Pennsylvania, could be planned and effectuated by this Council.

[11] See Appendix A

[12] Judges and Law Reform, Warner & Cabot, Page 3.

[13] Ibid. Page 6.

[14] Ibid. Page 7.

We recommend the creation of a Judicial Council based upon the thoughts herein expressed.[15]

CHAPTER XIV

CODIFICATION OF CRIMINAL LAW AND PROCEDURE

§ 79. Code of Procedural Laws

A review of the many attempts to reform the criminal procedure in this Commonwealth and codify the criminal law would serve no useful purpose. Scholars, lawyers and judges have been striving for this goal many years.[16] The failure to receive legislative approval is based upon many contributing factors. We do not believe our system of administering criminal justice is fundamentally defective, and such experience as we have had individually with the difficulties of obtaining united support for any legislation of this character leads us to the conclusion that we can do better by attacking the problem in detail by numbers of separate curative measures, each limited in its scope, instead of attempting a fundamental upheaval at one fell swoop. In one of his messages to Congress, a former President[17] expressed the opinion that, "Reform in judicial procedure is, for many reasons, a slow process. It is not to be brought about by any single measure. It can best be accomplished by dealing with the subject step by step, the sum of which in the course of time, will result in definite improvement."

Turing to some of the broader problems in this field, it appears that there is too big a gap between research and recommendation on the one hand and practical results in the form of concrete legislation on the other. We have ample data on which to formulate measures of reform. Our libraries are crowded with volumes of investigations, reports of committees and commissions, and general conclusions. Our difficulty seems to be in seizing hold of this material and drafting concrete and practical measures which have a chance of enactment.

It may be that those who are skilled in research are not always endowed with the training, or sense of proportion, or practical experience with legislative bodies, which enables them to translate their general conclusions into a statute, and that the members of the profession, who are active in its practice or on the bench, are the ones who must take hold of these problems where our institutes, foundations for research, or commissions leave them, and carry them on to practical achievement.

In this connection it is interesting to note that in the 1937 session of our Legislature, two bills were introduced[18] which would have given Pennsylvania a criminal code and code of criminal procedure. They were not reported out of the Judiciary Committee. These bills were drafted by eminent authorities[19] on this subject at the request of the Attorney General.[20]

[15] For reports on the work of various councils, see Fourth Annual report and studies, Judicial Council, State of New York; Jour. Am. Jud. Soc., Vol. 20, No 2, Page 46; Vol. 21, No. 1, Page 51; No. 2, Page 49; No. 3, Page 78; Vol. 19, No. 1, Page 15; No. 2, Page 55. For History of the Judicial Council of Massachusetts see Judges and Law Reform, Warner & Cabot, Page 197.

[16] Hon. T. L. Hoban, Judge of the Common Pleas Court of Lackawanna County, (P. H. 251-261) and Hon Frederick B. Smillie, District Attorney of Montgomery County, (P. H. 289) stated at the Public Hearings that this is one of the State's most urgent needs. See statement of M. J. S. Stoney, Esq., (P. H. 401).

[17] Herbert Hoover, February, 1932.

[18] Senate Bills Nos. 850 and 851 See Exhibits 58A, 58B, 59A, 59B.

[19] William E Mikell, former Dean, and Edwin R. Keedy, Professor of Law, at the University of Pennsylvania Law School.

[20] Professor Keedy, in discussing the code of criminal procedure, stated: "The occasion of the introduction of this Bill in the Pennsylvania Legislature was this: The Attorney General, Mr. Margiotti, said to me during the November preceding the sitting of the Legislature that he desired to introduce the Institute Code in the Pennsylvania Legislature, and he requested me to do two things, first, to remove from the Code any provisions that would be clearly unconstitutional in Pennsylvania. He said he did not desire to raise constitutional questions. There were in the Code a number of things that were thought desirable and would be constitutional in other States, but would not be in Pennsylvania. One of the most notable of those was prosecution by information as well as by indictment. The second thing he asked me to do was wherever the Code involved any function of an official that I should be sure that it conformed to the system in this State. You see, when we were drafting it, we were drafting something that could not of itself be introduced in any particular State. For example, we spoke of a prosecuting attorney. No state has an official called the prosecuting attorney. In this State it is the District Attorney.

In commenting on the advisability of attempting to again secure the passage of the bill providing for a complete revision of criminal procedure laws, Professor Keedy said, "I am convinced at the present time it would not be wise to reintroduce the entire code. I do not think it is wise in any State to say to the Legislature, 'Now, repeal all of the procedure and substitute this.' It is too momentous a step. I have never proposed that in any other State where the matter has come up. The wisest method, it seems to me, and practice has shown it, is in each State as occasion demands, select the provisions that seem best fitted to meet the particular situation. It was drafted with that idea. Each topic, as far as possible, was self-contained. There were as few cross-references as possible, with the idea that any particular provision could be removed from the Bill from the entire Code, and made the subject of an independent Bill. I am convinced that if it is introduced again in this form it will not get any further than it did before. The Judges are opposed, most of them, to the enactment of a complete Code, and I feel sure that if it were introduced again, they would oppose it as a Code.

"There are, however, specific provisions that I think might be introduced as individual Bills and would be met with a reasonable possibility of success, or that might be enacted." [21]

We have deemed this course a wise one to follow and therefore have selected certain of the proposed changes and considered them under their appropriate subject headings.[22] We submit as one of the first considerations of the proposed Judicial Council, a study of this drafted code of procedural law, to the end that we may in the not too far distant future have the benefit of its provisions in legislative enactments.

§ 80. Code of Penal Laws

The same objections and comments, however, do not apply to a revision of the Code of Criminal law. In fact, there is no "code" as the law now exists. Penal statutes are scattered throughout the various titles, subdivisions and chapters, with no attempt at codification or of consistency.

William E. Mikell, Esq., appeared before the Commission for the purpose of discussing this subject. He was a member of a previous Commission appointed for the specific purpose of revising the criminal laws. As an author, lecturer, and scholar, Dean Mikell has gained an international reputation. His discussion of this subject is interesting and informative. He states ". . . The Legislautre of Pennsylvania in 1917, appointed a Commission of which I was a member, to revise the existing penal laws. I worked for some five years on it, spent not an inconsiderable amount of public funds and presented a report for a complete revision of the Criminal Code. That was considered by the Association of District Attorneys, and approved. It was then introduced in the the Legislature, referred to a Committee, and the Committee had an open hearing, at which there were practically no criticisms of the work. Then it slept. The Committee was continued for two years more to also draft a Code of Criminal procedure, to accompany this one. That was done. That was introduced in the Legislature, referred to the Judiciary General Committee, and slept. The last I heard of it, some years ago, it had finally been referred to the Committee on Railways and Canals. There it still either sleeps or floats. I don't know which. But that is the history of the efforts of that Commission.

"I might say that last fall, I was asked to do the work which was done then, and I can say with all modesty, I had done the drafting of that for the Commission, bringing it up to date, that is, to collate, put into and reconcile with that, the penal statutes which had been passed since the Code was submitted, which I did. That, I understand, was printed, and brought out. Nothing further has been done about it. I take it the question is this, as to wehther any such work as that is needed, because the work has been done." [23]

As to the need of this revision he cites hundreds of oddities, inconsistencies, and contradictions in the existing laws. We have quoted examples in the notes to make the point clear.[24]

In the adjoining State of Maryland, it is State's Attorney. So, it was necessary to make certain concessions of that sort to fit the particular administrative set-up in Pennsylvania That was practically all that was done.

"I want to make it clear that no effort was made under my commission from the Attorney General to codify in this Code the existing law in Pennsylvania. His desire was to have introduced into the Legislature with the changes I have suggested, the Code as it has been adopted by the American Law Institute. After it was introduced there was some confusion, the idea being that it did not conform to the existing practice in Pennsylvania in certain particulars. It was never intended to do that.

"There was one unfortunate thing in connection with the introduction. When the Attorney General spoke to me the plan was that after I had made the indicated revisions, that his office would print the draft, and then send it for discussion to the Judges and District Attorneys, the leaders of the Bar, as well as members of the Legislature, before it was introduced as a Bill. That would be a very desirable, if not necessary, precedent to its introduction. There would have been then opportunity for discussion as to certain provisions insofar as they correspond or not with the existing practice, but after the draft had been prepared, the Attorney General's office discovered they had no money to print the Bill. So, after some delay, they said, 'Well, the only way to get it printed is to introduce it as a Bill, have it printed as a Bill.' Of course, that deprived anyone who desired to make suggestions, of the opportunity to do so. It deprived all of us who were interested in it of the opportunity for discussion and criticism before it was introduced. There had been some discussion of the general proposed Bill. There was no opportunity for discussion of the specific draft." (P. H. 432-434).

[21] P. H. 435-436.

[22] Sections 30, 36, 40, 56, 58.

[23] P. H. 456-457.

[24] "* * * * * In our system of the law, the term felony has been always applied to serious crimes, and the term misdemeanor to less serious crimes. I mean in what we call the Code of 1860 and subsequent enactments. If we make a study of our Criminal Code today there is no relation between the two. For instance, bigamy is a misdemeanor, while embezzlement by a servant is a felony. For a clerk or agent to embezzle is a felony. For a banker, trustee or guardian to embezzle is only a misdemeanor. Assault and Battery with intent to rape is a misdemeanor only, with intent to rob is a felony. An attempt to rape is a misdemeanor, while the attempt to burn a stable or a mill is a felony. Administering a narcotic with intent to commit larceny is a felony. Assault and battery endangering the life of an infant, is a misdemeanor. Blackmailing, which is one of the worst crimes, is only a misdemeanor, while receiving stolen goods is a felony. If one in the heat of a fight, intending to disable or maim his antagonist, should cut him ever so slightly, he is guilty of a felony, but if he, 'on purpose and of malice aforethought, by lying in wait, shall unlawfully cut out the tongue, put out an eye, cut off the nose, or cut off any limb,' of his victim he commits only a misdemeanor. Also, if he voluntarily, maliciously and of purpose bite off the limb or member of another, he is guilty of a misdemeanor. The lack of any principle in this classification of crimes as felonies and misdemeanors is still more strikingly shown when we consider them in relation to the punishment prescribed. The attempt to commit abortion is a felony, while forgery is only a misdemeanor, but the felony is punished only by a fine of $500, and three years' imprisonment, while the misdemeanor is punished with a fine of $1000—twice the fine—and ten years' imprisonment, more than three times the imprisonment provided for a felony. Malicious burning of a warehouse is only a misdemeanor, but it is punishable by a fine of $2000 and ten years' imprisonment; while assault and battery with explosives is a felony, but punishable by only $500—one-fourth the fine for burning—and three years' imprisonment, one-third of that prescribed for the misdemeanor. * * * * Should it be a graver offense to exhibit indecent, lewd or obscene pictures, or to have such pictures in possession with intent to exhibit them? The Legislature of 1887 considered that the exhibition of such pictures should be punished with a fine of $300 and no imprisonment, while the possession of them with intent to exhibit, should be punished by a fine of $500 and one year's imprisonment * * * * * By section 161 of the Act of 1860, having in possession tools for the counterfeiting of copper coin is punished by six years' imprisonment, while by the next section the punishment for actually making counterfeit copper coin is only three years, though it cannot be made without the tools to make it. * * * * * I can, knowing that A intends to murder B, and with intent to enable B to commit such murder, permit or allow A to kill B without being guilty of a criminal offense, but if I allowed B to drink the knockout drops that I know have been placed for him, with intent to enable A to steal B's watch, I get ten years' imprisonment. * * * * A curious light is thrown on the safeguarding of children by the Act of 1860. Section 98 of the Act provides that any one who inflicts 'any grevious bodily harm' on any other person shall pay a fine of $1000 and suffer imprisonment not exceeding three years; while section 90 of the same Act provides that if any master of an apprentice or any one having the legal care or control of an infant shall 'maliciously assault such infant or apprentice whereby his life shall be endangered or his health shall have been or shall be likely to be permanently injured,' such master or person shall pay a fine of $500 and undergo imprisonment not exceeding two years. * * * * As to the relation of fine to imprisonment. In the case of almost every crime denounced by the code, fine and imprisonment are associated. In most cases the penalty provided is fine and imprisonment; in some it is fine or imprisonment. In a few cases imprisonment alone, without a fine, is prescribed, and in a few others it is a fine alone without imprisonment. We seek in vain for any principle on which the fine is omitted, where

We therefore recommend the adoption of a comprehensive criminal code embodying the various penal statutes and eliminating the many inconsistencies and disparities in the existing laws. Any carefully prepared code will accomplish this purpose. However, it might be well to point out that the bill drafted by Dean Mikell and presented at the last session of the Legislature satisfactorily accomplishes the purpose.

This matter appears to the Commission to be one of the major objectives to be attained, and we therefore recommend this subject for your consideration.

CHAPTER XV

ADMINISTRATION OF JUSTICE GENERALLY

§ 81. Gun Permits

We find that the present method of obtaining permits to carry firearms is apparently of more value to the criminal than to the honest citizen. A reputable person who has a legitimate reason for requiring a permit, is compelled to go through considerable red tape and submit to all the regulations imposed. Sometimes it is even necessary to furnish gratuities to various persons to obtain such a permit. On the other hand, hardened criminals have obtained permits to carry a gun with very little effort. We find one notorious criminal applied for and received a permit by the simple subterfuge of using "A. John Doe" instead of "Andrew J. Doe" as it appeared on his criminal record.

It is recommended that the existing aw be amended so as to add the following requirements: that an application for such a permit be presented to a Court of Common Pleas; signed and sworn to by applicant; that such information be furnished as the Legislature shall see fit to prescribe which should include statements that the applicant has never used any other name, or if he has, a list of all such names together with the reasons for using same; that he has never been convicted of any crime; a list of his arrests and the circumstances and records concerning them; shall contain the description, make, size and serial number of the firearm or firearms to be carried, the name of the prospective seller, if the gun is about to be purchased; and there should be attached thereto a photograph of the applicant and his fingerprints. On the fingerprint card there should be a certificate from a responsible member of the Police Department that he has personally taken said fingerprints and that the fingerprints and photograph are of the same individual. Attached to the petition there shall also be a certificate by the head of the local Police Department, or State Police, that said fingerprints have been forwarded to the Federal Bureau of Investigation, and the report from said Bureau should be attached thereto. Said permit should be issued for only one year, but may be renewed by the holder by petition to the Court, to which should be attached the written consent of a responsible official of the local Police Department. The law should require that said permit be not transferable and should be issued only to a resident of that County, who has been a resident for a specified length of time, preferably six months or a year. Appropriate penalties should be imposed for false statements made in the application.

§ 82. Indigent Defendants

The poor prisoners in the Magistrate's Court in Philadelphia County do not have any free lawyers to defend them, because the Voluntary Defender Association of that city does not have enough money to provide lawyers for these courts. The society can afford to defend only the felony cases in the Quarter Sessions Courts. A poor man who is arraigned in a Magistrate's Court is sometimes asked by the judge: "Do you wish to have counsel?" If he replies that he has no money, it means that he can have no counsel. Even if he is charged with a serious crime he must go through these preliminary stages without the help of a lawyer. If he tries desperately to raise money for a lawyer, he is more than likely to fall into the hands of a bail-bond racketeer who works in partnership with a shyster lawyer. A resume of the splendid work of the Voluntary Defender Association for the year of 1937 is shown in Exhibit 83.

The establishment of an office of Public Defender for those unable to hire a lawyer would be a great forward step in all the criminal courts. Justice will be mockery for the poor as long as they must depend upon the vagaries of private charity for legal defense. A Public Defender with assistants for every branch of every criminal court would go far to eliminate the worst type of injustice as well as chicanery.

§ 83. Criminal Statistics

Administering criminal justice without statistics is almost as bad as running a factory without books of account. The absence of such statistics is only to be explained, as many other defects in governmental administration, by our inability as a people to apply to our political agencies the principles that we have so skillfully applied to our industrial agencies.[25]

There should be created in the Department of Justice a Bureau of Criminal Statistics whose duty it will be to compile statistics from reports of State and local police, Judges, Sheriffs, probation and parole officers, clerks of court, District Attorneys, Magistrates and other law en-

it is omitted; or for any principle on which it is inflicted in addition to imprisonment in some cases and as an alternative to imprisonment in others. * * * * * Some curious results may be obtained by studying some of these offenses. If a man gives a narcotic to a woman with an attempt to render her unconscious, so that he may ravish her, he is guilty of a felony, punishable by a fine of $5000 and ten years' imprisonment, even though he does not administer enough of the drug to have any effect on her; but if he knocks her down with a club and so renders her unconscious, with the same intent to ravish her, he is guilty only of a misdemeanor and can be punished only by a fine of $1000 and imprisonment for five years. It pays to use the club. If he turns the latch of a door and enters her house with intent to rape her, he is guilty of a felony, punishable by a fine of $1000 and imprisonment for ten years, though he proceeds only an inch beyond the threshold; but if he is lucky enough to find the door unlocked, enters and knocks her down with the same intent, he is only guilty of a misdemeanor, for which the penalty is $1000 and five years. If, finding her asleep, he administers a whiff of chloroform to her with the intent to render her temporarily unconscious while he rifles the bureau, he may be punished with ten years' imprisonment, but if he strikes her with a black-jack, intending not merely to render her unconscious, but to kill her, he can be sentenced to only seven years. * * * * * Two strikers separately determine to wreck a passenger train; one removes a rail from the road over which a train is scheduled to pass; anothr cuts the telegraph wires to prevent the train dispatcher from stopping the train from running into a wreck. The first striker would come within the terms of section 7 of the Act of 1911, and could be sentenced to pay a fine of $10,000 and suffer imprisonment for ten years; the second would come within the term of section 147 of the Act of 1860, and could not be fined more than $500 or imprisoned more than twelve months * * * * * If the driver of a public 'coachee,' by 'wanton and furious driving or racing,' unintentionally breaks a chicken's leg, he may be punished by five years' imprisonment, the same punishment provided for attempted rape, for mayhem, for counterfeiting, and for robbery, but if the driver of a taxicab is guilty of the same assault on a member of the feathered tribe, he is not even indictable. If the driver of this 'coachee,' while so driving, should accidently inflict the slightest personal injury on another, he would be liable to a greater punishment than if he deliberately stabbed that other with intent to maim him, or wilfully and maliciously exploded dynamite under him, thus doing him serious bodily harm. This violates one of the cardinal principles of criminal jurisprudence, viz.: that crimes of negligence are not so grave as crimes done with deliberate intent; a principle recognized in other parts of our code in providing for murder and involuntary manslaughter. * * * * * Three men enter the house of a president of a bank. One forcibly takes the key of the banker's vault from him, the other rapes the banker's wife. Both are arrested on emerging from the house. On conviction both are given the maximum punishment provided by the code. The man who committed rape could be sentenced to pay a fine of $1000 and to undergo imprisonment for fifteen years, the man who took the key could be fined $10,000 and sentenced to twenty years' imprisonment. * * * * * If you have been so wronged by another that you feel impelled to obtain satisfaction vi et armis, first ascertain if your intended victim is a voter, and then wait until you catch him, in the words of section 9 of the Act of 1870, 'at or near any election poll during the holding of any election.' If you assault him there and 'unlawfully strike, wound or commit any assault and battery' on him, while your act may be called a 'high' misdemeanor, you can be fined only $500 and be imprisoned only three months; while if you select a non-voter, or commit your assault and battery elswhere than 'at or near any election poll,' you may have to pay a fine of $1000 and go to prison for a length of time varying from one to sevel years." (P. H. 457-476.

[25] Philadelphia Crimes Survey, 1926, Page 476.

forcement officials, and it should be mandatory on such officials to file such reports.[26]

If the Judicial Council is created as recommended herein[27] the duty to collect and compile such statistics will be imposed upon that body.

§ 84. Coroner's Office

In the opinion of some[28] the utility of the office of Coroner has been questioned. Since this is not directly within our jurisdiction, we recommend that a careful study of the Coroner's office be made.[29]

§ 85. Rewards by Governor

Several states have statutes empowering the Governor to offer a reward for the return of an escaped felon. This is frequently a valuable aid to law enforcement. We recommend this to your consideration.[30]

§ 86. Public Enemy Law

We recommend the enactment of a Public Enemy Law which will make it unlawful for any person to be found in this state who is here for an unlawful purpose or who is engaged in an illegal occupation or who consorts with known criminals and cannot give a good account of himself. Such laws have been adopted in several states.[31]

§ 87. General Penalty Statute

There are crimes under the common law which have not been reduced to statutory form and, of course, no statutory penalty has been provided. There is a need of a "catch-all" statute to provide for this deficiency.

To clarify this situation we recommend a general statute which will specify the penalty for such crimes.

§ 88. Statute of Limitations

It has been called to our attention that under the present law our several statutes of limitations are inconsistent. Some serious crimes are barred in a short time and less serious ones in a longer period.

It is recommended that legislation be enacted which will provide for a reasonable and sensible distinction as to the several crimes.[32]

§ 89. Alien Criminals

It should be made mandatory for all law enforcement officials or agencies to notify the proper Federal authorities whenever an alien criminal appears before them for a deportable offense.[33]

§ 90. Obstructing Justice

We have found many situations in which various persons by devious methods have interfered with the proper administration of justice with impunity, since there is no statute by which such activities were made unlawful. The only pertinent statute in Pennsylvania[34] is one which is limited to the service of process, the rescuing from legal custody and the refusal to assist in preventing a breach of the peace. We suggest the enactment of a statute broad enough to cover all forms of obstructing justice.[35]

[26] It is suggested that the system used by the Federal Department of Justice be considered. Uniform Crime Reports should be consulted.

[27] See Section 78.

[28] See Best, Crime and the Criminal, Page 550. See also statement of A. G. Fraser, Esq., of the Pennsylvania Prison Society, P. H. 186.

[29] See Attorney General's Conference on Crime, Page 251.

[30] See Appendix M for a suggested draft of such law.

[31] See Appendix K for New Jersey Law. (Rev. St. N J. 1937-2; 262-16.) See statement of Vincent A. Carroll, Esq., Assistant District Attorney of Philadelphia County. (P. H. 516).

[32] See statement of Vincent A. Carroll, Esq., Assistant District Attorney of Philadelphia County, (P. H. 506).

[33] See Sixth Annual Report, Board of Prison Terms and Paroles of the State of California, Page 13.

[34] Act of 1860, P. L. 382, Section 8.

[35] The Federal statute is as follows: (18 U. S. C. A. 393) "Whoever corruptly, or by threats or force, or by any threatening letter or communication, shall endeavor to influence, intimidate, or impede any witness, in any court of the United States or before any United States commissioner or officer acting as such commissioner, or any grand or petit juror, or officer in or of any court of the United States, or officer who may be serving at any examination or other proceeding before any United States commissioner or officer acting as such commissioner, in the discharge of his duty, or who corruptly or by threats of force, or by any threatening letter or communication, shall influence, obstruct, or impede, or endeavor to influence, obstruct, or impede the due administration of justice therein, shall be fined not more than $1,000, or imprisoned not more than one year, or both."

§ 91. Other Suggestions Submitted to the Commission

In addition to the other matters contained in our Report, the following suggestions have come to us from various sources, which we pass on to you for your consideration without approval or disapproval.

That all judges be required definitely and positively to sit at regular stated times in criminal court, whether they like it or not; that it be made a felony, punishable by severe sentence for any judge to sentence to prison contrary and in direct violation of a statute, any person for personal gain, malice, revenge or unlawful purpose; that no judge, district attorney, assistant district attorney, or any other law-enforcement official connected with the handling of a criminal case be permitted to serve as official for any political party; that in certain classes of crimes, the discretion be taken from quarter sessions judges to send prisoners in such cases to the county prisons instead of the state penitentiary; that judges be appointed by the Governor with the consent of the Senate to take the court out of partisan politics; that judges be appointed for life; that all judges must actually live in the county where they are elected at the time of their election, (or appointment); that judges be appointed on their qualifications to fill the position, rather than on the basis of political activity; that an act be adopted to give the trial judge the discretion to grant or refuse bail after conviction for a felony; that the trial judge be given the discretion to grant or refuse separate trials to accused jointly indicted or informed against; that cases in which jury trials are waived or a plea of nolo contendere accepted, should be tried in a separate room from jury trials; that prosecutors be compelled, before instituting a criminal prosecution, to submit their case to the District Attorney's Office for advice; that prosecution by information filed by the District Attorney be used as well as indictment; that the Commonwealth be permitted to appeal when an unfavorable decision against it has been handed down; that the Commonwealth be allowed to prove a record against a defendant whether or not he takes the witness stand and whether or not he tries to prove good reputation; that district attorneys be required to furnish quarterly reports to include a resume of all cases handled by their offices, cases disposed of, pending cases, nolle prosequis and reasons therefore; that every criminal case should receive a separate and distinct consecutive number which should be an integral part of that case, the index covering every criminal case should quickly reveal that number, and the case should be indexed under every alias used in the indictment; that the statute permitting a special prosecutor to be appointed when approved by the court should be amended to permit the Governor to have the same authority to order a special prosecutor when law-enforcement in any community has broken down; that it be made mandatory for all probation officers of various counties to report daily to a bureau of criminal identification all parole and probation violators; that parole violations be classed as extraditable offenses; that revocation of parole or probation, upon the commission or conviction of any other crime during the probationary period, should be mandatory; that an act be adopted for the supervision by one state of parolees from another state within its boundaries; that all initial hearings be held at three or four station houses only, and that at each an official stenographer be present to take the testimony of the officers and witnesses, and that even if a continuance is granted, for a further hearing, that the testimony of the officer be taken at the first hearing and that a representative of the District Attorney's Office should always be present at said criminal hearings; that the present system of justices of the peace be abolished and in its place require that a justice of the peace be learned in the law and have three or possibly four in the county instead of one in each township and borough; that magistrates be learned in the law; that no magistrate have the authority to deprive a person of his or her liberty for so long a time as six months; that a wilful forfeiture of bail bond and failure to appear in court be punishable by fine or imprisonment; that the court be given specific authority to inquire into the source of bail in order to prevent criminals from using ill-gotten gains to finance the expenses of their defense; that an audit of all bail bond accounts

be made at regular, periodic intervals, that this audit be made available to the public; that no part of a forefeited bail be allowed to auditors or attorneys as fees; that a definite number of years, such as three or five years be stipulated as a penalty for escaping prisoners; that the law be clarified regarding maximum sentences, especially where a defendant has been sentenced on a number of different charges, each calling for a different maximum and minimum; that each inmate of a penal institution be liable to the county or the Commonwealth for the full cost of his maintenance as a convict; that all defendants with prior records of convictions be sent to the state penitentiaries and not to county jails; that the inmates of the Huntingdon Reformatory be under the jurisdiction of the State Board of Pardons and Paroles; that no ex-convicts should be employed in any law-enforcement capacity; that it should be possible to extradite a defendant from another state where he is serving sentence on a crime, this sentence to begin at the expiration of the sentence in the other state; that an act be adopted to simplify and make more effective the extradition of criminals; that the feeble-minded, insane and sex criminals be sterilized; that every large city should have a special court staffed with trained specialists to handle sex cases, that such court have private hearings if deemed advisable, to protect witnesses; that every state should have a special court for the incarceration and medical treatment of convicted sex offenders; that legislation should require records of fingerprints of mentally defective persons and that such records be available to the police; that a statute be enacted providing that the unexplained income of a public official, in excess of his legitimate salary, be in itself grounds for removal; that no person holding an elected or appointed position in the city, county or the state government should be able to bid on or receive any contract with the city, county or state, nor be able to do so if he or she is a substantial stockholder in a corporation interested, or a partner or in a partnership so interested; that an offense be created to be known as "false swearing" distinguished from perjury in that the materiality of the matter should not be required and said offense to be less than perjury and to constitute a misdeameanor; that the law regarding compounding a crime be re-drafted and enlarged and a real punishment attached; that the Grand Jury be reduced to twelve in number, nine members thereof concurring to return indictment; that steps should be taken to provide for universal fingerprinting; that the taking of depositions by the state in criminal cases be permitted, yet the accused be given the opportunity to be represented by counsel at the taking of such depositions.[36]

CHAPTER XVI

RESUME OF RECOMMENDATIONS

§ 92. Resume of Recommendations

Many recommendations have been made in this Report under their respective subject headings. In order to translate these into legislative enactments we suggest that Your Excellency designate an appropriate Bureau or group of qualified persons to draft suitable acts for submission at the opening of the next session of the Legislature.

In some instances we have included in the notes or in the appendix, copies of acts enacted in other jurisdictions as well as our own tentative drafts. These are submitted merely for convenience as suggestions for discussion.

A majority of the specific minor recommendations would be disposed of by consideration of several subjects of major importance. These subjects may be briefly summarized as follows:

1. Creation of a Crime Prevention Bureau.[37]
2. Creation of a Judicial Council.[38]
3. Codification of the penal laws and the laws of criminal procedure.[39]
4. Revise, strengthen and improve the method of selection and the qualifications of jurors.[40]
5. Revise, strengthen and improve the entire parole system, state and local.[41]
6. Require all proceedings in criminal cases to be in open court and properly recorded.[42]
7. Modernize the state system of penal institutions.[43]
8. Authorize the creating of Medical Clinics to aid and assist the trial courts in the proper disposition of convicted defendants.[44]
9. Establishment of a separate House of Detention in Philadelphia and Allegheny Counties.[45]
10. Revise, strengthen and improve the entire system of bail bonds.[46]

Respectfully submitted,

(Signed) FRANK W. RUTH, Chairman
Senate Member
(Signed) LEO A. ACHTERMAN
House Member
(Signed) ROBERT N. BIERLY
House Member
(Signed) ROBERT E. WOODSIDE, JR.
House Member
(Signed) CHET A. KEYES
General Counsel.

APPENDIX

The following drafts of legislation are not intended to be perfect models to secure the effects desired. They are included only as suggestions upon which future legislation may be based.

APPENDIX A
(See Section 78)

JUDICIAL COUNCIL OF THE COMMONWEALTH OF PENNSYLVANIA

Section 1. Judicial council of the Commonwealth of Pennsylvania created; membership.
2. Qualifications; Terms of Office; Vacanacies.
3. Temporary Designations.
4. Organization.
5. Expenses of Members.
6. Powers and Duties.
7. Reports to Council.
8. Public Hearings..
9. Reports of Council to Legislature.

Section 1. Judicial Council of the Commonwealth of Pennsylvania Created: Membership. There is hereby created and established a judicial council of the Commonwealth of Pennsylvania. The judicial council of the Commonwealth of Pennsylvania shall consist of four members of the bar of different parts of the Commonwealth and two citizens of the Commonwealth at large to be appointed by the Governor by and with the advice and consent of the Senate; the Chief Justice of the Supreme Court, the President Judge of the Superior Court, the Chairman of the Committee on the Judiciary of the Senate, the ranking minority member of the Committee on the Judiciary of the Senate, the Chairman of the Committee on Judiciary of the House of Representatives, the ranking minority member of the Committee on the Judiciary of the House of Representatives, the head of the Legislative Reference Bureau, and the Attorney General, shall by virtue of their respective offices be members of such judicial council.

Section 2. Qualifications: Terms of Office: Vacancies. Ex-officio membership in the judicial council shall not constitute holding a public office. Membership in the council by any judge or justice shall be deemed to be one of the judicial functions of such judge or justice. The Chief Justice of the Supreme Court and the Attorney

[36] See Exhibit 8, Suggestions from Judges; Exhibit 9, Suggestions from District Attorneys; Exhibit 10, Suggestions from Members of the Bar; Exhibit 11, Suggestions from all sources.
[37] See Section 4.
[38] See Section 78.
[39] See Sections 79 and 80.
[40] See Section 35.
[41] See Sections 72 to 75.
[42] See Section 51.
[43] See Section 76.
[44] See Section 71.
[45] See Section 77.
[46] See Sections 18 to 26

General shall be members during their terms of office, the President Judge of the Superior Court shall be a member during his term of office, the Chairman and ranking minority member of the Committee on Judiciary of the Senate, and the Chairman and ranking minority member of the Committee on Judiciary of the House of Representatives shall be members during their respective designations as such Chairman or ranking minority members: the head of the Legislative Reference Bureau shall be a member during his term of appointment. The remaining members shall be appointed for a term of two years. Vacancies occurring during the terms of office of an appointed member shall be filled in the same manner as the original appointment, and for the unexpired term.

Section 3. Temporary Designations. The Chief Justice of the Supreme Court may from time to time designate in writing a judge of said court to act in his stead as a member of the council for a stated time, or until said Chief Justice revokes such designation; the President Judge of the Superior Court may from time to time, designate in writing an associate judge of said court to act in his stead as a member of the council for a stated time or until said President Judge revokes such designation. The judge or justice so designated shall have all the powers and duties of a member of the council during the period of his designation.

Section 4. Organization. The Chief Justice of the Supreme Court shall be the chairman of the council, and any justice of said court designated as provided in section three to act in his stead as a member of the council shall, during the period of his designation, act as such chairman. The council shall appoint from its members a vice-chairman who in the absence or disability of the chairman or in case of vacancy shall act as chairman. The council, on the nomination of the chairman, shall appoint and may at pleasure remove employees, including persons qualified for legal research, investigating and statistical work as may be deemed necessary to enable the council to perform its duties and administer its affairs, and from time to time to fix their salaries or compensation within the appropriation therefor made by the Legislature. The council may make and modify from time to time rules and regulations for the conduct of its proceedings and the exercise of its powers, including provisions (a) for regular meeting and for the method of calling special meetings of the council, (b) defining the number of members of the council which shall be necessary to constitute a quorum for the transaction of its business, (c) prescribing the duties of its executive secretary and other employees of the council. and (d) for the conduct of hearings and investigations authorized to be conducted by the council or any committee of the council. The council may appoint regular and special committees of its members to investigate and report upon any matters relating to the duties imposed upon the council.

Section 5. Expenses of Members. Each member of the council shall serve without compensation but shall be allowed and paid his actual and necessary expenses incurred in the performance of his duties.

Section 6. Powers and Duties. The council shall have the powers and shall be charged with the following duties:

(a) To make a continuous survey and study of the organization, jurisdiction, procedure, practice, rules and methods of administration and operation of each and all the courts of the commonwealth, including both courts of record and courts not of record, the volume and condition of business in said courts, the work accomplished and the results obtained.

(b) To collect, compile, analyze and publish the judicial statistics of the Commonwealth.

(c) To receive, consider and in its discretion investigate criticism and suggestions from any source pertaining to the administration of justice and to make recommendations in reference thereto.

(d) To keep advised concerning the decisions of the courts relating to the procedure and practice therein and concerning legislation affecting the organization, jurisdiction, operation, procedure and practice of the courts.

(e) To recommend from time to time to the Legislature any change in the organization, jurisdiction, operation, procedure and methods of conducting the business in the courts which can be put into effect only by legislative action and to recommend to any court or to any body vested with the rule making power for any court any changes in the rules and practice of said courts or the methods of administering judicial business therein, which, in the judgment of the council would simplify and expedite or otherwise improve the administration of justice therein.

(f) To adopt and from time to time to amend and promulgate rules and regulations not inconsistent with any statute with respect to the manner of keeping records of the business of any court, either of record, or not of record.

Section 7. Reports to Council. The clerk of each court of the Commonwealth and each judge or justice of a court not of record which has no clerk and each official referee, and the district attorney, parole and probation officer of each county shall make to the council periodically or from time to time as the council shall prescribe, such reports on such matters and in such detail and form as the council direct.

Section 8. Public Hearings. The council and any committee of the council empowered by it are authorized to make an investigation and to hold public or private hearings with respect to any matters relating to the powers and duties imposed upon it, and in connection therewith the council, or any such committee thereof, shall have power to subpoena and compel the attendance of witnesses, and to require the production of any or all books, records and documents, and to take and hear proofs and testimony. Such subpoenas shall be issued and signed by the chairman or vice-chairman of the council or of any such committee of the council.

Section 9. Reports of Council to Legislature. The council shall on or before January fifteenth of each year make a report to the Legislature of its proceedings, of the work of the various courts of the Commonwealth during the past judicial year, the conditions of business therein, and any recommendations which require action by the Legislature to improve the administration of justice. It may during legislative session make such further and supplemental reports as it may deem proper. The judicial year is defined as the year beginning July first, and ending June thirtieth of the succeeding year.

APPENDIX B

(See Section 35)

SELECTION AND QUALIFICATIONS OF JURORS

(Editor's Note: Words in brackets are to be deleted. Words in italics are to be inserted.)

AN ACT

To amend an act approved the twentieth day of April, one thousand eight hundred and fifty-eight, entitled, "AN ACT establishing a mode of Selecting and Drawing Jurors in and for the City of Philadelphia.

Section 1. Be it enacted, etc., that section 1 of an act approved the twentieth day of April, one thousand eight hundred and fifty-eight, entitled "AN ACT establishing a mode of selecting and Drawing Jurors in and for the City of Philadelphia," be amended so as to read as follows:

> "Section 1. Be it enacted, etc., that the judges of the [Supreme Court, when sitting in the City of Philadelphia, of the district court and of the] Court of Common Pleas of the City of Philadelphia, with the sheriff thereof, shall constitute a board for superintending and managing the drawing and selecting of jurors, to serve in the several courts of the said city; one member of any two of the said courts of *common pleas* with the said sheriff or his duly authorized deputy, shall be a quorum of said board for the transaction of business."

Section 2. That section 2 of said act shall be amended so as to read as follows:

"Section 2. (a) That prior to the [first day of December] *thirty-first day of January,* in each and every year, the receiver of public taxes of the said city shall lodge with the said sheriff for the use of the said board, a duly certified list of all the taxable inhabitants of the said city, setting out their names, places of residence and occupation; and prior to the tenth day of December *thereafter* in each and every year, it shall be the duty of the said board, or a quorum thereof, to assemble together and select from the said list of taxables a sufficient number of sober, healthy and discreet citizens, *to be fixed by the board,* to constitute the several panels of jurors grand and petit, that may be required for service in the said several courts for the next ensuing year. [In due proportion from the several wards of the said city and the principle avocations.]

"(b) *After such selection is made, the board through its members, or five masters, one to be appointed by each court of common pleas, may make inquiries touching the qualifications for jury services of the persons selected, and for this purpose the board is empowered to summon the persons selected and other witnesses, by subpoena, and members of the board, and the masters shall have power to examine the persons selected and other witnesses under oath, in relation to the qualifications of any person selected for jury service, saving the privileges as witnesses of the persons examined. A false answer to a pertinent question shall be perjury, punishable by not more than one year's imprisonment in the county prison or a fine of not more than $100.*

"(c) *When a sufficient number of names is selected, notice by mail shall be given to each person selected, of his selection, with the request that he inform the board within ten days which of the four quarters of the year will be most convenient to him for jury service.*

"(d) *There shall be four jury wheels. From the first, jurors for service during the first quarter of the year shall be drawn; from the second, jurors for service during the second quarter; from the third, jurors for service during the third quarter and from the fourth, jurors for service during the fourth quarter.*

"(e) *The names of persons finally chosen by the board for jury service shall be deposited in equal proportions in the four wheels. The board shall respect the wishes of those chosen and deposit their names in the wheel for the quarter most convenient to the juror, so far as it is possible to do so without interfering with the reasonably proportionate numbers in each wheel.*"

Section 3. That section 3 of said act shall be amended so as to read as follows:

"Section 3. That the names of taxables so [selected] *chosen* with their respective places of residence and occupation, shall in the presence of the said board be written on separate pieces or slips of paper, which shall then and there be placed, *in reasonably proportionate numbers,* [in a closed wheel] *in four closed wheels,* to be provided by and kept in the exclusive custody of the said sheriff, securely locked, sealed or otherwise guarded from intrusion; a list of the names, residences and occupations so [selected] *chosen* and placed in the said [wheel] *wheels,* shall be certified by the members of the said board then present, to *the Prothonotary of the Court of Common Pleas* [each of the said courts], to be duly filed therein for preservation and public inspection."

Section 4. That section 4 of said act shall be amended so as to read as follows:

"Section 4. That at least three weeks before the commencement of each and every term of any of the said courts, the said board, or a quorum thereof, shall assemble and cause to be drawn from the [said wheel] *wheel for the current quarter* as many of the names of the taxables therein deposited, as may be necessary to serve as grand and petit jurors for the and in each of the said courts, according to the command of the venire or venires directed to the said sheriff; one list of which names, residences and occupations so drawn, shall be duly certified by the said board to the proper court, with the venire issued therefrom; and one other list of said names, occupations and residences, shall be duly certified to the said sheriff."

Section 7. That section 7 of said act shall be amended so as to read as follows:

"Section 7. That whenever talesmen are required in any of the said courts, the said sheriff shall produce the [said wheel] *wheel for the current quarter* in open court, and in the presence *of one* of the judges thereof draw therefrom five names for every talesman required, which names so drawn shall be immediately noted on the minutes of the court, whereupon a venire shall be issued, requiring the said sheriff to bring into court any one of the said five persons so drawn, to serve as the tales juror; no tales juror shall be selected or served in any other manner; the tickets or slips so drawn from the said wheel shall be returned thereto."

Section 8. That section 8 of said act shall be amended by adding thereto the following:

"*The names of jurors who are drawn for service and excused for reasons touching their own convenience shall be put in a wheel for the succeeding quarter.*"

Section 9. That section 9 of said act shall be amended so as to read as follows:

"Section 9. That the said sheriff shall preserve the said [wheel] *wheels* secure from all interference by others; and if the said board, on any examination the members thereof may institute into the condition of the said [wheel and its] *wheels and their* contents, shall discover that any names have been surreptitiously introduced or withdrawn therefrom, it shall be evidence of misdemeanor committed by the said sheriff; and thereupon it shall be the duty of any member of the said board to bind him over to answer at the next court of quarter sessions, for the said misdemeanor, and on conviction thereof he shall be punished by fine and imprisonment, at the discretion of the court; the said fine to be not less than two hundred dollars, and the imprisonment, if any, not less than three months in the county jail."

"Section 12. *This act as amended shall go into effect on January 1, 1932, and shall apply to jurors to be drawn for service during the year 1933 and thereafter.*"

APPENDIX C

(See Section 74)

LOCAL PAROLE BOARD

Section 1. In any county of this Commonwealth having a population of one million, five hundred thousand or more, there is hereby created a board of paroles to be known as such, which shall be composed of the District Attorney, the Superintendent of County Prisons, one judge from the Municipal Court and one judge from each of the several courts of Common Pleas, all of said county. The senior judge of each of said Common Pleas Courts shall serve for a period of one year; the junior judge of each of said courts shall serve the next succeeding year, and the remaining judge of each of said courts shall serve one year thereafter; the aforesaid rotation of judges shall thereafter be followed; the judge from the Municipal Court to be selected by said court, and shall serve one year, to be followed by a different judge selected by said court who shall serve one year, said rotation to be followed until each of the judges of said Municipal Court has served one year, so that each judge of said Municipal Court shall have served one year before being designated to serve a second time. The said board shall meet in January of each year and by majority vote select one of their number as chairman for a period of one year. A majority

in numberf of said board are hereby empowered to consider, grant, revoke, alter or terminate paroles as provided for by law.

Section 2. Said board shall have power to make all needed rules and regulations concerning terms and conditions of paroles and applications for parole as herein provided. The rules of performing its duties and the time, place and manner of its meetings shall be determined and regulated by a majority of said board and published in appropriate manner.

Section 3. The hearings and proceedings of said board shall be held in a regularly designated place at regularly known and designated intervals at least twice in each calendar month; said hearings and proceedings of said board including the voting on the granting or refusing of applications, shall be public and its records shall be open to the inspection of the public. Exact stenographic notes of said hearings shall be taken and immediately transcribed by one of the official reporters of said courts, designated to so act by said Board and the record so taken shall be properly certified as such and filed as part of the official records of said Board.

Section 4. Said board shall succeed to and exercise the same powers of parole and be subject to such regulations as trial courts are endowed with and provided by the statutes of this Commonwealth, except as herein limited or provided.

Section 5. It shall be the duty of the District Attorney of such county as a member of said board, to attend upon and sit with said board in its meetings and to counsel with and advise the board and make such investigations and conduct hearings as he or the board may deem necessary. He shall further obtain from the appropriate authorities, a complete record of previous charges or convictions, commonly known as the police record, of the applicant and shall furnish the same to said board certified by him as being a true and correct copy of said record which shall be and become a part of the official records of said board.

Section 6. When any person of previous good character and who shall not have been previously convicted of a felony, shall be convicted of any crime, the sentence for which may be imprisonment in the State Penitentiary, except murder, administering of poison, rape (where the rape charged and the proof shows said rape to have been committed by means of force, violence or by putting the female in fear of immediate injury to her person), incest, sodomy, buggery, arson, burglary, kidnapping or robbery, and imprisonment shall be assessed as the punishment therefor, and sentence shall have been pronounced, said board shall have exclusive jurisdiction to consider, grant revoke, alter or terminate such parole; Provided that said board of paroles shall have no power to parole any person after he has been delivered to the Warden of the Penitentiary or other State Institution.

Section 7. The said board shall prepare a uniform form of application which shall contain, among other questions, the following:

(a) The name together with all aliases used by applicant;
(b) Applicant's address;
(c) Exact nature of offense charged;
(d) Indictment term and number;
(e) Facts in case;
(f) Whether verdict of jury or plea;
(g) Complete personal history of applicant, including details of previous schooling, occupations and marital status;
(h) Reasons offered for commission of offense;
(i) Whether applicant has ever been arrested, charged or convicted of any violation of law together with details, including the dates, places, and offenses.

Said application shall be verified by the aath of the applicant. Any wilfully false statements made in said application shall cause the said board to deny said application and shall constitute the offense of making a false affidavit.

Section 8. Said application shall not be acted upon by said board until ten (10) full days shall have elapsed since the filling thereof and the posting of said fact upon the bulletin board as herein provided.

Section 9. It shall be the duty of said board to cause to be posted upon a bulletin board to be erected outside of and adjacent to the offices of the District Attorney, at least ten days before the date of hearing, a complete list of all applications for parole; and further to cause to be posted upon said bulletin board upon the day following such hearing, a full and complete list of all applications heard and considered as well as the action taken thereon.

Section 10. It shall be the duty of said board to cause a notice of said application for parole, together with the place and date set for hearing said application, to be sent by registered mail to the last known address of the prosecuting witness, or injured party; and to deliver a copy of said notice to the Superintendent of Police of said city, at least ten (10) days before the date set for said hearing.

Section 11. It shall be the duty of said board to terminate any parole granted under the provisions of this act, under the following conditions:

(Here Insert Proper Conditions)

Section 12. When any person shall be paroled under the provisions of this act, said board may terminate said parole at any time by a majority vote thereof without notice to such person, by merely directing the Clerk of the Court to make out and deliver to the Sheriff or other proper officer, a certified copy of the sentence, together with a certificate that such person has been paroled and his parole has been by said board terminated, and it shall be the duty of such officer upon receipt of such certified copy of sentence and certificate to immediately arrest such person and transport and deliver him to the Warden of the proper penal institution in the same manner as if no parole had been granted, and the time such person shall have been at large on parole shall not be counted as a part of the term of his sentence, but the time of his sentence shall count from the day of his delivery to the Warden of the proper penal institution.

Section 13. It shall be the duty of any person paroled under the provisions of this act to appear before said board or its secretary at any time, upon receiving notice to that effect or as provided by the regular rules adopted as aforesaid.

Section 14. It shall be the duty of any person paroled under the provisions of this act to furnish at his own expense proof to the satisfaction of said board that he has, since the granting of his parole, or since the last date on which such proof has been furnished, complied with all the conditions of such parole and conducted himself as a sober, peaceable and law-abiding citizen.

Section 15. When any person who has been paroled under the provisions of this act shall have been at large under such parole for the minimum term prescribed by Section 16 of this act and the majority of said board shall be satisfied that the reformation of such person is complete. and that he will not again violate the law, such board may in its discretion, by order in its records, grant his absolute discharge. Such order of discharge shall recite the fact that such person had earned his discharge by good behavior, and such order shall operate as a complete satisfaction of the original charge by which the fine or jail sentence or imprisonment in the penitentiary was imposed; Provided, that said discharge was not obtained by wilfully false statements or by fraud.

Section 16. No person paroled under the provisions of this act shall be granted absolute discharge at an earlier period than six months after the date of his parole, nor shall such parole be continued for a period longer than the maximum sentence of said defendant; Provided, that if no absolute discharge be granted nor the parole terminated within the time in this section limited, it shall be the duty of the board at the first regular meeting after the expiration of such time to either grant an absolute discharge or terminate the parole and order the judgment or sentence to be complied with, but if the said board shall fail to take any action at such time, such a failure to act shall operate as a discharge of the persons paroled.

Section 17. It shall be the duty of the said board granting the parole to require the person paroled to pay or give

security for the payment of all costs that may have accrued in the cause, unless the person paroled shall be insolvent and unable to either pay said costs or furnish security for the same. In the latter case, the costs shall be paid by the Commonwealth or County as in other cases, without such persons being required to serve any time in jail for non-payment of fine or costs. Such payment of costs by the Commonwealth or County shall not relieve such person from liability for the same, but if at any time, before his final discharge, he shall become able to pay said costs, it shall be the duty of the said board to require said costs to be paid before granting his discharge, and said costs when so paid shall be paid to the Clerk of the Court and accounted for by said Clerk as required by law.

Section 18. Any person who shall commit any offense while at large under parole may be arrested and tried in the same manner as if he had not previously been convicted or paroled.

Section 19. Any person who shall receive his final discharge under the provisions of this act shall be restored to all the rights and privileges of citizenship.

Section 20. No parole shall be granted in any case while an appeal is pending nor shall the action of the board in granting or terminating a parole be subject to review in any proceedings by any Appellate Court.

Section 21. If any person shall fraudulently make a false entry in, or erase, alter, secrete, remove, carry away or destroy any paper, report, application, minute or any other record, or any part thereof, of said board, such person shall be guilty of a misdemeanor and upon conviction shall be sentenced to undergo imprisonment in the county jail for a term of not more than twelve months and to pay a fine of not more than one thousand dollars.

APPENDIX D
(See Section 26)
REAL ESTATE BAIL

Section 1 Definitions. (a) Bail. Bail is security required and given for the release of a person who is in the custody of the law, that he will appear before any court in which his appearance may be required, and that he will do or refrain from doing, such things as are stipulated in the bail bond or recognizance.

(b) Taking Bail. The taking of bail is the acceptance of bail by an authorized court or official.

Section 2. Real Estate Bail to be Recorded as a Lien. (a) When the bail furnished is real estate, the defendant and surety shall execute an additional copy of said bond or recognizance.

(b) It shall be the duty of the person taking bail to file said additional copy immediately with the Recorder of Deeds[1] of said county for recording.

(c) Every bond or recognizance so filed with the Recorder of Deeds shall be a lien for the amount of the undertaking upon all real property listed or described therein from the time when the recognizance or bond is filed in the office of the Recorder of Deeds, subject to any prior lien or liens.

Section 3. Duration of Lien. The lien of the bond or recognizance shall cease at the expiration of three years from the date when it became a lien unless the lien shall be sooner terminated in the manner provided by law, or unless the bond or recognizance shall be forfeited within the three-year period; and in case of forfeiture within the three-year period, the lien shall not terminate during the pendency of any proceedings at law or in equity under the provisions of this act.

Section 4. Termination of Lien. When the accused shall be surrendered in accordance with the law, said lien shall automatically terminate. A certified copy of the docket entries disclosing this fact shall be sufficient authority to the Recorder of Deeds to mark the lien terminated.

Section 5. Forfeiture of Bond or Recognizance. When any person accused of a criminal offense, shall give bail for his appearance, and thereafter fail to appear in accordance with the terms of the bond or recognizance, the court shall declare the bond or recognizance to be forfeited, and the District Attorney shall issue a scire facias against the person and his sureties returnable on a designated return day, not less than thirty nor more than sixty days from the date of the forfeiture, to show cause why judgment should not be rendered against the accused and his sureties for the amount of the bond or recognizance. The scire facias shall be served at least five days before the day on which the same is returnable. In case the persons aforesaid cannot be found by the sheriff, he shall make return of that fact to the court. After the scire facias is thus returned, the court shall enter judgment by default against the defendants for the amount of the bond or recognizance unless the defendants shall appear and defend the cause. If the defendants shall appear and interpose a defense, then the cause shall be tried in the same manner as other causes of a like nature. Every judgment entered in such proceeding shall have the same force and effect, be enforceable in the same manner, be and become a lien in the same manner and for the same period as that pertaining to mortgages.

Section 6. Court May Set Aside Forfeiture. Before any proceeding shall have been instituted on any forfeited bond or recognizance, the court may in its discretion, set aside the forfeiture with or without costs, as the court may deem equitable upon motion and a proper showing that there has been no wilful default of the party, and that a trial can, notwithstanding, be had in the cause, or that accused has died, and that public justice does not otherwise require that the forfeiture be enforced; provided, however, that if any costs or expenses have accrued by reason of apprehending the accused, said forfeiture shall not be set aside unless and until such costs and expenses have been paid.

Section 7. Determination of the Validity of a Lien. In any case, where it is claimed that a lien upon any certain lands or an interest therein, has been created by virtue of this act, and there is also outstanding against the same premises, any trust deed, mortgage, judgment, money decree, mechanic's or other lien, or where any peron who claims to be the owner of any premises denies the validity of any lien thereon claimed to have been created by virtue of this act, any interested person, whether or not he be in possession of any property appearing to be subject to the lien, may institute a suit in equity in the county in which the premises are located, to determine the validity or in validity of the lien so claimed to have been created by virtue of this act, and to find whether it is senior or junior to any other lien or liens against the premises, if it is found that the lien exists. Where it is found that no lien exists, it shall be the duty of the court by final decree to remove and set aside the evidence of the alleged lien as a cloud upon the title of said premises. The District Attorney of the county wherein the judgment was rendered and all other persons claiming to have any right, title, or interest in the premises and any persons claiming a lien thereon shall be made defendants as in other cases.

Section 8. Foreclosure of Lien. Whenever a bond or recognizance shall have created a lien upon real estate under this act, it shall be the duty of the District Attorney, if the court shall have declared a forfeiture thereon, to foreclose the lien as in cases of mortgage foreclosure and to obtain a decree for any deficiency. In the foreclosure proceedings, the court may appoint a receiver with power to collect the rents, issues and profits. The rents, issues and profits when so collected, shall be applied toward the payment of the indebtedness upon the forfeited bond or recognizance, and upon costs of the foreclosure proceedings, and for this purpose every bond or recognizance, the filing or recording of which in accordance with this act constitutes a lien upon real estate, shall, subject to prior rights, be an assignment of rents, issues and profits from the real estate therein scheduled and shall constitute a waiver of all exemptions.

Section 9. Execution. It shall be the duty of the District Attorney in and for the county wherein the judgment was rendered, to sue out an execution on the judgment for said deficiency and cause the sheriff to levy on any other real or personal property owned by any of the judgment debtors.

[1] Prothonotary.

APPENDIX E
(See Section 56)

INDICTMENT

Section 1. Definitions in this Article.

(a) The singular number includes the plural and plural includes the singular.

(b) The masculine gender includes the feminine and neuter genders.

(c) The words "person," "defendant," and similar words include, unless a contrary intention appears, a public or private corporation.

(d) The term "act" includes omission to act.

(e) The word "property" includes any matter or thing other than a person upon, or in respect to which, any offense may be committed.

(f) The word "indictment," unless a contrary intention appears, includes any count thereof.

(g) The terms "writing" and "written" include words printed, painted, typed, engraved, lithographed, photographed, or otherwise copied, traced, or made visible to the eye.

(h) The term "the court" unless a contrary intention appears, means the court before which the trial is had.

Section 2. Caption, Commencement, Amendment. (1) Whenever an objection is made that an indictment does not contain a caption or commencement, a caption may be prefixed to, and a commencement may be inserted in, the indictment, and any defect, error or omission in a caption or commencement may be amended as of course, at any stage of proceedings and shall be in any event cured by verdict.

(2) It is unnecessary to allege that the grand jurors were impanelled, sworn, or charged, or that they present the indictment upon their oaths or affirmations.

Section 3. Conclusion. The indictment need contain no formal conclusion except such as is required by the Constitution of this Commonwealth.

Section 4. Form of Indictment. The indictment may be in substantially the following form:

In the (here state the name of the court) the day of , 19 . The Commonwealth of Pennsylvania vs. A. B.

The grand jurors of the county of accuse A. B. of (here charge the offense in one of the ways mentioned in section five e. g., murder or assault with intent to kill or poisoning an animal contrary to section of the Penal Code) and charge that (here the particulars of the offense may be added with a view to avoiding the necessity for a bill of particulars.)

Section 5. Charging the Offense. (1) The indictment may charge and is valid and sufficient, if it charges the offense for which the defendant is being prosecuted in one or more of the following ways:

(a) By using the name given to the offense by the common law or by a statute.

(b) By stating so much of the definition of the offense either in terms of the common law or of the statute defining the offense, or in terms of substantially the same meaning as is sufficient to give the court and the defendant notice of what offense is intended to be charged.

(2) The indictment may refer to a section or subsection of any statute creating the offense charged therein, and in determining the validity or sufficiency of such indictment regard shall be had to such reference.

Section 6. Bills of Particulars. (1) When an indictment charges an offense in accordance with the provisions of Section Five, but fails to inform the defendant of the particulars of the offense sufficiently to enable him to prepare his defense or to give him such information as he is entitled to under the Constitution of this Commonwealth, the court may of its own motion and shall at the request of the defendant, order the district attorney to furnish a bill of particulars containing such information as may be necessary for these purposes or the district attorney may of his own motion, furnish such bill of particulars.

(2) When the court deems it to be in the interest of justice that facts not set out in the indictment or in any previous bill of particulars should be furnished to the defendant, it may order the district attorney to furnish a bill of particulars containing such facts. In determining whether such facts and if so, what facts should be furnished, the court shall consider the whole record and the entire course of the proceedings against the defendant.

(3) Supplemental bills of particulars or a new bill may be ordered by the court or furnished voluntarily under the conditions above stated.

(4) Each supplemental bill shall operate to amend any and all previous bills and a new bill shall supersede any previous bill.

(5) When any bill of particulars is furnished, it shall be filed of record and a copy of such bill given to the defendant upon his request.

Section 7. Insufficiency or Inconsistency Between Indictment and Bill of Particulars, Effect of. If it appears from the bill of particulars furnished under Section Six that the particulars therein stated, together with any particulars appearing in the indictment, do not constitute the offense charged in the indictment or that the defendant did not commit that offense or that a prosecution for that offense is barred by the statute of limitations, the court may, and on motion of the defendant or of the district attorney shall, quash the indictment unless the district attorney shall furnish another bill of particulars which either by itself, or together with any particulars appearing in the indictment, so states the particulars as to make it appear that they constitute the offense charged in the indictment and that the offense was committed by the defendant and that it is not barred by the statute of limitations.

Section 8. Name of Defendant. (1) In an indictment or bill of particulars, it is sufficient for the purpose of identifying the defendant to state his true name, or to state the name, appellation, or nickname by which he has been, or is known, or if no better way of identifying him is practicable, to state a fictitious name, or to describe him as a person whose name is unknown, or in any other manner. In stating the true name or the name by which the defendant has been or is known, or a fictitious name, it is sufficient to state a surname, a surname and one or more given names, or a surname and one or more abbreviations or initials of a given name or names.

(2) If the defendant is a corporation, it is sufficient to state the corporate name of the defendant or any name or designation by which it has been or is known, or by which it may be identified without an averment that it is a corporation or that it was incorporated according to law.

(3) If, in the course of the proceedings, the true name of a person indicted, otherwise than by his true name is disclosed by the defendant to the court or appears in some other manner to the court, the court shall cause the true name of the defendant to be inserted in the indictment or bill of particulars and record wherever his name appears otherwise therein, and the proceedings shall be continued against him in his true name.

(4) In naming the defendant no indictment or bill of particulars need further describe him by stating his addition, degree, estate, mystery, occupation, title or residence, unless such further description is necessary to charge an offense under Section Five.

(5) In no case is it necessary to prove that the true name of the defendant is unknown to the grand jury or district attorney.

Section 9. Time. (1) An indictment need contain no allegation of the time of the commission of the offense unless such allegation is necessary to charge the offense under Section Five.

(2) The allegation in an indictment that the defendant committed the offense shall in all cases be considered an allegation that the offense was committed after it became an offense and before the finding of the indictment and

within the period of limitations prescribed by law for the prosecution of the offense.

(3) All allegations of the indictment and bill of particulars shall, unless stated otherwise, be deemed to refer to the same time.

Section 10. Place. (1) An indictment need contain no allegation of the place of the commission of the offense unless such allegation is necessary to charge the offense under Section Five.

(2) The allegation in an indictment that the defendant committed the offense shall in all cases be considered an allegation that the offense was committed within the territorial jurisdiction of the court.

(3) All allegations in the indictment and bill of particulars shall, unless stated otherwise, be deemed to refer to the same place.

Section 11. Means. An indictment need contain no allegation of the means by which the offense was committed unless such allegation is necessary to charge the offense under Section Five.

Section 12. Value and Price. An indictment need contain no allegation of the value or price of any property unless such allegation is necessary to charge the offense under Section Five and, in such case, it is sufficient to aver that the value or price of the property equals or exceeds the certain value or price which determines the offense. The facts which give the property such value need not be alleged.

Section 13. Ownership. (1) An indictment need contain no allegation of the ownership of any property unless such allegation is necessary to charge the offense under Section Five.

(2) In charging an offense in which an allegation of ownership of property is satisfied by proof of possession, or right of possession, any statement in an indictment or bill of particulars which implies possession, or right of possession, is a sufficient allegation of ownership.

Section 14. Intent. (1) An indictment need contain no allegation of the intent with which an act was done unless such allegation is necessary to charge the offense under Section Five.

(2) An allegation generally of an intent to defraud and injure is sufficient without alleging an intent to defraud or injure any particular person unless such allegation is necessary to charge the offense under Section Five.

Section 15. Characterization of Act. (1) An indictment need not allege that the offense was committed or the act done "feloniously" or "traitorously" or "unlawfully" or "with force and arms" or "with a strong hand" nor need it use any phrase of like kind otherwise to characterize the offense nor need it allege the offense was committed or the act done "burglariously," wilfully," "knowingly," "maliciously," or 'negligently" nor need it otherwise characterize the manner of the commission of the offense unless such characterization is necessary to charge the offense under Section Five.

(2) An indictment need not contain the words 'as appears by the record." or any other words of similar import.

Section 16. Omission of Unnecessary Matter. An indictment need not state any matter not necessary to be proved.

Section 17. Allegations of Places and Things. Whenever it is necessary in an indictment to describe any place or thing, in order to charge an offense under Section Five, it is sufficient to describe such place or thing by any term which, in common understanding, embraces such place or thing and does not include any place or thing which is not by law the subject of or connected with the offense.

Section 18. Name of Person other than Defendant. (1) In an indictment or bill of particulars it is sufficient for the purpose of identifying any person other than the defendant to state his true name or to state the name, appellation, or nickname by which he has been or is known, or if no better way of identifying such person is practicable, to state a fictitious name or to state the name of an office or position held by him or to describe him as "a certain person" or by words of similar import or in any other manner. In stating the true name of such person, or the name by which such person has been or is known, it is sufficient to state a surname, or a surname and one or more given names, or surname and one or more abbreviations or initials of a given name or names.

(2) It is sufficient for the purpose of describing any group or association of persons not incorporated, to state the proper name of such group or association, or to state any name or designation by which the group or association has been or is known, or by which it may be identified or to state the names of all the persons in such group or association, or to state the name or names of one or more persons in such group or association referring to the other or others as "another" or "others."

(3) It is sufficient for the purpose of describing a corporation to state the corporate name of such corporation, or any name or designation by which it has been, or is known, or by which it may be identified without an averment that the corporation is a corporation or that it was incorporated according to law.

(4) In no case is it necessary to aver or prove that the true name of any person, group, or association of persons or any corporation is unknown to the grand jury or district attorney.

(5) If in the course of the trial, the true name of any person, group or association of persons or corporation described otherwise than by the true name is disclosed by the evidence, the court shall cause the true name to be inserted in the indictment, bill of particulars, and record, wherever the name appears otherwise.

Section 19. Property Described as Money. In an indictment in which it is necessary to make an averment as to money, treasury notes, or certificates, banknotes, or other securities which circulate as money, checks, drafts, or bills of exchange, it is sufficient to describe the same or any of them, as money, without specifying the particular character, number, denomination, kind, species, or nature thereof.

Section 20. Description of Written Instruments. Whenever it is necessary in an indictment to make an averment relative to any instrument which consists wholly or in part of writing or figures, pictures or designs, it is sufficient to describe such instrument by any name or description by which it is usually known, or by which it may be identified or by its purport without setting forth a copy or facsimile of the whole or any part thereof. The description, if in a bill of particulars, is sufficient if it sets forth the character and contents of the instrument with such particularity as to enable the defendant to prepare his defense.

Section 21. Description of Written Matter. Whenever in an indictment, an averment relative to any spoken or written words, or any picture, is necessary, it is sufficient to set forth such spoken or written words by their general purport or to describe such picture generally without setting forth a copy or facsimile of such written words, or such picture. The description, if in a bill of particulars, is sufficient if the defendant is thereby sufficiently informed of the identity of the words or picture concerning which the averment is made, so as to enable him to prepare his defense.

Section 22. Meaning of Words and Phrases. The words and phrases used in an indictment or bill of particulars are to be construed according to their usual acceptation, except that words and phrases which have been defined by law or which have acquired a legal signification are to be construed according to their legal signification.

Section 23. Allegation of Prior Convictions. No indictment shall contain an allegation of a prior conviction of the defendant unless such allegation is necessary to charge the offense under Section Five.

Section 24. Private Statutes. In referring in an indictment to a private statute or a right derived therefrom, it is sufficient to refer to the statute by its title and the day of its passage or in any other manner which identifies the statute and the court shall thereupon take judicial notice thereof.

Section 25. Judgments. In referring in an indictment to a judgment or other determination of, or a proceeding before any court or official, civil or military, it is unnecessary to allege the facts conferring jurisdiction on such

court or official, but it is sufficient to allege generally that such judgment or determination was given or made or such proceeding had in such manner as identifies the judgment, determination or proceeding.

Section 26. Exceptions. No indictment for an offense created or defined by statute shall be invalid or insufficient merely for the reason that it fails to negative any exception, excuse, or proviso contained in the statute creating or defining the offense.

Section 27. Alternative or Disjunctive Allegations. No indictment for an offense which may be committed by the doing of one or more of several acts, or by one or more of several means, or with one or more of several intents, or with one or more of several results, shall be invalid or insufficient for the reason that two or more of such acts, means, intents, or results, are charged in the disjunctive or alternative.

Section 28. Indirect Allegations. No indictment shall be invalid or insufficient for the reason that it alleges indirectly and by inference or by way of recital any matters, facts or circumstances connected with, or constituting the offense.

Section 29. Libel. No indictment for libel shall be invalid or insufficient for the reason that it does not set forth extrinsic facts for the purpose of establishing the application to the party alleged to be libelled of the defamatory matter on which the indictment is founded.

Section 30. Perjury and Kindred Offenses. No indictment for perjury, or for subornation of, solicitation of, conspiracy, or attempt to commit perjury shall be invalid or insufficient for the reason that it does not set forth any part of the records or proceedings with which the oath was connected or the commission or authority of the court or other official before whom the perjury was committed or was to have been committed, or the form of the oath or affirmation, or the manner of administering the same.

Section 31. Offenses Divided into Degrees. In an indictment for an offense which is divided into degrees, it is sufficient to charge that the defendant committed the offense without specifying the degree.

Section 32. Parties to Offenses. Every person concerned in the commission of an offense whether he directly commits the offense or procures, counsels, aids, or abets in its commission, may be indicted as principal.

Section 33. Repugnancy. No indictment that charges an offense in accordance with the provisions of Section Five shall be invalid or insufficient because of any repugnant allegation contained therein.

Section 34. Surplusage. Any allegation unnecessary under existing law or under the provisions of this article may, if contained in an indictment or bill of particulars be disregarded as surplusage.

Section 35. Defects, Variances and Amendment. (1) No indictment that charges an offense in accordance with the provisions of Section Five shall be invalid or insufficient because of any defect, or imperfection in, or omission of, any matter of form only, or because of any miswriting, misspelling, or improper English, or because of the use of sign, symbol, figure, or abbreviation, or because of any similar defect, imperfection or omission. The court may at any time cause the indictment or bill of particulars to be amended in respect to any such defect, imperfection, or omission.

(2) No variance between those allegations of an indictment or bill of particulars which state the particulars of the offense, whether amended or not, and the evidence offered in support thereof shall be ground for the acquittal of the defendant. The court may at any time cause the indictment or bill of particulars to be amended in respect to any such variance to conform to the evidence.

(3) If the court is of the opinion that the defendant has been prejudiced in his defense upon the merits by any such defect, imperfection or omission or by any such variance, the court may, because of such defect, imperfection, omission, or variance, unless the defendant objects, postpone the trial to be had before the same or another jury on such terms as the court considers proper. In determining whether the defendant has been prejudiced in his defense, upon the merits, the court shall consider all the circumstances of the case and the entire course of the prosecution.

(4) No appeal or motion made after verdict, based on any such defect, imperfection, omission, or variance, shall be sustained unless it is affirmatively shown that the defendant was in fact prejudiced thereby in his defense upon the merits.

Section 36. Misjoinder, Multiplicity, Duplicity, and Uncertainty. (1) No indictment shall be invalid or insufficient for any one or more of the following defects, merely:

(a) That there is a misjoinder of the parties defendant.

(b) That there is a misjoinder of the offenses charged.

(c) That there is duplicity therein.

(d) That any uncertainty exists therein, provided it charges an offense in accordance with Section Five.

(2) If the court is of the opinion that the defects stated in subsection 1 clauses (a), (b), and (c), or any of them, exists in any indictment, it may order the district attorney to sever such indictment into separate indictments or into separate counts as shall be proper.

(3) If the court is of the opinion that the defect stated in subsection (1) clause (d) exists in any indictment, it may order that a bill of particulars be filed in accordance with Section Six.

(4) No appeal or motion made after verdict based on any of the defects enumerated in this section shall be sustained unless it is affirmatively shown that the defendant was in fact prejudiced in his defense upon the merits.

Section 37. Amendment After Verdict. The defendant and the district attorney are entitled upon motion made by either after verdict and before sentence is pronounced or the defendant is discharged, to have the indictment amended so as to state the particulars of the offense as proved in such manner that the indictment shall without evidence aliunde be such evidence of the offense charged and its particulars as to bar a subsequent prosecution for the same offense constituted by the same particulars.

Section 38. Interpretation of this Article. Nothing contained in this article shall be so construed as to make invalid or insufficient any indictment which would have been valid and sufficient under the law existing at the date of the enactment of this article.

Section 39. Forms for Specific Offenses. The following forms may be used in the cases in which they are applicable.

(1) Affray. A. B. and C. D. made an affray.

(2) Assault. A. B. assaulted C. D.

(3) Assault and Battery. A. B. committed an assault and battery upon C. D.

(4) Assault with Intent. A. B. assaulted C. D. with intent to murder him (or kill or rob or maim him as the case may be).

(5) Arson. A. B. committed arson by burning the dwelling house of C. D.

(6) Attempt. A. B. attempted to steal from C. D. A. B. attempted to commit larceny of the goods of C. D. A. B. attempted to commit burglary of a dwelling of C. D.

(7) Burglary. A. B. committed burglary of the dwelling of C. D.

(8) Conspiracy. A. B. and C. D. conspired together to murder E. F. (or to steal the property of E. F. or to rob E. F.).

(9) Forgery. A. B. forged a certain instrument purporting to be a promissory note (or describe the instrument or give its tenor or substance).

(10) Larceny. A. B. stole from C. D. one horse.

(11) Libel. A. B. published a libel concerning C. D. in the form of a letter (book, picture, or as the case may be) (the particulars should specify the pages and lines constituting the libel when necessary as where is it contained in a book or pamphlet).

(12) Murder. A. B. murdered C. D.

(13) Manslaughter. A. B. unlawfully killed C. D.

(14) Perjury. A. B. committed perjury by testifying as follows: (set forth the testimony).

(15) Rape. A. B. raped (or ravished) C. D.

(16) Robbery. A. B. robbed C. D.

Section 40. Disclosing the Finding of an Indictment For-

bidden. No grand juror or official of any court shall, except in the performance of his official duty, disclose the fact that an indictment has been found against any person for an offense unless such person is in custody or has been admitted to bail for such offense.

Section 41. Filing and Recording of the Indictment. When an indictment has been presented by the grand jury, it shall be filed by the clerk of the court, and transcribed in a book kept for that purpose. In each case the clerk shall certify in the book that he has compared the transcription with the original and that the transcription is a true copy of the original.

Section 42. Inspection of Indictment and Record. All indictments and the records thereof shall be in the custody of the clerk of the court to which they are presented and shall not be inspected by any person other than the judge, the clerk, the attorney-general, and the district attorney, until the defendant is in custody or has been admitted to bail.

Section 43. Indictment Lost, Mislaid, Etc. Copy May Be Used. When an indictment filed as provided for in Section Forty-one has been so mutilated or obliterated as to be illegible or has been lost, mislaid, destroyed, stolen, or for any other reason cannot be produced at the arraignment or trial of the defendant, he may be arraigned and tried on a copy thereof, taken from the clerk's book and certified by the clerk.

Section 44. Copy of Indictment to be Furnished Defendant. Every person who has been indicted for an offense shall be furnished with a copy of the indictment together with the indorsements thereon, at least twenty-four hours before he is required to plead thereto and he shall not be required to plead to such indictment if such copy has not been so furnished to him. A failure to furnish such copy shall not affect the validity of any subsequent proceeding against the defendant if he pleads to the indictment.

Section 45. Names of Witnesses to be Endorsed on Indictment. When an indictment is filed, the names of all the witnesses or deponents on whose evidence the indictment was based, shall be endorsed thereon before it is presented and the district attorney shall endorse on the indictment, at such time as the court may rule or otherwise prescribe, the names of such other witnesses as he purposes to call. A failure to so endorse the said names shall not affect the validity or sufficiency of the indictment, but the court in which the indictment was filed, shall upon application of the defendant, direct the names of such witnesses to be endorsed. No continuance shall be allowed because of the failure to endorse any of the said names unless such application was made at the earliest opportunity and then only if a continuance is necessary in the interest of justice.

APPENDIX F

(See Section 36)

EXAMINATION OF JURORS TOUCHING THEIR QUALIFICATIONS (VOIR DIRE)

Section 1. Examination of Jurors. (1) The jurors shall be sworn either individually or collectively as the court may decide, to answer truthfully all questions put to them regarding their competence to serve as jurors. The court shall then examine each juror individually except that with the consent of both parties it may examine the jurors collectively. The court in its discretion may permit either party to question a juror and each party may also submit questions to the court which in its discretion it may ask a juror.

(2) If the court, after the examination of any juror, is of the opinion that he is incompetent, the court shall excuse him from the trial of the cause. If, however, the court does not excuse the juror, either party may then challenge him according to law.

APPENDIX G

(See Section 40)

CHARGE TO JURY

Section 1. Requests for Instructions. Either party may request the giving of particular instructions. Such request may be oral unless the court directs it to be in writing.

Section 2. Charge of Court to Jury. (1) The court shall instruct the jury regarding the law applicable to the facts of the cause and may make such comment on the evidence and the testimony and credibility of any witness as in its opinion is necessary for the proper determination of the cause. It shall, if requested, inform the jury that they are the exclusive judges of all questions of facts, and whether requested or not, the court shall so inform them, if it comments on the evidence, the testimony, or the credibility, of any witness.

(2) The charge of the court may be either oral or written.

APPENDIX H

(See Section 58)

ADVANCE NOTICE OF INSANITY, ALIBI, OR CHARACTER DEFENSE

Section 1. Plea of Not Guilty; Notice of Special Matter; Effect of Failure to Give Such Notice. Where the defendant pleads not guilty and purposes to show in evidence (1) that he was insane or mentally defective at the time of the alleged commission of the offense charged, or (2) that he was not present at the time and place the alleged offense was committed, or (3) that he is of good character and reputation, he shall at the time he pleads or at any time thereafter not later than four days before trial, file a written notice of his purpose and in the case of (2) and (3) the names and addresses of the witnesses upon whose testimony he intends to rely. If the defendant fails to file such notice, he shall not be entitled to introduce evidence tending to establish such insanity or mental defect or alibi or character or reputation. The court, may, however, permit such evidence to be introduced where good cause for the failure to file the notice has been made to appear.

APPENDIX I

(See Section 30)

NOLLE PROSSE

Section 1. Dismissal of Prosecution by Indictment. The court either on the application of the District Attorney after notice to the private prosecutor, if any, or on its own motion, may in its discretion, for good cause, order that a prosecution by indictment be dismissed. The order for dismissal shall be entered of record with the reasons therefor.

No prosecution by indictment shall be dismissed, discontinued, or abandoned, except as provided in this article.

APPENDIX J

(See Section 60)

PROOF OF PRIOR CONVICTIONS TO AFFECT CREDIBILITY

Section 1. Any person who has been convicted of a criminal offense is, notwithstanding, a competent witness; but the conviction may be proved to affect his credibility, either by the record or by his own cross-examination, upon which he must answer any question relevant to that inquiry, and the party cross-examining shall not be concluded by his answer.

APPENDIX K

(See Section 86)

NEW JERSEY PUBLIC ENEMY LAW

Persons unable to give good account of themselves, engaging in illegal occupation, in state for unlawful purpose, consorting with criminals or possessing lottery, etc., paraphernalia; prima facie evidence.

Any person who shall be apprehended, either on foot or in any automobile, vehicle or public conveyance, who cannot give a good account of himself, or who is engaged in any illegal occupation and who is in this state for an unlawful purpose, shall be adjudged a disorderly person. In any prosecution under this paragraph the fact that the

person apprehended cannot give a good account of himself or is engaged in any illegal occupation shall be prima facie evidence that he is present in this state for an unlawful purpose.

Any person who shall be apprehended and shall be proven to the satisfaction of the magistrate, recorder, or judge before whom he shall be brought to be a person who is engaged in an illegal occupation, or who bears a bad reputation, and consorts for an unlawful purpose with thieves, burglars, pickpockets, swindlers, confidence men, or other criminals or persons who bear a bad reputation, shall be adjudged a disorderly person. In any prosecution under this paragraph the fact that the person apprehended is engaged in an illegal occupation, or bears a bad reputation and is found consorting with thieves, burglars, pickpockets, swindlers, confidence men or other criminals, or persons who bear bad reputation shall be prima facie evidence that such corsorting was for an unlawful purpose.

Any person who shall have in his possession or custody any lottery slips, books, or records pertaining to a lottery, or any person who shall have in his possession or have in an automobile in his custody any ticket or tickets, slip or slips, paper, document or memoranda in any way pertaining to the business of a number game, shall be adjudged to be a disorderly person. "Number game" as used in this paragraph is defined as any betting on any number or numbers, or sets or arrangements of numbers, on or according to any plan or method whatsoever.

APPENDIX L
(See Section 65)

EXPERT WITNESSES IN INSANITY CASES

Section 1. Appointment of Expert Witness by Court: Commitment to Institution for Examination. (a) Whenever on a prosecution by indictment the existence of insanity or mental defect on the part of the defendant at the time of the alleged commission of the offense charged becomes an issue in the cause, the court shall either appoint one or more disinterested qualified experts not exceeding three to examine the defendant, or shall commit the defendant to a state hospital for mental diseases. In either case the clerk shall notify the district attorney and counsel for the defendant of the action of the court and if the court has appointed experts, shall give their names and addresses. If the defendant is at large on bail the court in its discretion may commit him to custody pending the examination of the experts appointed by the court. The action of the court in appointing experts or committing the defendant for examination shall not preclude the Commonwealth or defendant from calling expert witnesses to testify at the trial and in case the defendant is committed to custody by the court, or to a state hospital for examination, they shall be permitted to have free access to the defendant for purposes of observation or examination.

(b) If the defendant is committed to a state hospital, the court shall direct that the superintendent of such hospital prepare a written report regarding the mental condition of the defendant in so far as this indicates what was his mental condition at the time of the alleged offense. Such superintendent shall be summoned as a witness at the trial and shall be examined by the court and may be examined by either party.

(c) If experts are appointed by the court they shall be summoned to testify at the trial and shall be examined by the court and may be examined by counsel for the Commonwealth and the defendant.

Section 2. Fees for Expert Witnesses. When expert witnesses are appointed by the court as provided in Section One, they shall be allowed such fees as the court in its discretion deems reasonable having regard to the services performed by the witnesses. The fees so allowed shall be paid by the county where the indictment was found.

APPENDIX M
(See Section 85)

REWARD BY GOVERNOR

Section 1. If any person charged with or convicted of a felony, shall break prison, escape or flee from justice and abscond or secrete himself, the governor of this state may, if he deems it expedient, offer any reward not exceeding $300 for the apprehension and delivery of said person to the custody of the sheriff or such other officer as he may direct.

Section 2. When any person shall apprehend and deliver such fugitive to the proper sheriff or officer, he shall take his certificate of such delivery and the Governor, on the production of said certificate, shall certify the amount of the claim to the Auditor General.

APPENDIX N

LIST OF EXHIBITS

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1. Resolutions, Ruth Legislative Commission
2. Behavior Clinic, Allegheny County
3. Forms for Petition for Parole, Petition for Probation, and Application for Position as Probation Officer, Allegheny County
4. Report of J. C. Coulter, Probation Officer of Allegheny County
5. "What Parole Should Be," by Frederick A. Moran, Executive Director of the Division of Parole, State of New York (Also Parole Reports by Trained and Untrained Investigators)
6. Practice and Procedure in the Office of the District Attorney of Allegheny County, by Andrew T. Park, Esq., District Attorney
7. Procedure, Rules, and Forms, Pertaining to Trial and Disposition of Criminal Cases, Allegheny County, submitted by Judge Ralph H. Smith
8. Suggestions from Judges (Pennsylvania)
9. Suggestions from District Attorneys (Pennsylvania)
10. Suggestions from Members of the Bar (Philadelphia)
11. Suggestions from All Sources
12. Compensation and Expenses Paid to Visiting Judges
13. Chart showing Time Spent by Inmates in County Jails Prior to Commitment to Pennsylvania Industrial School
14. Penal Program by John D. Pennington
15. Penal Program for Pennsylvania, by John D. Pennington
16. Parole and Release, Pennsylvania Industrial School, by John D. Pennington
17. State Parole System, Recommendations by Dr. James N. Henninger, Director of the Allegheny County Behavior Clinic
18. Principles of Parole
19. Psychiatry and the Criminal
    (a) Psychiatry and the Criminal, by Frederic H. Leavitt, M. D.
    (b) Resolution of Philadelphia County Medical Society
    (c) Discussion of Psychiatry and the Criminal by the Committee of the County Medical Society
20. State Parole System, Recommendations by Courtland Butler, Supervisor of Paroles
21. Criminal Law in Democracy, by Judge Paul N. Schaeffer
22. Parole in New York
23. Pardons and Paroles in Illinois
24. United States Department of Justice Personnel
25. Interstate Commission on Crime
26. Selection of Judges, and Paroles, in California
27. Report of the Crime Prevention Division of the Philadelphia Police
28. Board of Experts should Sentence Criminals, by Hon. Alfred E. Smith
29. Statement of Judge William G. Thomas
30. The Court and Correctional System in Pennsylvania, by Leon Stern
31. Case Work Enters the Prison, by Leon Stern
32. State Service to Probation, by Leon Stern
33. "Penal Affairs," Issue of May, 1926
34. The Untried Prisoner and His Defense, by Leon Stern

35. Probation and Parole of Offenders, by Leon Stern
36. Treatment of Adult Offenders and Children in Lancaster County, by Leon Stern
37. Treatment of Adult Offenders and Children in Berks County, by Leon Stern
38. Treatment of Adult Offenders and Children in Luzerne County, by Leon Stern
39. Treatment of Adult Offenders and Children in Beaver County, by Leon Stern
40. Treatment of Adult Offenders and Children in Delaware County, by Leon Stern
41. The Allegheny County Workhouse, by Leon Stern
42. Material Submitted by Leon Stern, Secretary of the Pennsylvania Committee on Penal Affairs
    (a) Statistical Material on Penal Affairs
    (b) Prison and Parole Policies and Program
43. Suggestions from Pennsylvania Prison Society
44. Material Sumbitted by Leon Stern, Secretary of the Pennsylvania Committee on Penal Affairs
    (a) Charts
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    (d) Comparison of Sentences
45. Material Submitted by Leon Stern, Secretary of the Pennsylvania Committee on Penal Affairs
    Basis of Findings and Recommendations
46. House of Detention for Philadelphia, by Leon Stern
47. County Prison of Allegheny County, by Leon Stern
48. Recommendations from Committee of Seventy
49. Report of Board of Magistrates
50. Recommendations from County and State Medical Societies
51. Parole in New York (Forms of Reports)
52. Parole in Pennsylvania
    (a) Report of Philip A. Coyle, Senior Field Agent
    (b) Exhibits and Forms used
    (c) Graphs
53. American Law Institute Code of Criminal Procedure
54. Recommendations from Committee on Prosecutors and Police of the Pennsylvania Bar Association
55. Parole in New York (Manual of Policies and Procedure)
56. Wallkill Prison, New York
    (Vocational and Educational Institution for Prisioners)
57. Probation and Parole in Missouri
58. Proposed Code of Criminal Law
59. Proposed Code of Criminal Procedure
60. Parole in Texas
61. "The Panel," Issue of January, 1938
62. Charts Submitted by James V. Bennett, Director of the Federal Bureau of Prisons
63. Recommendations by Herbert Smith, Warden of the Eastern State Penitentiary
64. Forms and Application for Parole from the Eastern State Penitentiary
65. Recommendations by M. J. S. Stoney, Esq.
66. Sex Crimes
67. Recommendations from the Northeast Chamber of Commerce
68. "The Challenge of Sex Offenders," by Edward A. Strecker, M.D.
69. Report of the Crime Prevention Association of Philadelphia
70. "Toward a More Effective Criminal Law"
    University of Pennsylvania Bicentennial Committee
71. Conference of the Welfare Council of New York on Sex Offenders
72. Recommendations from the Philadelphia Criminal Justice Association
73. Recommendations by the Crime Prevention Association of Philadelphia
74. Report and Forms submitted by Captain Thomas J. Hanley, of the Crime Prevention Division, Philadelphia Police
75. Newspaper Editorials on Parole and Probation
76. Statement of Horace P. Kern, Executive, Boy Scouts of America
77. Table of Salaries of Probation Officers
    Compiled by the National Probation Association
78. Parole in Maryland
79. Pamphlets of Instructions to Jurors, Northampton County
80. Recommendations from Clyde E. Smith, Director of Licensing and Enforcement, Pennsylvania Liquor Control Board
81. A Study of Forfeited Bail in Philadelphia by the Criminal Justice Association
82. Data on Municipal Court in Philadelphia County
83. Report of the Philadelphia Voluntary Defender Association
84. Recommendations by Francis Fisher Kane, President of Pennsylvania Prison Society
85. Survey of the Probation Department of the Court of Quarter Sessions of Philadelphia, by Wallace H. Smith
86. Statutes Regulating Probation and Parole in Pennsylvania
87. Forms and Reports of the Court of Quarter Sessions of Philadelphia
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In House (No. 80).
Referred to Committee on Appropriations, 418.
Reported without amendment, 500.
First reading, 509.
Second Reading, 534.
Third reading and final passage, 560, 561.
Signed by Speaker, 565.

APPROPRIATION ($50,000) to Special Committee to investigate charges against certain civil officers, making

House Bill No. 38.
Read in place in House by Mr. Herbert B. Cohen, 108.
Referred to Committee on Appropriations, 108.
Reported without amendment, 124.
First reading, 138.
Second Reading, and amended, 208, 209.
Over in order, 233.
Third reading and final passage, 264, 265.
Returned from Senate without amendment, 387, 388.
Signed by Speaker, 392.
Approved by Governor, 410; Act No. 16.

Remarks on, by
Huntley, 265.

In Senate (No. 46).
Referred to Committee on Appropriations, 272.
Reported without amendment, 282.
First reading, 288.
Second Reading, 310.
Third reading and final passage, 360, 362.
Signed by President, 375.

APPROPRIATION—Concluded.

Remarks on, by
Cavalcante, 361, 362.
Reed, 360, 361.
Rice, 360, 362.

APPROPRIATION TO SUPREME COURT (see Supreme Court).

ARBITRATION OF CLAIMS, BOARD OF, members of the, Nominated, 425; Referred to Committee on Executive Nominations, 422.

ARCHITECTS, STATE BOARD OF EXAMINERS OF, members of the, Nominated, 423; referred to Committee on Executive Nominations, 422.

ARNOLD, J. HAROLD, Representative from Fayette County. (Second District).

Leave of absence granted, 252.

ART COMMISSION, STATE, Dr. Warren Powers Laird, Nominated as member of, 457; referred to Committee on Executive Nominations, 467.

ASSISTANCE (see Public Assistance).

ASSISTANCE BOARDS, MEMBERS OF THE

Adams County, nominated, 426; referred, 422.
Allegheny County, nominated, 426, 427; referred, 422.
Armstrong County, nominated, 427; referred, 422.
Beaver County, nominated, 427; referred, 422.
Bedford County, nominated, 427; referred, 422.
Berks County, nominated, 427; referred, 422.
Blair County, nominated, 427; referred, 422.
Bradford County, nominated, 427; referred, 422.
Bucks County, nominated, 427, 428; referred, 422.
Butler County, nominated, 428; referred, 422.
Cambria County, nominated, 428; referred, 422.
Cameron County, nominated, 428; referred, 422.
Carbon County, nominated, 428; referred, 422.
Centre County, nominated, 428; referred, 422.
Chester County, nominated, 428; referred, 422.
Clarion County, nominated, 428, 429; referred, 422.
Clearfield County, nominated, 429; referred, 422.
Clinton County, nominated, 429; referred, 422.
Columbia County, nominated, 429; referred, 422.
Crawford County, nominated, 429; referred, 422.
Cumberland County, nominated, 429; referred, 422.
Dauphin County, nominated, 429; referred, 422.
Delaware County, nominated, 429; referred, 422.
Elk County, nominated, 430; referred, 422.
Erie County, nominated, 430; referred, 422.
Fayette County, nominated, 430; referred, 422.
Forest County, nominated, 430; referred, 422.
Franklin County, nominated, 430; referred, 422.
Fulton County, nominated, 430; referred, 422.
Greene County, nominated, 430; referred, 422.
Huntingdon County, nominated, 431; referred, 422.
Indiana County, nominated, 431; referred, 422.
Jefferson County, nominated, 431; referred, 422.
Juniata County, nominated, 431; referred, 422.
Lackawanna County, nominated, 431; referred, 422.
Lancaster County, nominated, 431; referred, 422.
Lawrence County, nominated, 431; referred, 422.
Lebanon County, nominated, 432; referred, 422.
Lehigh County, nominated, 432; referred, 422.
Luzerne County, nominated, 432; referred, 422.
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McKean County, nominated, 432; referred, 422.
Mercer County, nominated, 432; referred, 422.
Mifflin County, nominated, 432; referred, 422.
Monroe County, nominated, 432; referred, 422.
Montgomery County, nominated, 433; referred, 422.
Montour County, nominated, 433; referred 422.
Northampton County, nominated, 433; referred, 422.
Northumberland County, nominated, 433; referred, 422.
Perry County, nominated, 433; referred, 422.
Philadelphia County, nominated, 433; referred, 422.
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Potter County, nominated, 434; referred, 422.
Schuylkill County, nominated, 434; referred, 422.
Snyder County, nominated, 434; referred, 422.

ASSISTANCE BOARDS, MEMBERS OF THE (continued)
Somerset County, nominated, 434; referred, 422.
Sullivan County, nominated, 434; referred, 422.
Susquehanna County, nominated, 434; referred, 422.
Tioga County, nominated, 434, 435; referred, 422.
Union County, nominated, 435; referred, 422.
Venango County, nominated, 435; referred, 422.
Warren County, nominated, 435; referred, 422.
Washington County, nominated, 435; referred, 422.
Westmoreland County, nominated, 435; referred, 422.
Wyoming County, nominated, 435, 436; referred, 422.
York County, nominated, 436; referred, 422.

ASSISTANCE BOARDS, ALLEGHENY COUNTY, Mrs. Leanna Thomas, Nominated as member of the, 426; referred to Committee on Executive Nominations, 422; communication recalling nomination referred to Committee on Executive Nominations, 572, reported, 651; returned to Governor, 651, 652.

ASSISTANCE BOARD, ARMSTRONG COUNTY, Glen T. Black, Nomination as member of, July 25 and laid on table in Senate; Communication recalling nomination, 242; returned to Governor, 242.

ASSISTANCE BOARD, ARMSTRONG COUNTY, Samuel Hockenberry, Nominated, 242; referred to Committee on Executive Nominations, 241; reported, 437; confirmed, 438.

ASSISTANCE BOARD, BUCKS COUNTY, Mrs. Frances A. Rufe, Nominated as member of the, 428; referred to Committee on Executive Nominations, 422; communication recalling nomination referred to Committee on Executive Nominations, 572; reported, 651; returned to Governor, 651, 652.

ASSISTANCE BOARD, CAMBRIA COUNTY, Mrs. Mary Sagerson Dillon, George M. Lang and Mrs. Elizabeth McDowell, Nominated members of, July 25 and laid on table in Senate; referred to Committee on Executive Nominations, 428; communication recalling nomination referred to Committee on Executive Nominations, 643; communication and nomination reported from committee, 650; nomination directed to be returned to Governor, 651.

ASSISTANCE BOARD, CAMBRIA COUNTY, Frank J. Pentrack, George C. Hoppel and Mrs. Catherine Q. McGuire, Nominated members of, 644; referred to Committee on Executive Nominations, 643.

ASSISTANCE BOARD, CHESTER COUNTY, W. L. Kay, Nominated as member of, and laid on table July 25; referred to Committee on Executive Nominations, 428; communication recalling nomination referred to Committee on Executive Nominations, 619; reported, 651; returned to Governor, 651, 652.

ASSISTANCE BOARD, CLARION COUNTY, Fred V. Brown, Nominated as member of the 428; referred to Committee on Executive Nominations, 422; communication recalling nomination referred to Committee on Executive Nominations, 572; reported, 651; returned to Governor, 651, 652.

ASSISTANCE BOARD, COLUMBIA COUNTY, Merrill C. Fisher, Nominated as member of the, 429; referred to Committee on Executive Nominations, 422; communication recalliing nomination referred to Committee on Executive Nominations, 572; reported, 651; returned to Governor, 651, 652.

ASSISTANCE BOARD, DELAWARE COUNTY, Dr. J. O. Crist, Nominated as member of, 468; referred to Committee on Executive Nominations, 467.

ASSISTANCE BOARD, ERIE COUNTY, Joseph C. Williams, Nominated and referred to Committee on Executive Nominations, 399; Reported and confirmed, 438.

ASSISTANCE BOARD, FOREST COUNTY, James C. Bowman, Miss Helen Landers and George H. Reed, Nominated as members of, 684; referred to Committee on Executive Nominations, 683.

ASSISTANCE BOARD, FOREST COUNTY, Hobert Hillard, S. J. Russell and Mrs. Leona Zerbe nominated as members of, July 25 and laid on table, referred to Committee on Executive Nominations, 430; communication recalling nominations referred to Committee, 684; reported from Committee and returned to Governor, 708.

ASSISTANCE BOARD, HUNTINGDON COUNTY, John M. Keichline, Nominated as member of the, 431; referred to Committee on Executive Nominations, 422; communication recalling nomination referred to Committee on Executive Nominations, 572; reported, 651; returned to Governor, 651, 652.

ASSISTANCE BOARD, HUNTINGDON COUNTY, Dr. G. A. Parker, nominated, 242; referred to Committee on Executive Nominations, 241; Reported, 437; confirmed, 438.

ASSISTANCE BOARD, LEBANON COUNTY, Dr. I. Calvin Fisher, Nominated members of, 127; referred to Committee on Executive Nominations, 127; reported, 437; confirmed, 438.

ASSISTANCE BOARD, LYCOMING COUNTY, Phillip Shay, Nominated member of, 45; referred to Committee on Executive Nominations, 45; communication recalling nomination referred to Committee on Executive Nominations, 157; communication reported from committee and nomination returned to Governor, 422.

ASSISTANCE BOARD, MCKEAN COUNTY, Mrs. Emma Griffith Bovaird, Nominated, 203, 204; recalled by Governor, 203; returned to Governor, 204.

ASSISTANCE BOARD, MCKEAN COUNTY, John Moore, Nominated, 203, 204; recalled by Governor, 203; returned to Governor, 204.

ASSISTANCE BOARD, MCKEAN COUNTY, Robert A. Russel and Mrs. Theresa White nominated and referred to Jommittee on Executive Nominations, 204; reported, 437; confirmed, 438.

ASSISTANCE BOARD, NORTHAMPTON COUNTY, Miss Fannie Henry, Nominated as member of the, 433; referred to Committee on Executive Nominations, 422; communication recalling nomination referred to Committee on Executive Nominations, 572, reported, 651; returned to Governor, 651, 652.

ASSISTANCE BOARD, PHILADELPHIA COUNTY, John J Cregan and Robert Weinstein Nominated as members 539; referred to Committee on Executive Nominations, 539.

ASSISTANCE BOARD, PHILADELPHIA COUNTY, Joseph N. Garson, Nominated as member of the, 523; referred to committee on Executive Nominations, 523.

ASSISTANCE BOARD, PIKE COUNTY, Frank B. Stutsman, Nominated as member and laid on table July 25; referred to Committee on Executive Nominations, 433; communication recalling nomination referred to Committee on Executive Nominations. 619; reported, 651; returned to Governor, 651, 652.

ASSISTANCE BOARD, POTTER COUNTY, Miss Marian Stone and E. M. Fischler, Nominated as members of the, 434; referred to Committee on Executive Nominations, 422; communication recalling nomination referred to Committee on Executive Nominations, 572, reported, 651; returned to Governor, 651, 652.

ASSISTANCE BOARD, TIOGA COUNTY, Miss Martha McInroy, Nominated and referred to Committee on Executive Nominations. 399; Reported and confirmed, 438.

ASSISTANCE BOARD, UNION COUNTY, Ralph E. Page, Nominated as member of the, 435; referred to Committee on Executive Nominations, 422; communication recalling nomination referred to Committee on Executive Nominations, 572; reported, 651; returned to Governor, 651, 652.

ASSISTANCE BOARD, WARREN COUNTY. Mrs. Marjorie B. Briggs, Nominated as member of the, 435; referred to Committee on Executive Nominations, 422; communication recalling nomination referred to Committee on Executive Nominations, 584; reported, 651; returned to Governor, 651.

ASSISTANCE BOARD, WARREN COUNTY, Mrs. Nelle G. Walker, nominated as member of the, 584; referred to Committee on Executive Nominations, 584.

ASSISTANCE BOARD, WARREN COUNTY, Cecil C. Winans, Nominated as member and laid on table July 25; referred to Committee on Executive Nominations, 435; communication recalling nomination referred to Committee on Executive Nominations, 619; reported, 651; returned to Governor, 651, 652.

ASSISTANCE BOARD, WESTMORELAND COUNTY, Mrs. Cecilia R. Jamison, Nomination as member of laid on table on July 25; referred to Committee on Executive Nominations, 435; communication recalling nomination referred to Committee on Executive Nominations, 619; reported 651; returned to Governor, 651, 652.

ATHLETIC COMMISSION, STATE, Jules E. Aronson. Nominated as member of the, 424; referred to Committee on Executive Nominations, 422.

ATKINS, FRANK J., Representative from Armstrong County.

Member of Special Committee, 12.

Statement by, on
Bills to change grand jury system, 33.

ATTORNEY GENERAL (see also Constitution of Pennsylvania).

ATTORNEY GENERAL and district attorneys in proceedings in criminal courts and authorizing judges thereof to appoint subject to appeal to Supreme Court special prosecutors in certain cases defining relative powers of the

House Bill No. 3.
Read in place in House by Mr. Achterman, 17.
Referred to Committee on State Government, 17.
Reported without amendment, 23.
First reading, 23.
Second Reading, and amended, 37-42.
Motion to recommit, defeated, 61.
Third reading and final passage, 61.
Returned from Senate without amendment, 103.
Signed by Speaker, 106.
Approved by Governor, 107; Act No. 3.

Remarks on, by
Achterman, 38, 39, 41.
Cohen, Herbert B., 39, 40.
Kane, 38, 39, 41.

In Senate (No. 23).
Referred to Committee on Judiciary General, 48.
Reported without amendment, 49.
First reading, 50, 51.
Motion to recommit, defeated, 79.
Second Reading, 78, 79.
Third reading and final passage, 95, 97.
Signed by President, 100.

Remarks on, by
Cavalcante, 95, 97.
Shapiro, 97.

ATTORNEY GENERAL except in special cases, prohibiting superseding of District Attorney, by

Senate Bill No. 11.
Read in place in Senate by Mr. Cavalcante, 20.
Referred to Committee on Judiciary Special, 20.

ATTORNEY GENERAL, Guy K. Bard, Nominated as, and referred to Committee on Executive Nominations, 422; reported, 647; confirmed, 648.

AUKERMAN, WILLIAM M., Representative from Blair County (First District).

Motion by, to
Adjourn, 397.

AUTHORITY, ANTHRACITE PUBLIC, creating the

House Bill No. 45.
Read in place in House by Mr. Bradley, 146.
Referred to Committee on Mines and Mining, 148.
Reported without amendment, 290.
First reading and recommitted, 315.

AUTHORITY, GENERAL STATE (see Property and Supplies).

AUTHORITY, HOUSING, any area acquired for slum clearance, authorizing Commonwealth or any of its agencies to lease from any

Senate Bill No. 16.
Read in place in Senate by Mr. Kunkel, 45.
Referred to Committee on Judiciary General, 45.
Reported without amendment, 49.
First reading, 50.
Second Reading, 72.
Third reading and final passage, 84.
Returned from House with amendment, 135.
Senate non-concurs in House amendments, 206.
Returned from House with amendments insisted upon, 223.
Senate appoints Conference Committee, 224.
Returns from House with notice of appointment of Conference Committee, 225.
Report of Conference Committee presented to Senate, 244.
Report of Conference Committee adopted by Senate, 273, 274.
Returned from House with notice of adoption of report of Conference Committee, 285.
Signed by President, 285.
Approved by Governor, 346; Act No. 11.

In House (No. 35).
Referred to Committee on Judiciary General, 101.
Reported without amendment, 135.
First reading, 151.
Second Reading, and amended, 167, 169.
Third reading and final passage, 194, 195.
Returned from Senate with amendments non-concurred in, 226.
House appoints Conference Committee, 226, 227.
Returned from Senate with notice of appointment of Conference Committee, 229.
Report of Conference Committee presented to House, 289.
Returned from Senate with notice of adoption of Conference Committee report, 291.
Report of Conference Committee adopted by House, 291, 293.
Signed by Speaker, 229.

AUTHORITY, HOUSING, to contract with and lease or convey to the Commonwealth or any of its agencies any area acquired for slum clearance purposes, authorizing any

Senate Bill No. 17.
Read in place in Senate by Mr. Kunkel, 45, 46.
Referred to Committee on Judiciary General, 46.
Reported without amendment, 49.
First reading, 50.
Second Reading, 72, 73.
Third reading and final passage, 84.
Returned from House with amendment, 186.
Senate non-concurs in House amendments, 206.
Returned from House with amendments insisted upon, 223.
Senate appoints Conference Committee, 224.
Returned from House with notice of appointment of Conference Committee, 225.
Report of Conference Committee presented to Senate, 244.
Report of Conference Committee adoptd by Senate, 274, 275.
Returned from House with notice of adoption of report of Conference Committee, 285.
Signed by President, 286.
Signed by Governor, 346; Act No. 12.

AUTHORITY, HOUSING—Concluded.

In House (No. 36).
Referred to Committee on Judiciary General, 102.
Reported without amendment, 135.
First reading, 151.
Second Reading, and amended, 166, 167.
Third reading and final passage, 193, 194.
Returned from Senate with amendments non-concurred in, 227.
House appoints Conference Committee, 227.
Returned from Senate with notice of appointment of Conference Committee, 229.
Report of Conference Committee presented to House, 289.
Returned from Senate with notice of adoption of Conference Committee report, 291.
Report of Conference Committee adopted by House, 293, 294.
Signed by Speaker, 299.

AUTHORITY LAW, GENERAL OF 1935, by authorizing the leasing of projects to school districts, amending

Senate Bill No. 7.
Read in place in Senate by Mr. Thompson, 7.
Referred to Committee on Judiciary General, 7.
Reported without amendment, 20.
First reading, 20.
Second Reading, 29.
Third reading and final passage, 46, 47.
Returned from House with amendment, 272.
Motion to suspend rule for immediate consideration, defeated, 277.
Senate concurred in House amendments, 286.
Signed by President, 287.
Approved by Governor, 307; Act No. 6.

In House (No. 29).
Referred to Committee on State Government, 68.
Reported without amendment, 143.
First reading, 151, 152.
Second Reading, and amended, 169, 171.
Third reading and amended, 197, 198.
Over in order, 211, 233.
Final passage, 263, 264.
Returned from Senate with amendments concurred in 299.
Signed by Speaker, 299.

AUTHORITY LAW, GENERAL STATE, OF 1935, by providing that Lieutenant Governor shall be member, amending

Senate Bill No. 18.
Read in place in Senate by Mr. Thompson, 46.
Referred to Committee on Judiciary General, 46.
Reported without amendment, 50.
First reading, 50.
Second Reading, 73.
Third reading and final passage, 84.

In House (No. 37).
Referred to Committee on State Government, 102.
Reported without amendment, 150, 151.
First reading and recommitted, 163, 164.

BAINE, JOSEPH B., Representative from Allegheny County (Tenth District).

BAKER, FRANCIS T., Representative from Union County.

Death of, announced to members of House of Representatives, 163.

Leaves of absence granted, 31, 122.

Sympathy of House extended to family of, upon his death, 174.

BAKER, MRS. FRANCIS T., communication from, thanking House for its expression of sympathy upon the death of her husband, 365.

BAKER, JOHN J., Representative from Allegheny County (Sixth District).

Bills reported by,
No. 2.
Defining procedure for investigation by House of Representatives of charges of misdemeanor in office on part of civil officers liable to impeachment, 23.

BAKER, JOHN J.—Concluded.

No. 5.
Suspending investigations of charges in misdemeanor in office on the part of civil officers liable to impeachment which the House of Representatives undertakes to investigate, 23.

No. 8.
Making appropriation to Department of Property and Supplies for rentals and other charges due on contracts with the General State Authority, 124.

No. 17.
Amending Workmen's Compensation Law of 1915, by imposing presumption of negligence upon employers, 53.

Motion by, to
Dispense with further reading of Journal, 314.

BAKER, SAMUEL, and Charles L. Fluck on the success of their efforts for removal of Glenwood Cemetery for Slum Clearance, resolution (House) by Walsh, extending congratulations of House to, 676.

BALTHASER, JACOB L., Representative from Berks County (Third District).

Resolutions offered by,
Extending best wishes of House to Hon. Albert S. Readinger upon the birth of a son, 202.

BANKING BOARAD, Francis J. Rue and Samuel R. Rosenbaum, Nominated as members of the, 424; referred to Committee on Executive Nominations, 422.

BANKING, SECRETARY OF, Irland McK. Beckman, Nominated as, 422; referred to Committee on Executive Nominations, 422; reported, 647; confirmed, 648.

BARD, GUY K., Nominated as Attorney General 422; referred to Committee on Executive Nominations, 422; reported, 647; confirmed, 648.

BARTHOLD, WILLIAM G., Senator from Northampton County (Eighteenth District).

Bills reported by.
No. 14.
Providing for adjournment and readjournment of county treasurers tax sales of seated and unseated lands in counties of third class, 121.

No. 37 (House No. 11).
Supplementing Act of 1937, making appropriation to Department of Public Assistance for carrying out the Public Assistance Law, 205, 206.

No. 39.
Amending School Code of 1911, by limiting and prescribing method of fixing levy of school taxes in districts of the first class, 244.

Member of Special Committee, 5.

Remarks by, on
Bill No. 21 (House No. 1), providing that House of Representatives shall have precedence over grand juries to investigate charges against civil officers subject to impeachment, 93, 94, 95.

BASEBALL, (see Sunday).

BEAN, THEODORE LANE, Senator from Montgomery County (Twelfth District).

Leaves of absence granted, 157, 203.

BECKMAN, IRLAND MCK., Nominated as Secretary of Banking, 422; referred to Committee on Executive Nominations, 422; reported, 647; confirmed, 648.

BIERLY, ROBERT N., Representative from Luzerne County (Sixth District).

Bill introduced by,
No. 59.
Validating joint resolution of Session of 1937, creating a commission to make investigation of practice and procedure in the various Courts of the Commonwealth, 226.

BIERLY ROBERT N.—Concluded.

Congratulations of House extended to upon birth of a son, 463.

Leave of absence granted, 338.

Member of Special Committee, 125.

BLANK, SAMUEL A., Representative from Philadelphia County (Twenty-second District).

Bills reported by
No. 97 (Senate No. 67).
Imposing upon the Public Utility Commission the duty of approving contracts for private wires and prohibiting dissemination of information pertaining to horse racing over private wires, 659.

No. 98. (Senate No. 68).
Making illegal the use of devices and methods of transmission of information in furtherance of gambling and providing for seizure and forfeiture thereof, 659.

Motion by, to
Proceed to consideration of resolution directing City Council of Philadelphia not to extend sales tax beyond December 12 1938, 660.

Remarks by, on
Resolution directing City Council of Philadelphia not to extend sales tax beyond December 31, 1938, 660, 661.

Requests for roll call by, on
Resolution directing City Council of Philadelphia not to extend sales tax beyond December 31, 1938, 661.

Resolutions, concurrent offered by,
Directing City Council of Philadelphia not to extend sales tax beyond December 31, 1938, 603.

Resolutions offered by,
Extending sympathy of House to family of Hon. Harry A. Mackey former Mayor of City of Philadelphia, 597.

Statement by, on
Writ of prohibition granted by the Supreme Court staying grand jury probe, 189.

BLIND PERSONS (see Public Assistance Law).

BLIND, STATE COUNCIL FOR THE, Isaac Dornblum, Nominated as member of, 424; referred to Committee on Executive Nominations, 422.

BLOOMSBURG STATE TEACHERS COLLEGE, Thomas F. Farrell, Nominated as member of Board of Trustees of the, 426; referred to Committee on Executive Nominations, 422.

BOARD OF ARBITRATION OF CLAIMS, members of the, Nominated, 425; Referred to Committee on Executive Nominations, 422.

BOARDMAN, J. GRIFFITH, Nominated as Secretary of Revenue, 423; referred to Committee on Executive Nominations, 422; reported, 647; confirmed, 648.

BOHN, JOHN C., Representative from Luzerne County (Second District).

Member of Special Committee, 31.

Resolutions, concurrent offered by,
Petitioning the Federal Home Owners' Loan Corporation to stay sales of property for two years, 52.

Resolutions offered by,
Extending best wishes of House to Hon. and Mrs. Robert N. Bierly upon birth of a son, 463.

BOIES, DAVID M., Representative from Allegheny County (Eleventh District).

Remarks by, on
Bill No. 52, amending School Code of 1911, by providing additional method for creating independent school districts and appointment of school directors, 518.

BOK, JUDGE CURTIS, presents certified copy of Twelfth Special Presentment made by the October 1937 Grand Jury regarding dealings of the Mayor of Philadelphia, to Senate, 699; to House, 713; referred to Committee on Judiciary General in House, 713; reported from Committee, 720; appendix, 914.

BOLTZ, PETER R., Representative from Lebanon County.

Motion by, to
Adjourn, 663.

Dispense with further reading of Journal, 507.

BOOSE, ELLIS C., Representative from Somerset County.

BOROUGHS (see Fireworks, Tax Penalties).

BOYER, SAMUEL P., Representative from Cambria County (First District).

BRADLEY, JOSEPH P., Representative from Northumberland County (Second District).

Bills introduced by,
No. 45.
Creating the Anthracite Public Authority, 148.

No. 55.
An Act to prevent fraud and deception in the shipping, marketing and sale of anthracite coal, 211.

No. 56.
An Act to protect the public safety by prohibiting coal stripping work in close proximity to public highways, 211.

Member of Special Committee, 191.

BRANCATO, ANNA M., Representative from Philadelphia County (Fifth District).

Bill introduced by,
No. 21.
Defining and regulating use of Fireworks, 44.

Motion by, to
Adjourn, 44.

Requests by, for
Permission to have meeting of Committee on Cities during session of House, 537, 564.

Resolutions offered by,
Extending sympathy of House to family of Charles Turchi, Assistant Sergeant-at-Arms of the House, 31.

Prohibiting inmates of prisons to be disciplined by means of heat, 294.

BRIDGE AND TUNNEL COMMISSION, Leonard Shaffer, Nominated as member of the State, 425; referred to Committee on Executive Nominations, 422.

BRIGERMAN, JOHN H., Representative from Philadelphia County (Twenty-first District).

Leaves of absence granted, 315, 365, 392.

BROAD, FRED J., Representative from Westmoreland County (Second District).

Amendments offered by, to
Bill No. 49 (Senate No. 10), making appropriation for draining water from flooded quarries and coal mines, 294.

Bills introduced by,
No. 9.
Abating certain Tax penalties and interest (except in cities and school districts of first class), 22.

No. 16.
Making appropriation to Department of Health for pumping water from slate quarries and coal mines, 43.

No. 31.
Supplementing Act of 1937 creating Pennsylvania Turnpike Commission by providing for the Honorable Warren Van Dyke Memorial, 101.

BROAD, FRED J.—Concluded.

Leave of absence granted, 669.

Resolution offered by,
Extending best wishes of House to Hon. Lloyd W. Welliver upon his seventieth birthday, 142.

BROWN, HOMER S., Representative from Allegheny County (First District).

Bills reported by,
No. 79 (Senate No. 20).
Abating certain tax penalties and interest on city and school taxes in cities and school districts of first class, 567.

Files reasons for vote on Bill No. 65, creating a joint legislative commission to study devices used to further gambling, 418.

Leaves of absence granted, 365, 392.

Question of parliamentary inquiry raised by, on
Whether House is ready to vote on Bill No. 1, providing that House of Representatives shall have precedence over grand juries to investigate charges against civil officers, 55.

Remarks by, on
Bill No. 1, providing that House of Representatives shall have precedence over grand juries to investigate charges against civil officers subject to impeachment, 55, 56.

Bill No. 52, amending School Code of 1911, by providing additional method for creating independent school districts and appointment of school directors, 520.

Bill No. 97 (Senate No. 67), imposing upon the Public Utility Commission the duty of approving contracts for private wires, 718, 719.

BROWNFIELD, HARRY J., Representatives from Fayette County (First District).

Resigns as Member of House of Representatives, 22.

BROWNMILLER, ROY E., Nominated as Secretary of Highways, 422; referred to Committee on Executive Nominations, 422; reported, 647; confirmed, 648.

BUCKMAN, CLARENCE J., Senator from Bucks County (Tenth District).

Leaves of absence granted, 1, 127, 503.

Member of Special Committee, 504.

Motion by, for
Memorial Session to adjourn, 643.

Recess, 640.

Motion by, to
Go into Committee of the Whole for Special Amendment to Bill No. 58 (House No. 65), creating a joint legislative commission to study devices used to further gambling, 495.

Make special order of business the Memorial Proceedings in memory of Hon. John G. Homsher, 612.

Objection raised by, to
Immediate consideration of Senate concurrent resolution memorializing the President to accelerate construction of canal across New Jersey from Sayreville on the Raritan Bay to Bordentown on the Delaware River, 684; objection withdrawn, 689.

Unanimous consent for immediate consideration of House concurrent resolution requesting board of judges of common pleas court of Philadelphia to convene in special session to inquire into conduct of Magistrates Courts, 225; withdrawn, 225.

Unanimous consent for immediate consideration of Senate concurrent resolution directing State Highway Department to make a survey of costs of local motor vehicle traffic regulations to municipalities and report to next General Assembly, 573.

BUCKMAN, CLARENCE J.—Continued.

Point of order raised by, on
Resolution requesting action by Supreme Court of Pennsylvania on advance newspaper report of its decisions, is not within the call for the Extraordinary Session, 494.

Senate cannot consider a bill immediately after agreeing to postpone it for the present, 249.

Those making motion to reconsider an action taken must have voted with the majority, 286.

Question of personal privilege raised by, on
Legality of bill to validate a bond issue, 611.

Presenting crutches to Senator Thompson, 682.

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COMMITTEE, joint legislative, to ascertain views of employers and employes on Workmen's Compensation Legislation, concurrent resolution (Senate) by Dent, authorizing appointment of, 329, 330; adopted by Senate, 330; returned from House concurred in, 405; referred to Committee on Rules in House, 366; reported without amendment, 411; adopted by House, 411; approved by Governor, 504.

Senate members appointed, 711. (Dent, Dando and Gelder).

House members appointed, 716. (Moul, Yourishin and Wilson).

COMMITTEE, Joint Legislative, to investigate gambling devices, concurrent resolution (House) by Moomaw, authorizing appointment of, 213; referred to Committee on Rules, 213; reported without amendment, 229; adopted by House, 238; returned from Senate concurred in, 238, 239, concurred in by Senate, 224, 225; report presented to Senate, 682, 683; to House, 696; appendix, 917.

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COMMITTEE, Senate, to act in conjunction with House committee to escort Governor to Hall of House for Joint Session, concurrent resolution (Senate) by Rice, authorizing appointment of, 4; returned from House concurred in, 5; Senate committee appointed; concurred in by House, 12; House committee appointed, 12; Joint session held, 12-16.

COMMITTEE, Senate, to act in conjunction with House committee to notify the Governor that the General Assembly is organized, concurrent resolution (Senate) by Kilgallen, authorizing appointment of, 4; Senate committee appointed, 5; Senate committee reports, 5; concurred in by House and House committee appointed, 11, 12; House committee reports, 12.

COMMITTEE, Senate, to arrange memorial service as tribute to Senator John G. Homsher, resolution (Senate) by Buckman, authorizing appointment of, 378; committee appointed, 504; memorial services held, November 21.

COMMITTEE, Senate, to notify Governor that the Senate is ready to adjourn sine die, resolution (Senate) by Dent, authorizing appointment of, 730; committee appointed, 730; committee reports, 731.

COMMITTEE, Senate, to notify House that Senate is organized, resolution (Senate) by DiSilvestro authorizing appointment of, 3; Committee appointed, 4; committee reports to House, 12; to Senate 4; committee discharged, 4.

COMMITTEE, Senate, to notify House that Senate is ready to adjourn sine die, resolution by Cavalcante, authorizing appointment of, 730; committee appointed, 730; committee reports to House, 740; to Senate, 731.

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Simon, 659.
Smith, John A., 537.
Spengler, 227.
Stockham, 537.
Weiss, Samuel A., 537.
Woodside, 659.

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Deitrick, 646.
Jacobs, 224.
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Shapiro, 529.
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COMMITTEES, HOUSE, STANDING, of Session of 1937, resolution (House) by Ominsky, continuing, 10.

COMMITTEES, Senate, resolution (Senate) by Mundy, authorizing the President pro tempore to appoint all, 3.

COMMITTEE TO INVESTIGATE conduct of Magistrate O'Malley of Philadelphia, making appropriation ($5,000) to

House Bill No. 93.
Read in place in House by Mr. Hering, 614.
Referred to Committee on Appropriations, 614.
Reported without amendment, 633.
First reading, 633.
Second reading and amended, 655.
Third reading and final passage, 672.
Returned from Senate without amendment, 715.
Signed by Speaker, 715.
Approved by Governor, December 1, 1938; Act No. 48.

In Senate (No. 73).
Referred to Committee on Appropriations, 666.
Reported without amendment, 667.
First reading, 668.
Second reading, 686.
Third reading and final passage, 706, 707.
Signed by President, 710.

COMMITTEES, CONFERENCE, in House.
Achterman, 659.
Dickinson, 227.
Habbyshaw, 227.
Simon, 659.
Smith, John A., 537.
Spengler, 227.
Stockham, 537.
Weiss, Samuel A., 537.
Woodside, 659.

COMMITTEES, CONFERENCE, in Senate.
Deitrick, 646.
Jacobs, 224.
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Kunkel, 224.
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Huffman, 677.
Jacobs, 5.
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McGinnis, 711, 730.
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COMMUNICATIONS from:
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HARTNEADY, MRS. MICHAEL, thanking House for expression of sympathy upon the death of her husband, 315.

HOMSHER, JOHN E., thanking House for resolution adopted upon the occasion of the death of his father the Honorable John G. Homsher, 507.

ROOSEVELT, PRESIDENT, thanking House of Representatives for commending him for his message on world peace, 604.

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COMMUNIST PARTY, resolution (House) by Eckels requesting Hon. Charles Alvin Jones, Democratic Candidate for Governor and Governor George H. Earle to state their position with regard to, 603; referred to Committee on Rules, 603.

COMPROMISE (see Taxes, Delinquent).

COMPULSORY SCHOOL ATTENDANCE (see School Code of 1911).

CONNELLSVILLE STATE HOSPITAL, Members of the Board of Trustees of, Nominated and referred to Committee on Executive Nominations, 328.

CONSTITUTIONALITY (see Supreme Court).

CONSTITUTION OF PENNSYLVANIA, Article 2, Section 8, by providing for monthly salary for members of the General Assembly, Joint resolution proposing amendment to

Senate Bill No. 70.
Read in place in Senate by Mr. Law, 611.
Referred to Committee on Constitutional Changes, 611.

CONSTITUTION OF PENNSYLVANIA, Articles 2 and 3, to provide a Unicameral form of Legislature, Joint resolution proposing amendment to

House Bill No. 32.
Read in place in House by Mr. Harkins, 106.
Referred to Committee on Constitutional Amendments, 106.

CONSTITUTION OF PENNSYLVANIA, Article 4, Section 8, to make office of Attorney General elective, Joint resolution proposing amendment to

House Bill No. 19.
Read in place in House by Mr. O'Connor, 44.
Referred to Committee on Constitutional Amendments, 44.

CONSTITUTION OF PENNSYLVANIA, Article 4, Section 21, to make office of Attorney General elective, Joint resolution proposing amendment to

House Bill No. 18.
Read in place in House by Mr. O'Connor, 44.
Referred to Committee on Constitutional Amendments, 44.

CONSTITUTION OF PENNSYLVANIA, Article 5, Section 1, by prohibiting any court from declaring unconstitutional any statute enacted by the General Assembly, Joint resolution proposing amendment to

House Bill No. 71.
Read in place in House by Mr. Marino, 338.
Referred to Committee on Constitutional Amendments, 338.

CONSTITUTION OF PENNSYLVANIA, Article 5, Section 2, to reduce terms of office of judges of Supreme Court, Joint resolution proposing amendment to

House Bill No. 61.
Read in place in House by Mr. Falkenstein, 228.
Referred to Committee on Constitutional Amendments, 228.

CONSTITUTION OF PENNSYLVANIA, Article 5, Section 3, by providing that Supreme Court shall have sole power to determine the constitutionality of statutes enacted by General Assembly, Joint resolution proposing amendment to

House Bill No. 70.
Read in place in House by Mr. Marino, 338.
Referred to Committee on Constitutional Amendments, 338.

CONSTITUTION OF PENNSYLVAVNIA, Article 5, Section 15, changing length of term of judges other than Supreme Court judges, Joint resolution proposing amendment to

House Bill No. 39.
Read in place in House by Mr. Falkenstein, 124.
Referred to Committee on Constitutional Amendments, 124.

CONSTITUTION OF PENNSYLVANIA, Article 5, adding Section 28, to provide for one General Court of Common Pleas, Joint resolution proposing amendment to

Senate Bill No. 66.
Read in place in Senate by Mr. Woodward, 610.
Referred to Committee on Constitutional Amendment, 610.

CONSTITUTION OF PENNSYLVANIA, Article 9, Section 1, permitting a graded or graduated income tax, Joint resolution proposing amendment to

Senate Bill No. 4.
Read in place in Senate by Mr. Woodward, 7.
Referred to Committee on Constitutional Changes, 7.
Reported without amendment, 186.
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Mallery, 332.
Thompson, 332.
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CONSTITUTION OF PENNSYLVANIA, Article 9, adding Section 1A, providing a limited tax exemption on real property, Joint resolution proposing amendment to

Senate Bill No. 12.
Read in place in Senate by Mr. Reed, 20.
Referred to Committee on Constitutional Changes, 20.
Reported without amendment, 186.
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CONSTITUTION OF PENNSYLVANIA, Article 9, Section 4 of, permitting debt for buildings or other public works if anticipated revenue is pledged for repayment, Joint resolution proposing amendment to

Senate Bill No. 2.
Read in place in Senate by Mr. Woodward, 6, 7.
Referred to Committee on Constitutional Changes, 7.
Reported without amendment, 186.
First reading, 187.
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Over in order, 223.
Postponed, 247.
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Recommitted, 331.

Remarks on, by
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Law, 223.
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Shapiro, 222, 223.
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CONSTITUTION OF PENNSYLVANIA, Article 9, Section 8, permitting indebtedness for sewage treatment works in municipalities, Joint resolution proposing amendment to

Senate Bill No. 44.
Read in place in Senate by Mr. Woodward, 218.
Referred to Committee on Constitutional Changes, 218.

Remarks on, by
Buckman, 219.
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CONSTITUTION OF PENNSYLVANIA, Article 9, Section 8, separating real and personal property to ascertain basis of borrowing capacity of political subdivisions, Joint resolution proposing amendment to

Senate Bill No. 55.
Read in place in Senate by Mr. Woodward, 401.
Referred to Committee on Constitutional Amendments, 401.

CONSTITUTION OF PENNSYLVANIA, Article 9, adding Section 20, to prohibit diversion of motor license and liquid fuels tax funds, Joint resolution proposing amendment to

House Bill No. 51.
Read in place in House by Messrs. Cliff S. Patterson, Simon and Allen, 174.
Referred to Committee on Constitutional Amendments, 174.
Reported with amendment, 291.
First reading, 316.
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CONSTITUTION OF PENNSYLVANIA, Article 9, adding Section 20, to prohibit diversion of motor license and liquid fuels tax funds, Joint resolution proposing amendment to

Senate Bill No. 34.
Read in place in Senate by Messrs. Rupp and Rodgers, 159.
Referred to Committee on Constitutional Changes, 159.
Reported with amendment, 186.
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Cavalcante, 357, 359.
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CONSTITUTION OF PENNSYLVANIA, Article 12, adding Section 4, to control and regulate State civil service, Joint resolution proposing amendment to

Senate Bill No. 3.
Read in place in Senate by Mr. Woodward, 7.
Referred to Committee on Constitutional Changes, 7.
Reported without amendment, 186.
First reading, 187.
Postponed, 247.
Second reading, 281.
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Recommitted, 331.

Remarks on, by
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CONSTITUTION OF PENNSYLVANIA, resolution (House) by Tumelty, requesting Department of Public Instruction to require a graded course of studies on the, 341.

CONSTITUTION OF PENNSYLVANIA, resolution (House) by Tumelty, requesting Department of Public Instruction to require a graded course of studies on the, 537; referred to Committee on Rules, 537; reported without amendment, 566; adopted by House, 588, 589.

COOLAHAN, Frank A., Representative from Allegheny County (Twelfth District).

Leave of absence granted, 315.

Member of Special Committee, 741.

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CORRIGAN, JOHN P., Representative from Philadelphia County (First District).

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Bill reported by,
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Amending Fire Safety Building Regulation Law of 1927, by changing number of ways of egress required in case of certain buildings, 392.

Remarks on, by
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COOPERATIVE CORPORATIONS see (Coal).

COSTANZO, ROCCO J., Representative from Philadelphia County (Second District).

Bill reported to,
No. 21.
Defining and regulating use of fireworks, 229.

Member of Special Committee, 631.

Motion by, to
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Statement by, on
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COUNTIES OF THIRD CLASS see (Tax Sales).

COUNTY see (Tax Penalties).

COUNTY BOARDS OF SCHOOL DIRECTORS see (Public Instruction).

COUNTY TREASURERS' TAX SALES see (Tax Sales).

COURT OF COMMON PLEAS see also (Constitution of Pennsylvania).

COURTS OF COMMON PLEAS of Dauphin County, by extending jurisdiction to courts of Perry, Cumberland and Adams Counties in cases wherein the Commonwealth may be plaintiff, amending Act of 1870, enlarging jurisdiction of

House Bill No. 48.
Read in place in House by Mr. John A. Smith, 155.
Referred to Committee on Judiciary General, 155.

COURTS OF THE COMMONWEALTH, validating joint resolution of Session of 1937, creating a commission to make investigation of practice and procedure in the various

House Bill No. 59.
Read in place in House by Messrs. Achterman, Hagerty, Woodside and Bierly, 226.
Referred to Committee on Judiciary General, 226.
Reported without amendment, 632.
First reading, 633.
Second reading, 654.
Third reading and final passage, 671.
Returned from Senate without amendment, 715.
Signed by Speaker, 715.
Approved by Governor, December 1, 1938; Act No. 47.

In Senate (No. 72).
Referred to Committee on Appropriations, 666.
Reported without amendment, 667.
First reading, 668.
Second reading, 685, 686.
Third reading and final passage, 706.
Signed by President, 710.

CRAVEN, CHARLES and Joseph R. Williams, Motor Police who were killed in line of duty near Gettysburg, concurrent resolution (House) by David H. Weiss, extending sympathy of General Assembly to families of, 597; returned from Senate concurred in, 603; concurred in by Senate, 583.

CROSSEN, LEO A., Nominated as member of the Pennsylvania Liquor Control Board, 423; referred to Committee on Executive Nominations, 422; reported, 647; rejected by Senate, 648.

CUMBERLAND COUNTY see (Courts of Common Pleas).

DANDO, JOSEPH P., Senator from Schuylkill County (Twenty-ninth District).

Member of Special Committee, 711.

Resolutions, concurrent offered by
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DAVIES, E. T., Representative from Lackawanna County (Sixth District).

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DECKER, JOHN W., Representative from Centre County.

Leave of absence granted, 122.

Member of Special Committee, 191.

DEER SEASON, resolution (House) by Messrs. Habbyshaw and Woodside requesting the Game Commission to reconsider action relating to antlerless, 564; referred to Committee on Rules, 564.

DEITRICK, GEORGE A., Senator from Northumberland, Snyder and Union Counties (Twenty-seventh District).

Member of Conference Committee, 646.

DELAWARE RIVER AND ITS NAVIGABLE TRIBUTARIES, Members of the Navigation Commission for the, Nominated, 425; referred to Committee on Executive Nominations, 422.

DELAWARE RIVER BRIDGE APPROACH, authorizing Secretary of Highways to change the width, grades and lines of the

House Bill No. 10.
Read in place in House by Messrs. Schor, Thompson and Shea, 22.
Referred to Committee on Highways, 22.
Reported without amendment, 135.
First reading, 151.
Second reading, 164.
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Re-reported with amendment, 315.
Over in order, 341.
Third reading and final passage, 369, 370.
Returned from Senate without amendment, 484, 485.
Signed by Speaker, 488.
Approved by Governor, 555, 556; Act No. 28.

Remarks on, by
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Schor, 370.

In Senate (No. 53).
Referred to Committee on Highways, 364.
Reported without amendment, 407.
First reading, 409.
Second reading, 446.
Third reading and final passage, 469.
Signed by President, 477.

DELAWARE RIVER JOINT COMMISSION, by fixing terms of certain members, amending Act of 1931, creating the

Senate Bill No. 42.
Read in place in Senate by Mr. DiSilvestro, 204, 205.
Referred to Committee on State Boards, 205.
Reported without amendment, 376.
First reading, 386.
Second reading, 404.
Third reading and final passage, 445, 446.

In House (No. 34).
Referred to Committee on State Boards, 464.

DELAWARE RIVER JOINT COMMISSION, James P. Clark and George Gordon Meade, nominated as Members of, 409; referred to Committee on Executive Nominations, 400; reported, 437; confirmed, 438.

DELAWARE RIVER JOINT COMMISSION, removing remaining additional persons now serving as Pennsylvania members of the

Senate Bill No. 25.
Read in place in Senate by Mr. DiSilvestro, 49.
Referred to Committee on Judiciary General, 49.
Reported without amendment, 101.
First reading, 101.
Second reading, 120, 121.
Third reading and final passage, 129.
Returned from House with amendment, 328.
Senate concurred in House amendments, 347, 348.
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Approved by Governor, 400; Act No. 15.

DELAWARE RIVER JOINT COMMISSION—Concluded.

Remarks on, by
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In House (No. 42).
Referred to Committee on State Boards, 149.
Reported with amendment, 220.
First reading, 252.
Second reading, 295, 296.
Third reading and final passage, 321, 322.
Returned from Senate with amendments concurred in, 388.
Signed by Speaker, 389.

DELAWARE RIVER JOINT COMMISSION, removing Thomas B. Smith and Richard Weglein as members of the

House Bill No. 13.
Read in place in House by Messrs. Reuben E. Cohen and Lewis, 31.
Referred to Committee on State Government, 31.

DELAWARE RIVER JOINT COMMISSION, report of, for 1937; presented to House, 11; to Senate, 19; appendix, 910.

DE NOTE, LEONARD J., Representative from Philadelphia County (Third District).

DENT, JOHN H., Senator from Westmoreland County (Thirty-ninth District).

Amendments offered by, to
Bill No. 31 (House No. 17), amending Workmen's Compensation Act of 1915, by imposing presumption of negligence upon employers, 310.

Bill No. 63 (House No. 21) defining and regulating use of fireworks, 701.

Announcements by, on
Public Hearing to be held on Bill No. 31 (House No. 17), amending Workmen's Compensation Law of 1915, by imposing presumption of negligence upon employers, 162.

Bills introduced by
No. 30.
Authorizing the compromise of Delinquent Taxes on lands and penalties, interest and costs due thereon before a tax sale of such lands, 128.

No. 61.
An Act to ratify confirm and validate the actions of the commission created by joint resolution of 1937 and known as the (Dent) Tax Study Commission and making an appropriation, 503.

Bills reported by,
No. 31 (House No. 17), amending Workmen's Compensation Law of 1915, by imposing presumption of negligence upon employers, 282.

No. 61.
An Act to ratify, confirm and validate the actions of the commission created by joint resolution of 1937 and known as the Tax Study Commission and making appropriation, 526.

Member of Special Committee, 711.

Motion by, for
Recess, 161, 441.

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Questions of parliamentary inquiry raised by, on
Whether a motion to suspend rule is debatable, 220.

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Bill authorizing the compromise of delinquent taxes, 128.

DENT, JOHN H.—Concluded.

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Remarks by, on

Bill No. 31 (House No. 17), amending Workmen's Compensation Law of 1915, by imposing presumption of negligence upon employers, 351, 355.

Bill No. 39, amending School Code of 1911, by limiting and prescribing method of fixing levy of school taxes in districts of first class, 445.

Bill No. 61, an act to ratify, confirm and validate the actions of the commission created by joint resolution of 1937 and known as the Tax Study Commission, 527.

Bill No. 63 (House No. 21), defining and regulating use of fireworks, 686, 687, 700, 701, 702, 703, 704, 706.

Resolution commending President Roosevelt for his plea for preservation of peace 439.

Resolution requesting information relative to airplane used by Governor Earle on trip to South America, 220.

Resolution requesting the Joint Legislative Industrial Tax Study Commission to present findings based on information collected, 543, 544.

Resolution restricting civil service qualifications required in Unemployment Compensation System, 440, 447, 448, 449.

Request by, for

Bill No. 30, authorizing the compromise of delinquent taxes on lands and penalties, interest and costs due thereon before a tax sale of such lands, to go over in order, 159, 184.

Bill No. 63 (House No. 21), defining and regulating use of fireworks, to go over in order, 685.

Request for roll call by, on

Motion to go into Committee of the Whole for special amendments to Bill No. 63 (House No. 21), defining and regulating use of fireworks, 705.

Resolutions, concurrent offered by,

Authorizing appointment of joint legislative committee to ascertain views of employers and employees on Workmen's Compensation Legislation, 329, 330.

Resolutions offered by,

Authorizing appointment of Committee to notify the Governor that the Senate is ready to adjourn sine die, 730.

Authorizing printing of list of appointments which may be sent to Senate by the Governor, as having been made since last regular session, 5.

Granting use of Senate Chamber for public hearing on House Bill No. 17, amending Workmen's Compensation Law, 175.

DENTAL COUNCIL AND EXAMINING BOARD, Members of the State, Nominated, 423; referred to Committee on Executive Nominations, 422; Standish C. Kahle, reported, 707; confirmed, 708.

DICKINSON, WILLIAM C., Representative from Dauphin County (First District).

Bill introduced by

No. 50.

Making appropriation to Department of Property and Supplies for expenses in proposed acquisitions of real property from housing authorities, 174.

Member of Conference Committee, 227.

Motion by, to

Appoint Conference Committee on Bill No. 35 (Senate No. 16), authorizing Commonwealth or any of its agencies to lease from any Housing Authority any area required for slum clearance, 226, 227.

DICKINSON, WILLIAM C.—Concluded.

Appoint Conference Committee on Bill No. 36 (Senate No. 17), authorizing any Housing Authority to contract with and lease or convey to the Commonwealth any area acquired for slum clearance purposes, 227.

Proceed to consideration of Report of Conference Committee on Senate Bill No. 16, authorizing the Commonwealth to lease from any Housing Authority any area acquired for slum clearance, 291.

Proceed to consideration of Report of Conference Committee on Senate Bill No. 17, authorizing any Housing Authority to lease to the Commonwealth any area acquired for slum clearance purposes, 293.

Presents report of Conference Committee on Senate Bill No. 16, authorizing the Commonwealth to lease from any Housing Authority any area acquired for slum clearance, 289.

Presents report of Conference Committee on Senate Bill No. 17, authorizing any Housing Authority to lease to the Commonwealth any area acquired for slum clearance purposes, 289.

Request for verification of roll call by, on

Bill No. 50, making appropriation to Department of Property and Supplies for expenses in proposed acquisitions of real property from housing authorities, 615.

DI SILVESTRO, ANTHONY J., Senator from Philadelphia County (First District).

Bills introduced by,

No. 25.

Removing remaining additional persons now serving as Pennsylvania members of the Delaware River Joint Commission, 49.

No. 42.

Amending Act of 1931, creating the Delaware River Joint Commission by fixing terms of certain members, 204, 205.

Bill reported by,

No. 27.

Amending Act of 1929, authorizing Department of Welfare to determine legal residence of indigent insane by relieving poor districts of cost of maintaining indigent insane, 313.

Motion by, to

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Question of personal privilege raised by, on

Attack made upon him by Charles J. Margiotti, 400, 401.

Remarks by, on

Bill No. 25, removing remaining additional persons now serving as Pennsylvania members of the Delaware River Joint Commission, 347.

Request for meeting of Committee on Aeronautics, 401.

Resolutions offered by,

Authorizing appointment of committee to notify House that Senate is organized, 3.

DISTRICT ATTORNEY see (Attorney General).

DOLLAR SAVINGS BANK OF PITTSBURGH, report of, presented to House 11; appendix, 890.

DONOHOE, RALPH C., Representative from Philadelphia County (Nineteenth District).

Remarks by, on

Bill No. 27 (Senate No. 1), supplementing Act of 1875, authorizing changes of venue in criminal cases by forbidding changes of venue in criminal prosecutions by any court on application of the Commonwealth or prosecutor, 674.

DOUGHERTY, ROBERT E., Representative from Lackawanna County (Third District).

DOWNEY, JOHN J., Representative from Schuylkill County (First District).

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No. 31.
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GILLETTE, WILSON D., Representative from Bradford County.

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Member of Special Committee, 12.

GILSON, SAMUEL L., Senator from Erie County, (Forty-ninth District).

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Bills introduced by,
No. 16.
Making appropriation to Department of Health for pumping water from slate quarries and coal mines, 43.

No. 31.
Supplementing Act of 1937, creating the Pennsylvania Turnpike Commission by providing for the Honorable Warren Van Dyke Memorial, 101.

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HAGERTY, EUGENE J., Representative from Philadelphia County (Twentieth District).

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KEENAN, LAWRENCE P., Representative from Allegheny County (Third District).

KELSON, JAMES, Representative from Lawrence County (Second District).

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KILGALLEN, THOMAS E., Senator from Allegheny County (Forty-third District).

Bills reported by,
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KILROY, ELMER, Representative from Philadelphia County (Twenty-fourth District).

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KLINE, G. EDGAR, Representative from Schuylkill County (Fourth District).

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KROLL, ABRAHAM M., Representative from Philadelphia County (Ninth District).

KUNKEL, GEORGE, Senator from Dauphin County (Fifteenth District).

Bills introduced by,
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No. 16.
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LAW, GLEN R., Senator from Crawford and Mercer Counties (Fiftieth District).

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LEVY, J. HAROLD, Representative from Philadelphia County (Twelfth District).

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LEWIS, PAUL C., Representative from Philadelphia County (Tenth District).

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LIQUOR CONTROL BOARD, Leo A. Crossen, Nominated as Member of the Pennsylvania, 423; referred to Committee on Executive Nominations, 422; reported, 647; rejected by Senate, 648.

LOCK HAVEN STATE TEACHERS COLLEGE, Mrs. Edith Dewitt, nominated as member of Board of Trustees of the, 426; referred to Committee on Executive Nominations, 422.

LONG, BENJAMIN L., Representative from Philadelphia County (Twelfth District).

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LONGAKER, JOHN H., Representative from Montgomery County (Third District).

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LOPRESTI, PHILIP, Representative from Cambria County (First District).

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LOVETT, JAMES E., Representative from Westmoreland County (Second District).

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MALLERY, CHARLES R., Senator from Blair and Huntingdon Counties (Thirtieth District).

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MARGIOTTI, CHARLES J., communication from Legislative Reference Bureau in re petition of Emerson P. Jennings for the impeachment of, 713, 714; referred to Committee on Judiciary General, 714; reported from Committee 720.

MARINO, RUSSELL, Representative from Washington County (First District).

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MATTHEW, HARRY T., Representative from Fayette County (Second District).

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MATTHEWS, JACOB F., Representative from Lycoming County.

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McARDLE, JOSEPH A., Representative from Allegheny County (Sixth District).

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McCREESH, JOHN J., Senator from Philadelphia County (Fourth District).

Bills reported by,
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No. 58 (House No. 65).
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Resolution, concurrent offered by,
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McCULLOUGH, WARD, Representative from Armstrong County.

McDERMOTT, JAMES J., Representative from Lehigh County (First District).

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McDEVITT, JOHN J., 3rd, Representative from Philadelphia County (Fifteenth District).

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Member of Special Committees, 252, 556.

Motion by, to
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Remarks by, on
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McELROY, JOHN E., Representative from Allegheny County (Ninth District).

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McFALL, CHARLES, Representative from Northampton County (Second District).

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McGEE, LEONARD J., Representative from Philadelphia County (Twenty-first District).

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McGINNIS, BERNARD B., Senator from Allegheny County (part of) (Forty-second District).

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Resolution offered by,
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McKINNEY, JOHN H., Representative from Venango County.

McSHANE, JOHN J., Representative from Philadelphia County (Twenty-sixth District).

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MELCHIORRE, CHARLES, Representative from Philadelphia County (Fifth District).

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MIHM, MARTIN C., Representative from Allegheny County (Seventh District).

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MOOMAW, P. C., Representative from Franklin County.

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Member of Special Committees, 31, 252, 556.

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MORAN, J. P., Representative from Allegheny County (Tenth District).

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MOUL, CLAYTON E., Representative from York County (Second District).

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MUIR, W. W., Representative from Warren County.

MUNDY, LEO C., Senator from Luzerne County (part of) (Twenty-first District)

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MUNLEY, WILLIAM J., Representative from Lackawanna County (Fifth District).

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MURRIN, J. BRADY, Representative from Butler County.

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NAGEL, REUBEN A., Representative from Beaver County (Second District).

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ADAMS, F. QUINCY, JR., confirmed, 111.
ADAMS, GEORGE F., confirmed, 116.
ADAMS JOSEPH M., confirmed, 116.
ADAMS, MISS F. ETHEL, confirmed, 114.
ADICKS, MISS M. EUGENIA, confirmed, 113.
ADLER, MRS. MATILDA, confirmed, 216.
AFFATIGATO, SALVATOR, confirmed, 111.
AGNEW, MRS. KATHRYN M., confirmed, 117.
AIELLO, NATALE F., confirmed, 111.
AIREY, RALPH K., confirmed, 652.
ALBERT, DAVID J., confirmed, 329.
ALDERFER, ARTHUR A., confirmed, 116.
ALEXANDER, ROBERT, confirmed, 284.
ALLEN, ARTHUR, confirmed, 116.
ALLEN, MISS E. W., confirmed, 561.
ALLEN, MISS ETHEL F., confirmed, 116.
ALLEN, MRS. FAE C., confirmed, 114.
ALLOWAY, ROY C., confirmed, 116.
ALTEMUS, HERBERT, confirmed, 377.
ALTHOUSE, JAY RUSSELL, confirmed, 284.
AMBILL, MISS MARIE M., confirmed, 110.
AMOND, VINTON D., confirmed, 284.
AMS, MISS KATHERINE M., confirmed, 112.
ANDERSON, E. S., confirmed, 113.
ANDERSON, MISS BERNICE J., confirmed, 113.
ANDERSON, R. DAVID, confirmed, 117.
ANDERSON, R. H., JR., confirmed, 111.
ANGERER, F. E., confirmed, 111.
ANKENY, MISS MABEL E., confirmed, 312.
ANSEL, MRS. MOLLY R., confirmed, 113.
ANTES, MISS MARGARET E., confirmed, 1
APPLE, ROBERT B., confirmed, 506.
APTER, S. M., confirmed, 110.
ARCHER, MISS H. OLGA, confirmed.
ARDISSON, MRS. MARY J., confirmed.
ARMAGOST, MRS. JOSEPHINE S., confirmed, 115.
ARMINIO, PHILIP, confirmed, 377.
ARNOLD, C. PAUL, confirmed, 216.
ARNOLD, MISS VERA J., confirmed, 113.
ARNOLD, ROBERT M., confirmed, 113.
ARONSON, EARLE, confirmed, 110.
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AUGUSTINE, M. ELWOOD, confirmed, 111.
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AYLESWORTH, RAY H., confirmed, 114.
AZEFF, JACOB, confirmed, 117.
BABCOCK, MISS ESTHER S., confirmed, 115.
BACHMANN, I. L., confirmed, 110.
BACKHAUSEN, MRS. SADIE V., confirmed, 406.
BACON, RITZEMA L., confirmed, 110.
BAEUERLEIN, MISS ESTHER L., confirmed, 111.
BAILEY, THOMAS R., confirmed, 116.
BAILY, H. ALLAN, confirmed, 114.
BAIR, JOHN F., confirmed, 119.
BAIR, MRS. MAY KERN, confirmed, 116.
BAIRD, DAVID L., confirmed, 709.
BAIRD, HARRY R., confirmed, 115.
BAITZEL, MRS. EVELYN, confirmed, 116.
BAKER, J. T., confirmed 623.
BAKER, MRS. JANE D., confirmed, 114.
BALDWIN, GEORGE A., JR., confirmed, 111.
BANKS, MRS. ALICE L., confirmed, 329.
BANYASZ, MISS HELEN, confirmed, 111.
BARCLAY JAS. T., confirmed, 119.
BARDES, PAUL M., confirmed, 111.
BARENBAUM, MISS ANNE, confirmed, 117
BARISH, BENJAMIN, confirmed, 117.
BARKER, ALEX, confirmed, 119.
BARNES, J. P., confirmed, 623.
BARNES R. T., confirmed, 116.
BARRON, MISS MARIE K., confirmed, 117.
BARRY, MISS FRANCES E., confirmed, 115.
BARTH, HOWARD I., confirmed, 117.
BARTHOLOMAY, W. J., confirmed, 114.
BARTON, MISS ELIZABETH G., confirmed, 117.
BASHORE, ROBERT S., confirmed, 118.
BASSELGIA, MRS. ELEANOR L., confirmed, 114.
BASSMAN, MRS. ELIZABETH, confirmed, 506.
BASSOFF, HERMAN, confirmed, 114.
BAUER, G. GERALD, confirmed, 115.
BAUGHER, EDWARD E., confirmed, 406.
BAUMANN, LOUIS M., confirmed, 116.
BAUMHOLTZ, MRS. LIBBY, confirmed, 117.
BAUN, MISS HELEN A. M., confirmed, 478.
BAUSCH, JOHN H., confirmed, 116.
BAVOLACK, DAN, JR., confirmed, 283.
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BEARD, MISS MARCIA L., confirmed, 118.
BEARD, MRS. RUTH G., confirmed, 120.
BEARE, MISS LEOLA, confirmed, 405.
BECK, WILLIAM M., confirmed, 116.
BECKER, NORMAN E., confirmed, 119.
BEESE, VAN H. S., confirmed, 652.
BEISSEL, CHARLES E., confirmed, 117.
BELL, HUGH M., confirmed, 623.
BELLMAN, MRS. HARRIET E., confirmed, 216.
BELLO, MISS ANTOINETTE M., confirmed, 110.
BENDER, C. M., confirmed, 112.
BENEDICT, MRS. JOSEPHINE, confirmed, 117.
BENINTEND, MRS. MARY E., confirmed, 110.
BENJAMIN, HERMAN M., confirmed, 113.
BENTZ, CHARLES W., confirmed, 284.
BENTZ, MISS MARGARET A., confirmed, 284.
BERG, GEO. G., confirmed, 110.
BERGER, S. STEPHEN, confirmed, 111.
BERKMYRE, MISS ROSE E., confirmed, 118.
BERLIN, MISS BEATRICE K., confirmed, 118.
BERMAN, ALBERT I., confirmed, 115.
BERMAN, MISS ELLA, confirmed, 628.
BERNHARDT, HENRY A., confirmed, 116.
BERNHEISEL, DONALD H., confirmed, 377.
BERNOT, CHARLES, confirmed, 110.
BERNS, ARTHUR L., confirmed, 283.
BERNSTEIN, ISADORE R., confirmed, 115.
BERNSTEIN, REUBEN, confirmed, 118.
BEST, ANDREW P. J., confirmed, 114.
BEYER, FORREST J., confirmed, 311.
BIBLE, MRS. MILDRED R., confirmed, 113.
BICKING, LEWIS A., confirmed, 116.
BIDUS, EDWARD W., confirmed, 116.
BIRNESSER, H. T., confirmed, 111.
BISHOP, ABRAHAM, confirmed, 506.
BISS, MISS MARY J., confirmed, 112.
BISSELL, CHARLES J., confirmed, 117.
BITNER, W. E., confirmed, 113.
BITNER, WALTER E., confirmed, 119.
BIXLER, RALPH M., confirmed, 116.
BLACK, JOHN S., confirmed, 118.
BLACKBURN, MERRILL L., confirmed, 218.
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BLICKLEY, JOSEPH F., SR., confirmed, 117.
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BOBBY, JOHN, confirmed, 111.
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BOEHM, LEONARD M., confirmed, 111.
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BOGLE, FRANK J., confirmed, 406.
BOLAND, JOSEPH E., confirmed, 120.
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BONNER, GEORGE, confirmed, 114.
BONNER, WILLIAM J., confirmed, 115.
BONNEY, ALBERT C., confirmed, 284.
BOOCOCK, MISS F. RAY, confirmed, 288.
BOOK, GEORGE N., confirmed, 114.
BORR, MISS MARY H., confirmed, 284.
BOSSART, VICTOR E., confirmed, 111.
BOUTILIER, NELSON A., confirmed, 581.
BOVARD, JAMES C., confirmed, 406.
BOVE, MARIO L., confirmed, 110.
BOWERS, ROBT. E., confirmed, 581.
BOYLE, MISS ANNA M., confirmed, 218.
BOYLE, MISS MARY E., confirmed, 117.
BOZORTH, JOSEPH C., confirmed, 116.
BRABENDER, MISS HELEN, confirmed, 283.
BRADFORD, JOHN L., confirmed, 116.
BRADLEY, FRANCIS N., confirmed, 117.
BRADLEY, MISS MARY J., confirmed, 283.
BRANAGAN, MISS IRENE, confirmed, 112.
BRAXTON, EDWARD, confirmed, 728.
BRAY, MISS HELEN M., confirmed, 421.
BRAZOSKY, MISS I. E., confirmed, 110.
BREAM, MISS MARY E., confirmed, 119.
BREESER, MRS. GRACE S., confirmed, 406.
BREINING, MISS ISABELLE, confirmed, 284.
BREININGER, RUSSELL W., confirmed, 112.
BRENISER, MISS LILLIAN, confirmed, 116.
BRENNAN, MISS NELLE J., confirmed, 111.
BRENNAN, MISS SEYVILLA R., confirmed, 623.
BRENTON, WILLIAM G., confirmed, 115.
BRIGGS, MRS. EDNA K., confirmed, 216.
BRINK, MRS. HILDA, confirmed, 217.
BRISLIN, MISS WINIFRED A., confirmed, 283.
BRODSKY, LOUIS confirmed, 116.
BRODY, MISS GERTRUDE, confirmed, 406.
BROOKS, MRS. MARIE B., confirmed, 119.
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BROWN, MRS. BEATRICE M., confirmed, 115.
BROWN, MRS. CECELIA M., confirmed, 283.
BROWN, WILLIAM B., confirmed, 284.
BRUBAKER, DONALD L., confirmed, 112.
BRUBAKER, MISS PHOEBE L., confirmed, 114.
BRUNO, THOMAS, confirmed, 329.
BUBB, HARRY L., confirmed, 378.
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BUCKLEY, HARRY H., confirmed, 111.
BUCKLEY, MRS. A. E., confirmed, 111.
BUEHLER, ARTHUR R., confirmed, 329.
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BURKE, BERNARD M., confirmed, 421.
BURKE, JOHN J., JR., confirmed, 117.
BURKHOLDER, MRS. FLORENCE, confirmed, 113.
BURNETTE, GEORGE H., confirmed, 283.
BURNS, JOSEPH V., confirmed, 115.
BURNS, MISS ANNA M., confirmed, 114.
BURNS, MRS. ELIZABETH J., confirmed, 111.
BURNSTEIN, MISS ETHEL, confirmed, 110.
BURRIE, MISS FEMIA, confirmed, 283.
BURROUGHS, RICHARD E., confirmed, 116.
BURTON, MRS. EVA, confirmed, 116.
BUTERA, MISS CATHERINE M., confirmed, 111.
BUTLER, MISS LOIS A., confirmed, 111.
BUTSON, HARRY, confirmed, 114.
BUTTS, JOHN W., confirmed, 114.
BUTTS, MISS DOROTHY O., confirmed, 115.
BUZZA, CLYDE A., confirmed, 110.
BYERS, MISS CATHARINE A., confirmed, 112.
BYRNE, JOHN T., confirmed, 112.
CADDAHAN, MISS ANN VIRGINIA, confirmed, 113.
CAGGIANO, LOUIS, confirmed, 116.
CALHOUN, ROBERT C., confirmed, 506.
CAMPBELL, JOSEPH, confirmed, 624.
CAMPBELL, MISS LOIS N., confirmed, 120.
CAMPBELL, MRS. HAZEL, confirmed, 112.
CAMPBELL, MRS. RHEUBENA C., confirmed, 119.
CAMPBELL, ROBERT R., confirmed, 118.
CANFIELD, THEODORE, 4th, confirmed, 116.
CANNON, RICHARD F., confirmed, 115.
CAPPONE, THEODORE, confirmed, 119.
CAREY, EDWARD F., confirmed, 113.
CARLSON, CHARLES J., confirmed, 114.
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CARLSON, LOUIS EDGAR, confirmed, 506.
CARLSON, MISS ALFREDA, confirmed, 117.
CARLSON, MRS. H. B., confirmed, 111.
CARMAN, MICHAEL A., confirmed, 116.
CARMAN, MRS. HARRIET C., confirmed, 623.
CARPENTER, MRS. MARY E., confirmed, 113.
CARRINGTON, PERCY W., confirmed, 285.
CARROLL, MISS MARGARET M., confirmed, 117.
CARTER, MISS S. DOROTHY, confirmed, 112.
CASACCHIA, ANGELO J., confirmed, 114.
CASAROTTO, MISS MARGARET G., confirmed, 115.
CASEY, MISS MARY B., confirmed, 115.
CASSIDY, J. A., confirmed, 283.
CASTLEMAN, A. E., confirmed, 378.
CATHAL, MISS MILDRED O., confirmed, 117.
CEDERLOF, R. C., confirmed, 118.
CEFARATTI, MISS FLORA, confirmed, 329.
CHAIKOWSKY, LEONARD J., confirmed, 120.
CHAIRNOFF, SAMUEL, confirmed, 117.
CHAMBERS, L. C., confirmed, 113.
CHANDLER, RALPH C., confirmed, 580.
CHANNELL, MRS. VIVIAN M., confirmed, 284.
CHARLIER, MISS MARY, confirmed, 217.
CHARLTON, FRANK C., confirmed, 116.
CHELIUS, RAYMOND H., confirmed, 111.
CHERRY, MISS JOSEPHINE M., confirmed, 623.
CHILDERS, HENRY D., confirmed, 117.
CHIOSSO, MISS LOUISE M., confirmed, 118.
CHRISTINE, MISS I. ESTHER, confirmed, 112.
CHRISTINE, MISS MARY K., confirmed, 112.
CHRISTMAN, MISS VIOLET P., confirmed, 406.
CLAPSADDLE, PAUL A., confirmed, 113.
CLARK, MRS. EDITH P., confirmed, 706.
CLARK, STEWART F., confirmed, 117.
CLARKS, MISS MARY JO, confirmed, 112.
CLAUSS, RICHARD H., confirmed, 115.
CLEMENS, ALVIN A., confirmed, 116.
CLINE, MISS EVELYN, confirmed, 112.
CLOUGH, ARTHUR T., confirmed, 113.
CLOVIS, W. P., confirmed, 110.
CLYNES, MISS CATHARINE R., confirmed, 117.
COATES, CLARENCE H., confirmed, 114.
COCHRAN, CLINTON R., confirmed, 117.
COHEN, MISS FAY, confirmed, 624.
COHEN, MISS K. G., confirmed, 118.
COHEN, MISS MARGARET, confirmed, 112.

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COHO, FRANK E., confirmed, 114.
COIT, MRS. BERDENA R., confirmed, 113.
COLE, HORACE T., confirmed, 113.
COLEMAN, MISS MAY FRANCES, confirmed, 114.
COLETON, MISS ELIZABETH, confirmed, 117.
COLGAN, MISS ELEANOR I., confirmed, 114.
COLLINS, MATTHEW M., JR., confirmed, 377.
COLLISON, CHARLES C., confirmed, 283.
COLTERYAHN, MRS. EMMA G., confirmed, 623.
CONCELLO, MISS MARY D., confirmed, 113.
CONE, MISS C. E., confirmed, 111.
CONLIN, F. T., confirmed, 117.
CONLIN, MRS. MYRTLE, confirmed, 110.
CONNELL, MISS A. E., confirmed, 623.
CONNELL, MISS MARGARET E., confirmed, 113.
CONNELL, MRS. MARGARET L., confirmed, 118.
CONNOR, MISS MARY M., confirmed, 113.
CONSTABLE, MRS. PAULINE, confirmed, 112.
COOK, CLARENCE A., confirmed, 110.
COOK, JACK W., confirmed, 119.
COOK, LEROY M., confirmed, 113.
COOK, MISS JULIA C., confirmed, 111.
COOK, NEVIN L., confirmed, 119.
COOLEY, MISS ALICE T., confirmed, 112.
COONS, CLARENCE E., confirmed, 114.
COOPER, J. BOYD, confirmed, 113.
COOPER, JOHN H., confirmed, 406.
COOPER, MISS INA M., confirmed, 114.
CORDELL, J. EDW., JR., confirmed, 114.
CORRIGAN, MISS ESTHER R., confirmed, 115.
CORTRIGHT, MISS DOROTHY J., confirmed, 329.
COSGROVE, THOS. P., confirmed, 283.
COTTER, J. WM., confirmed, 113.
COURSIN, WM. J., confirmed, 623.
COURTER, MISS E. ARLENE, confirmed, 113.
COVERT, LLOYD W., confirmed, 118.
COVERT, MRS. ANNA F., confirmed, 110.
COWPER, B. RUSSELL, confirmed, 216.
COXHEAD, MISS ISABELLE Y., confirmed, 216.
COYLE, JAMES J., confirmed, 118.
COYNE, MISS MARION M., confirmed, 114.
COYNE, MISS MARY G., confirmed, 116.
COYNE, MRS. MARION F., confirmed, 116.
COZZA, EDWARD R., confirmed, 623.
CRAMER, MISS VIOLET C., confirmed, 114.
CRARY, MRS. RUTH G., confirmed, 377.

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CREATO, ANTHONY, confirmed, 116.
CREVELING, JOHN P., confirmed, 406.
CRIDER, MISS ETHEL F., confirmed, 119.
CRISP, HARRY A., confirmed, 117.
CRISPIN, MISS JESSIE B., confirmed, 217.
CRIST, CHARLES W., JR., confirmed, 116.
CRONIN, C., confirmed, 312.
CRONIN, THOMAS W., confirmed, 116.
CROSBY, FRED E., confirmed, 118.
CROSS, W. L., confirmed, 112.
CROW, MISS GERALDINE M., confirmed, 113.
CROWELL, MISS BEATRICE, confirmed, 111.
CRUM, DALE G., confirmed, 283.
CUDDYRE, MISS BARBARA F., confirmed, 110.
CULLEN, MRS. MARIE B., confirmed, 116.
CUNNANE, JOSEPH P., confirmed, 116.
CUNNINGHAM, MISS MARY S., confirmed, 117.
CUNNINGHAM, MRS. MARY P., confirmed, 113.
CUNNINGHAM, V. H., confirmed, 114.
CURLEY, WILLIAM D., confirmed, 117.
CURRERI, PETER, confirmed, 312.
CURRY, MISS M. CATHERINE, confirmed, 112.
CURRY, MRS. JULIA, confirmed, 112.
CUTHILL, ROBERT W., confirmed, 377.
DAILY, M. LAWRENCE, confirmed, 377.
DALLARD, HAROLD A., confirmed, 111.
DAMES, PAUL E., confirmed, 652.
DANAGHER, MRS. RUTH B., confirmed, 116.
DANIELS, ELMER J., confirmed, 216.
DANIELS, MISS IVA M., confirmed, 114.
DANNELS, MISS THELMA, confirmed, 284.
DARE, MRS. ANITA A., confirmed, 283.
DARKE, ROBERT L., confirmed, 624.
DARLINGTON, P. S., JR., confirmed, 283.
DARR, FRED W., confirmed, 283.
DARROCH, JAMES A., confirmed, 377.
DARROW, GEORGE P., confirmed, 377.
DAUER, EDWIN, confirmed, 623.
DAVENPORT, MISS ADA I., confirmed, 117.
DAVID, MISS MARY MAGDALENE, confirmed, 113.
DAVIS, CLIFFORD E., confirmed, 114.
DAVIS, J. F., confirmed, 114.
DAVIS, MISS MARTHA C., confirmed, 365.
DAVIS, MRS. LEEANNA E., confirmed, 112.
DAVIS, ROBERT W., confirmed, 111.
DAYLOR, MISS EMMA C., confirmed, 112.

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DEAL, GEORGE W., confirmed, 117.
DECK, MISS DOROTHY C., confirmed, 114.
DE FEO, DOMINICK, confirmed, 118.
DEFONSO, LEONARD, confirmed, 110.
DEIBLER, CHARLES E., confirmed, 113.
DEINGELDEIN, MRS. LAURA M., confirmed, 110.
DE LANY, MRS. TACY W., confirmed, 217.
DE LUCA, MARTIN S., confirmed, 118.
DELWIG, MISS HARRIET C., confirmed, 115.
DEMAR, MRS. BETTY, confirmed, 377.
DEMAREST, MISS M. M., confirmed, 111.
DE MOTT, MISS T., confirmed, 112.
DEMPSEY, MRS. MARY B., confirmed, 216.
DEMPWOLF, MISS CLARA A., confirmed, 119.
DENBY, RAYMOND S., confirmed, 285.
DENGENHARDT, J. ROY, confirmed, 110.
DETRA, B. WILLIAM, confirmed, 114.
DEUEL, MISS MARTHA B., confirmed, 284.
DEVERTS, A. C., confirmed, 110.
DEVLIN, JOHN R., confirmed, 111.
DE VOS, MRS. A. K., confirmed, 112.
DI CIO, JOHN, confirmed, 283.
DIEHL, MISS MARIE E., confirmed, 117.
DIETERICH, FRED R., confirmed, 117.
DIETTERICH, MISS LOLA E., confirmed, 623.
DIETZ, HARRY E., confirmed, 146.
DI GIOVANNI, LOUIS, confirmed, 116.
DI GREGORIO, ISIDORO, confirmed, 146.
DILLMAN, MISS S. N., confirmed, 421.
DILLNER, WILLIAM J., confirmed, 110.
DILLON, JOHN G., confirmed, 312.
DILLON, MRS. DOROTHY, confirmed, 377.
DINIUS, PALMER E., confirmed, 118.
DITTMAR, MISS LULU M., confirmed, 112.
DIVEN, JAMES, G., confirmed, 114.
DIXON, JOSEPH B., confirmed 112.
DIXON, JOSEPH B., confirmed, 620.
DOGOLE, MRS. ETHEL, confirmed, 118.
DOLCE, JOHN, confirmed 111.
DOLDE, JOHN T., confirmed, 117.
DONACHY, W. R., confirmed, 285.
DONAGHUE, EUGENE J., confirmed, 377.
DONALDSON, LEROY K., confirmed, 284.
DONALDSON, WM. K., confirmed, 115.
DONMOYER, MISS J. L., confirmed, 709.
DONNELLY, JOHN J., confirmed, 117.

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DONNELLY, MISS RITA, confirmed, 652.
DOOR, H. F., confirmed, 112.
DORSEY, WILLIAM, confirmed, 117.
DORSHIMER, MISS HELEN L., confirmed, 115.
DOUGHERTY, MISS TERESA M., confirmed, 117.
DOUGHERTY, MRS. MARIE F., confirmed, 217.
DOYLE, MISS VIRGINIA M., confirmed, 113.
DOYLE, MRS. KATHRYN M., confirmed, 115.
DOYLE, MRS. MARIAN R., confirmed, 115.
DRAKE, MISS ALMA S., confirmed, 118.
DRAKE, MISS MILDRED E., confirmed, 117.
DRAPER, BENJAMIN C., confirmed, 581.
DRASIN, N. GEORGE, confirmed, 623.
DROSDICK, STEPHEN, confirmed, 284.
DRUKER, MAURICE, confirmed, 329.
DUDA, MISS GERTRUDE J., confirmed, 119.
DUFF, HARRY E., confirmed, 114.
DUGGAN, RICHARD J., confirmed, 116.
DUNLAP, MRS. CLAIRE C., confirmed, 218
DUNN, LAWRENCE, confirmed, 312.
DURHAM, JAMES G., confirmed, 116
ECKSTEIN, WM. M., confirmed, 116.
EDGINGTON, MISS CORDELLA A., confirmed, 114.
EDNER, MERRITT I., confirmed, 112.
EDWARDS, E. E., confirmed, 115.
EDWARDS, HENRY G., confirmed, 117.
EDWARDS, MISS MARY E., confirmed, 111.
EDWARDS, MRS. OLGA, confirmed, 283.
EDWARDS, VINCENT, confirmed, 628.
ELICKER, MISS ELIZABETH, confirmed, 119.
ELLIOTT, RALPH F., confirmed, 115.
ELLIS, HORACE G., confirmed, 115.
ELLISON, MISS M. M., confirmed, 115.
ELASSER, MRS. A., confirmed, 118.
ELTERS, HENRY, confirmed, 115.
EMERICK, E. RUSSELL, confirmed, 115.
ENDRES, FREDERICK J., confirmed, 283.
ENDY, WALTER W., confirmed, 118.
ENGLEHART, P. H., confirmed, 478.
ENTERLINE, E. V., confirmed, 111.
ENTERLINE, MRS. FANNIE, confirmed, 283.
ENTWISLE, FRED C., confirmed, 377.
ENYEART, MISS GLADYS, confirmed, 114.
ERICH, MISS ETHEL J., confirmed, 116.
ERMENTROUT, GEORGE D., confirmed, 284.
ESKUCHEN, MRS. E. MARJORIE, confirmed, 116.

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ESPOSITO, MRS. ANNA S., confirmed, 117.
ESTOCK, MISS IRENE M., confirmed, 116.
ETTELE, DALE, confirmed, 283.
EWELL, HAMILTON D., confirmed, 311.
EYSTER, L. R., confirmed, 114.
FABEL, MISS M. ESTHER, confirmed, 115.
FALKENHAGEN, J. H., confirmed, 116.
FALKENSTEIN, MISS KATHERINE, confirmed, 506.
FANELLI, JOHN, confirmed, 113.
FANNING, M. E., confirmed, 114.
FARNEN, MISS ANNA MARIE confirmed, 110.
FASSETT, G. E., confirmed, 114.
FASY, HARRY J., confirmed, 116.
FATZINGER, MISS HILDA L., confirmed, 283.
FAULHAUBER, MISS DORIS M., confirmed, 113.
FEELY, MRS. MARGARET Q., confirmed, 118.
FEENEY, MISS RITA T., confirmed, 113.
FELL, MISS ANNA R., confirmed, 111.
FELSBURG, JOEL L., confirmed, 113.
FENGLER, MRS. MARY M., confirmed, 116.
FENIMORE, MISS ELIZABETH, confirmed, 113.
FERGUSON, JAMES, confirmed, 216.
FERGUSON, MISS HILDA M., confirmed, 112.
FERGUSON, MISS LYDIA M., confirmed, 110.
FERI, MRS. AMELIA R., confirmed, 116.
FERNSLER, MISS M. REBECCA, confirmed, 118.
FERRAGONIO, LOUIS J., confirmed, 110.
FERRANTE, MRS. AMELIA IRENE, confirmed, 119.
FERRIS, MISS HILDA, confirmed, 118.
FETTERS, MRS. GRACE B., confirmed, 116.
FIDLER, MISS HELEN J., confirmed, 216.
FIELD, MISS JAYNNE E., confirmed, 118.
FINDLEY, JAMES C., 2d, Confirmed, 623.
FINESTONE, MORRIS, confirmed, 623.
FINKEL, MISS ESTHER M., confirmed, 116.
FINN, ED. M., confirmed, 405.
FINNEGAN, FRANK P., confirmed, 114.
FISCHER, MISS IRMA C., confirmed, 283
FISHER, ALVIN H., confirmed, 581.
FISHER, CARL W., confirmed, 581.
FISHER, GERALD L., confirmed, 112.
FISHER, MISS LEILA P., confirmed, 112.
FISHER, MORRIS, confirmed, 118.
FISHER, MRS. A. FLORENCE, confirmed, 114.
FISHER, MRS. CORA M., confirmed, 112.
FISHER, MRS. ROSE C., confirmed, 112.

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FITZGERALD, MRS. E. A., confirmed, 709.
FITZGIBBON, MISS MARGARET, confirmed, 282.
FLEMMING, J. KENNETH, confirmed, 113.
FLETCHER, MRS. CLARA C., confirmed, 312.
FLING, MISS MARY E., confirmed, 115.
FLINTOSH, JOHN, confirmed, 329.
FLOOD, MISS MARY A., confirmed, 709.
FOCHT, THEODORE M., confirmed, 112.
FOGARTY, MISS JOSEPHINE F., confirmed, 217.
FOGEL, MISS DOROTHY, confirmed, 113.
FOGG, J. ROBINSON, confirmed, 116.
FORBES, JAMES P., confirmed, 624.
FORD, WILLIAM R. C., confirmed, 110.
FORDYCE, FORNEY W., confirmed, 376.
FORGY, C. B., confirmed, 421.
FORNWALT, MISS MARGARET E., confirmed, 113.
FORSTER, JOHN A., confirmed, 110.
FORTUN, MISS ANNA, confirmed, 216.
FOSKO, MISS ANNE M., confirmed, 115.
FOSS, WILLIAM C., confirmed, 709.
FOSTER, CHARLES W., confirmed, 112.
FOUCAR, MRS. MARY, confirmed, 115.
FOWLER, MISS ANNA G., confirmed, 113.
FOX, HENRY I., JR., confirmed, 115.
FOX MISS BETTE M., confirmed, 111.
FOX, MRS. LURETTA M., confirmed, 623.
FRABLE, HEARST H., confirmed, 116.
FRANK, RALPH W., confirmed, 652.
FRANKE, MRS. RUTH W., confirmed, 116.
FRANKENFIELD, RODMAN D., confirmed, 384.
FRANTZ, MISS LORENA, confirmed, 113.
FRANTZ, ROBERT E., confirmed, 112.
FRANTZ, TILDEN H., confirmed, 114.
FRASER, JAMES A., confirmed, 117.
FRASSO, MRS. MINNIE F., confirmed, 114.
FREAS, GORDON H., confirmed, 115.
FREDERICK, PAUL R., confirmed, 285.
FREEBORN, MRS. V. M., confirmed, 283.
FREEBURG, MRS. GLADYS, confirmed, 311.
FREEMAN, MRS. JOSEPHINE R., confirmed, 728.
FRETZ, NERO S., confirmed, 112.
FREY, HOMER L., confirmed, 115.
FREY, JACK B., confirmed, 282.
FRICK, WALTER H., confirmed, 111.
FRIEDMAN, WILLIAM, confirmed, 113.
FRITSCH, MISS ANNA MABEL, confirmed, 115.

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FRITSCHE, JOHN, JR., confirmed, 116.
FRODING, H. EDWARD, confirmed, 111.
FROMHOLD, FRED B., confirmed, 406.
FULMER, MRS. MARGARET N., confirmed, 114.
FULTON, BENJ. F., confirmed, 113.
FULTON, MRS. MARY A., confirmed, 117.
FUNK, MISS SARAH A., confirmed, 112.
FYFE, JAMES E., confirmed, 117.
GABELL, MISS KATHARINE, confirmed, 117.
GAETZ, HOWARD W., confirmed, 116.
GALBRAITH, MISS EDITH J., confirmed, 117.
GALL, FRANCIS J., confirmed, 119.
GALLAGHER, CLARENCE J., confirmed, 115.
GALLOWAY, CURTIS H., confirmed, 709.
GAMBLE, MRS. MARGARET, confirmed, 506.
GAMBLE, MRS. MARY, confirmed, 113.
GANSMAN, HERBERT, confirmed, 114.
GARDNER, EARL W., confirmed, 115.
GARRISON, MISS HARRIET M., confirmed, 111.
GARVER, N. E., confirmed, 405.
GASH, MRS. ELEANOR U., confirmed, 117.
GASKILL, GEO. E., confirmed, 284.
GASTEL, A. F., confirmed, 110.
GATES, MISS LAURA R., confirmed, 117.
GEE, GEORGE D., confirmed, 110.
GEGENHUBER, CHARLES, confirmed, 110.
GEIB, STANLEY R., confirmed, 114.
GEIBEL, GEORGE M., confirmed, 110.
GEISSEL, MISS ELIZABETH, confirmed, 117.
GERBER, LEWIS, confirmed, 406.
GERHART, PAUL H., confirmed, 111.
GERMAN, ROBERT E., confirmed, 115.
GERSTER, G. A., confirmed, 111.
GETTINGER, MRS. EDNA, confirmed, 115.
GEYER, LESTER K., confirmed, 115.
GIGLER, FRED J., confirmed, 111.
GIGLIOTTI, MISS MAFALDA V., confirmed, 113.
GILBERT, FRED F., confirmed, 114.
GILKEY, ROBERT M., confirmed, 115.
GILL, MISS IRENE W., confirmed, 115.
GILLESPIE, R. W., JR., confirmed, 624.
GLADDEN, MRS. LENORE K., confirmed, 118.
GLEASON, WILLIAM J., confirmed, 116.
GLEESON, MISS REGINA A., confirmed, 117.
GLENN, WM. H., confirmed, 117.
GLESSNER, MRS. NELLE K., confirmed, 284.
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GLOVER, JAMES R., confirmed, 114.
GLOWACKI, J. W., confirmed, 113.
GOEBERT, MISS LEONORA J., confirmed, 112.
GOEHRING, LOUIS M., confirmed, 216.
GOEPPERT, ALBERT E., confirmed, 115.
GOLDEN, MRS. CATHERINE M., confirmed, 113.
GOLDFARB, HARRY, confirmed, 117.
GOLDMAN, MISS CLAIRE, confirmed, 116.
GOLDMANN, HOWARD J., confirmed, 116.
GOLDSTEIN, MRS. NAOMI R., confirmed, 111.
GOOD, HOWARD W., confirmed, 112.
GOODWIN, EDGAR AUSTIN, confirmed, 114.
GORDON, HARRY M., confirmed, 114.
GORDON, LEE R., confirmed, 114.
GORDON, MISS ALICE, confirmed, 111.
GOTWALS, WARREN D., confirmed, 283.
GOUGH, MISS KATHRYN F., confirmed, 118.
GOUGHNOUR, MRS. CORNELIA M., confirmed, 113.
GOULD, MISS AGNES J., confirmed, 110.
GOULDNER, WILLIAM H., confirmed, 115.
GOWERN, PAUL K., confirmed, 118.
GOZON, MISS ANN E., confirmed, 216.
GRAB, H. A., confirmed, 110.
GRABIAK, MRS. STELLA J., confirmed, 329.
GRACEY, MRS. NEVA S., confirmed, 115.
GRADWOHL, MISS MARY LOUISE, connfirmed, 113.
GRAF, ERNEST, confirmed, 623.
GRAHAM, JOSEPH E. E., confirmed, 118.
GRAHAM, ROBERT M., confirmed, 377.
GRAHAM, ROBERT P., JR., confirmed, 329.
GRANT, MISS ELIZABETH M., confirmed, 113.
GREEN, JOSEPH A., confirmed, 114.
GREEN, MISS JEANETTE, confirmed, 312.
GREENBAUM, JOHN, confirmed, 709.
GREENE, ALLEN D., confirmed, 216.
GREENE, HOMER R., confirmed, 111.
GREENE, MISS RITA J., confirmed, 111.
GREGER, WILLIAM C., confirmed, 117.
GRIBBIN, JAS. A., confirmed, 110.
GRIFFIS, MRS. DONNA H., confirmed, 113.
GRIFFITHS, JNO. A., confirmed, 115.
GRIFFITHS, MRS. FRANCES B., confirmed, 115.
GRIM, ROBERT H., confirmed, 112.
GRIMMETT, MRS. DOROTHY M., confirmed, 117.
GRODSKY, MEYER, confirmed, 116.
GROSS, MORRIS, confirmed, 117.

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GROVE, MRS. GERTRUDE K., confirmed, 114

GROVES, P. R., confirmed, 117.

GUARIGLIA, CARL, confirmed, 116.

GUCKERT, THEODORE E., confirmed, 378.

GUINAN, MISS FLORENCE T., confirmed, 285.

GUNSSER, WALTER H., confirmed, 117.

GUP, DAVID B., confirmed, 110.

GUTHRIE, CYRIL, confirmed, 110.

GYEKIS, MRS. BLANCHE A., confirmed, 110.

HAAG, MISS GRACE K., confirmed, 112.

HAAS, ROBERT C., confirmed, 116.

HADLEY, MISS DOROTHY, confirmed, 117.

HAFLEY, MISS DOROTHY R., confirmed, 377.

HAGAN, JOSEPH J., confirmed, 216.

HAGMANN, HARRY W., confirmed, 113.

HAGY, MRS. DOROTHY R., confirmed, 113.

HAHNE, MISS DORIS E., confirmed, 312.

HAKE, H. MILTON, confirmed, 119.

HALL, MISS G. RUTH, confirmed, 117.

HALLER, MRS. MARGARET E., confirmed, 712.

HALLOCK, JAMES E., confirmed, 216.

HAMILTON, MRS. KATHRYN Z., confirmed, 113.

HAMMER, MISS JOSEPHINE E., confirmed, 110.

HAMMOND, MRS. FRIEDA V., confirmed, 421.

HANEY, R. M., confirmed, 112.

HANF, JOHN T., confirmed, 114.

HANSON, ELMER E., confirmed, 405.

HARCLERODE, MISS NAOMI, confirmed, 112.

HARDING, MISS E. B., confirmed, 117.

HARING, PHILIP I., confirmed, 111.

HARMON, EWING R., confirmed, 113.

HARPER, MRS. ADELLA BYRD, confirmed, 116.

HARPER, MRS. LELIA J., confirmed, 112.

HARRES, MRS. MARY W., confirmed, 116.

HARRIGAN, MISS ELIZABETH M., confirmed, 118.

HARRISON, MISS LILLIAN, confirmed, 111.

HARRISON, SIGMUND S., confirmed, 116.

HARROLD, MISS RUTH, confirmed, 119.

HARSHMAN, MRS. MILDRED B., confirmed, 119.

HART, MISS RITA A., confirmed, 112.

HARTER, M. L., JR., confirmed, 116.

HARTLING, EMIL R., confirmed, 115.

HARTMAN, MISS GLADYS C., confirmed, 118.

HARTMAN, MISS MARY, confirmed, 216.

HARTMANN, HOWARD G., confirmed, 111.

HARTZOK, JOHN W., confirmed, 114.

HARVEY, RALPH W., confirmed, 115.

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HASSALL, HARRY D., confirmed, 118.

HASSENFRITZ, ED. J., confirmed, 116.

HASSETT, CHARLES J., confirmed, 478.

HAUGER, MRS. HERMIE H., confirmed, 312.

HAUPT, RUSSSELL G., confirmed, 116.

HAWK, ASHER M., confirmed, 112.

HAWK, J. M., confirmed, 118.

HAWTHORNE, THOMAS P., confirmed, 623.

HAYDEN, FRANCIS A., confirmed, 312.

HAYDEN, MISS MARIE G., confirmedfi, 117.

HAYES, MISS ELIZABETH, confirmed, 312.

HAYNES, W. GEOFFREY, confirmed, 506.

HAYWARD, C. R., confirmed, 111.

HAYWOOD, C. N., confirmed, 284.

HAZEL, HERMAN J., confirmed, 506.

HAZEN, MISS SALLEE M., confirmed, 114.

HEAD, MISS FLORENCE, confirmed, 112.

HEARN, MRS. MADGE H., confirmed, 284.

HEATH, MISS ANNE C., confirmed, 117.

HECKMAN, H. L., confirmed, 111.

HEDLEY, FRANK E., confirmed, 118.

HEGMANN, WM. H., confirmed, 118.

HEIL, MRS. MARIE A., confirmed, 284.

HEILE, C. E., confirmed, 113.

HEINBACH, EARLE L., confirmed, 118.

HELD, ALBERT L., SR., confirmed, 115.

HELDT, MILTON M., confirmed, 112.

HELLER, MISS LOUISE K., confirmed, 116.

HENDERSON, JOHN G. N., confirmed, 406.

HENDERSON, MISS MARY JANE, confirmed, 117.

HENRIQUES, MRS. SARA R., confirmed, 623.

HENRY, DAVID H., confirmed, 111.

HENRY, JOHN A., confirmed, 113.

HENSEL, THOMAS P., confirmed, 116.

HERBEIN, CHARLES S., confirmed, 111.

HERBSLEB, HENRY W., confirmed, 377.

HERDA, MICHAEL J., confirmed, 110.

HERITAGE, MISS SARA D., confirmed, 117.

HERMAN, DONALD E., confirmed, 113.

HERSHEY, FRANK W., confirmed, 114.

HERSKER, MRS. CARMEN M., confirmed, 284.

HERTLER, MISS EDNA P., confirmed, 312.

HESS, CLARENCE W., confirmed, 111.

HESS, MISS JOSEPHINE S., confirmed, 284.

HESS, MISS LILLIAN M., confirmed, 114.

HESS, PHARES, confirmed, 114.

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HESS, RAYMOND L., JR., confirmed, 111.
HETRICK, HARRY M., confirmed, 217.
HEWITT, MRS. LUCELIA F., confirmed, 112.
HEYER, FRANCIS D., confirmed, 112.
HEZLEP, DONALD R., confirmed, 111.
HICKMAN, MISS EDITH J., confirmed, 283.
HICKS, CHARLES C., confirmed, 114.
HIGGINS, MISS MARY K., confirmed, 118.
HIGGINS, MRS. MARGARET M., confirmed, 118.
HILD, MRS. MADELINE C., confirmed, 116.
HILL, HOWARD W., confirmed, 113.8
HILL, MRS. EDITH B., confirmed, 111.
HILLEGASS, R. M., confirmed, 116.
HINKLE, JOHN S., confirmed, 116.
HINKLE, WALTER A., confirmed, 117.
HINTERLEITER, MISS ANNA F., confirmed, 581.
HIRLEMAN, MISS HILDA, confirmed, 113.
HIRLEMAN, WILLIAM N., confirmed, 581.
HIRST, ANTHONY A., confirmed, 405.
HOCHHAUSER, JACOB, confirmed, 283.
HOENSHEL, C. L., confirmed, 377.
HOFFMAN, CHARLES W., confirmed, 283.
HOFFMAN, GEORGE W., confirmed, 115.
HOFFMAN, JOSEPH J., confirmed, 113.
HOFFMAN, MISS RUTH E., confirmed, 115.
HOFFMAN, MRS. HELEN U., confirmed, 312.
HOFFMEISTER, HARRY, confirmed, 117.
HOFMANN, MISS HAZEL D., confirmed, 119.
HOGUE, MISS LORETTA G., confirmed, 284.
HOLBERT, FREDERICK A., confirmed, 478.
HOLLAND, THOMAS R., confirmed, 111.
HOLLOWAY, EDWARD G., confirmed, 117.
HOLMES, W. L., confirmed, 623.
HOLMES, WILLIAM, JR., confirmed, 117.
HOLOKA, MRS. ELIZABETH, confirmed, 110.
HOLZMAN, PAUL A., confirmed, 111.
HONEYWELL, LEROY K., confirmed, 217.
HOOPY, GEORGE C., confirmed, 284.
HOOVER, D. E., confirmed, 377.
HOOVER, MISS EDNA I., confirmed, 112.
HOPPER, ERNEST W., confirmed, 117.
HORGAN, DENIS J., JR., confirmed, 117.
HORNER, MISS MARY, confirmed, 623.
HORST, IRWIN, confirmed, 114.
HORST, MISS RUTH M., confirmed, 217.
HORTON, MISS SARA A., confirmed, 580.

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HOSFORD, R. F., confirmed, 113.
HOSHAUER, MAURICE A., confirmed, 114.
HOTALING, G. G., confirmed, 284.
HOUSE, GEORGE H., confirmed, 110.
HOUSEWORTH, PAUL E., confirmed, 283.
HOUSTON, MISS ELIZABETH S., confirmed, 117.
HOVER, ALEX E., confirmed, 119.
HOWANSTINE, I. N.,confirmed,116.
HOWE, TRAYER, B., confirmed, 114.
HOWELLS, BENJ., confirmed, 119.
HOY, KIMBER H., confirmed, 118.
HOYLE, RALPH E., confirmed, 217.
HUBBELL, HARRY L., confirmed, 377.
HUBER, MERVIN F., confirmed, 113.
HUDER, MRS. HELEN D., confirmed, 117.
HUFFMAN, E. E., confirmed, 119.
HUGG, TONER A., confirmed, 377.
HUGGINS, MISS HAZEL J., confirmed, 283.
HUGHES, MISS MARGARET C., confirmed, 118.
HUGHES, MISS RHODA E., confirmed, 117.
HUGHES, MRS. ANNA J., confirmed, 110.
HUM, MISS ELIZABETH B., confirmed, 114.
HUMMEL, MRS. KATHRYN M., confirmed, 116.
HUNTER, MRS. DOROTHY, confirmed, 216.
HUNTER, MRS. ETHEL N., confirmed, 285.
HUNTER, W. V., confirmed, 377.
HURWITZ, MISS GERTRUDE, confirmed, 623.
HUSHEN, MISS MARGARET M., confirmed, 283.
HUSTED, MRS. HILDA F., confirmed, 118.
HUSTON, JAMES, confirmed, 119.
HUTCHINSON, ROBERT H., confirmed, 218.
HYMAN, W. G., confirmed, 113.
ILGENFRITZ, MISS THELMA, confirmed, 119.
IRMEN, MISS ELSIE A., confirmed, 110.
IRWIN, MISS ALICE U., confirmed, 111.
IRWIN, MRS. HELEN B., confirmed, 110.
IVEY, MRS. ANNA MAE, confirmed, 114.
JANKE, ALBERT E., confirmed, 117.
JANKER, MISS MARY A., confirmed, 112.
JARUS, LEONID, confirmed, 312.
JAXHEIMER, JOHN L., confirmed, 116.
JEFFRIES, MISS ANNE, confirmed, 112.
JENKINS, E. W., confirmed, 117.
JEROME, JOSEPH J., confirmed, 377.
JOB, RBT. B., confirmed, 115.
JOHNSON, C. WM., confirmed, 115.

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JOHNSON, KARL W., confirmed, 283.
JOHNSON, MISS ELSIE M., confirmed, 113.
JOHNSON, MISS RUTH E., confirmed, 118.
JOHNSON, MISS RUTH R., confirmed, 115.
JOHNSON, MRS. BEULAH C., confirmed, 114.
JOHNSON, RAYMOND E., confirmed, 378.
JOHNSON, W. ORIN, confirmedfi 506.
JOHNSTON, JOSEPH G., confirmed, 116.
JOHNSTON, MISS RUTH M., confirmed. 284
JOHNSTON, ROBERT S., confirmed, 506.
JONES, H. LEROY, confirmed, 115.
JONES, MISS MARGARET C., confirmed, 118.
JONES, MISS SUE, confirmed, 114.
JONES, MRS. BERNICE B., confirmed, 115.
JONES, MRS. MARIE D., confirmed, 111.
JONES, ROBERT F., confirmed, 115.
JORDAN, JOHN P., confirmed, 116.
JORDAN, MRS. GERTRUDE H., confirmed. 218.
JOSLIN, PAUL B., confirmed, 113.
JOSLIN, WILMER A., confirmed, 312.
JOYCE, JOSEPH F., confirmed, 110.
JUDGE, MRS. M. JANE, confirmed, 118.
JUDY, MRS. DOROTHY WAYNE, confirmed, 709
JUNKER, MISS RUTH H., confirmed, 312.
JUREWICZ, STANLEY, confirmed, 117.
JUSTEN, MISS V. C., confirmed, 478.
KACHEL, MISS ELIZABETH M., confirmed, 114.
KAEGI, MRS. ANNA E., confirmed, 623.
KAIGHN, MISS THELMA JEAN, confirmed, 117.
KALP, MISS KATHRYN, confirmed, 623.
KANIG, SIDNEY, H., confirmed, 117.
KARICHER, MISS CAROLINE M., confirmed. 478.
KARPER, RAY H., confirmed, 111.
KASE, EARL W., confirmed, 581
KASHUBA, MISS FRANCES, confirmed, 115.
KAUFMAN, MISS VICTORIA, confirmed, 118.
KAVASNAK, MISS SIRENE M., confirmed, 111.
KAY, F. R., confirmed, 117
KAYE, ALBERT K., confirmed, 117.
KAYTES, ALBERT J., confirmed, 118.
KEANE, WILLIAM R., confirmed, 377.
KEEFER, MISS CHARLOTTE M., confirmed, 115.
KEENAN, MRS. MARY A., confirmed, 284.
KEENE, MISS RACHEL L., confirmed, 114.
KEESEY, L. D., confirmed, 119.
KEHLER, ALFRED R., confirmed, 114.

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KEICHLINE, JOHN M., confirmed, 112.
KEIM, THOS. H., confirmed, 119.
KELDER, RALPH E., confirmed, 118.
KELLER, ALBERT W., JR., confirmed, 377.
KELLER, MISS CHARLOTTE L., confirmed, 216.
KELLY, MRS. MARGARET M., confirmed, 114.
KELLY, WILLIAM B., confirmed, 118.
KEMERER, ALBERT, confirmed, 421.
KEMMERER, MISS OLIVE, confirmed, 115.
KEMPER, JOHN K., confirmed, 115.
KENIN, NATHAN, confirmed, 117.
KENNEDY, J. C., confirmed, 114.
KENNEDY, MISS DOROTHY C., confirmed, 115.
KENNEY, ALVIN E., confirmed, 118.
KEOUGH, ROBERT ED., confirmed., 110.
KEPHART, MISS K. GRACE, confirmed, 709.
KERBER, LEO A., confirmed, 111.
KERR, MISS LOUISE M., confirmed, 216.
KERRIGAN, JAMES P., confirmed, 118.
KERSHAW, ISAAC, JR., confirmed, 113.
KESSLER, P. J., confirmed, 119.
KEYES, ELLIS D., confirmed, 118.
KIDDER, MISS MILDRED L., confirmed, 113.
KIESS, VERUS M., confirmed, 285.
KILGORE, ROBERT A., confirmed, 329.
KILMER, NORMAN, confirmed, 111.
KILPATRICK, MISS RUTH E., confirmed, 217.
KILROY, JOHN J., confirmed, 406.
KIMMEL, F. W., confirmed, 112.
KINDER, A. V., confirmed, 282.
KING, C. DEWAIN, confirmed, 111.
KING, HOMER F., confirmed, 113.
KING, MISS MARIAN T., confirmed, 112.
KING, MRS. KATHARINE DEAN, confirmed, 110.
KINGSLEY, GUY H., confirmed, 283.
KINSEY, MRS. MARY V., confirmed, 110.
KINSLEY, C. WEBSTER, confirmed, 117.
KINTZ, G. J., confirmed, 115.
KINTZER, MRS. BESSIE I., confirmed, 378.
KITZMILLER, E., confirmed, 478.
KLAUSER, FRANK, confirmed, 113.
KLEIN, MISS ANNA, confirmed, 117.
KLEIN, MORRIS, confirmed, 11.
KLEINHANS, MRS. MAUDE S., confirmed, 116.
KLEINKAUF, MISS SALLY L., confirmed, 113.
KLEMMER, CLARENCE P., confirmed, 116.
KLEY, MISS HELEN E., confirmed, 112.

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KLING, RAYMOND L., confirmed, 110.
KLINGENSMITH, LEON G., confirmed, 118.
KLODARSKA, MISS ELIZABETH, confirmed, 115.
KNABLE, MRS. SONYA R., confirmed, 283.
KNAPPENBERGER, MRS. ESTELLA K., confirmed, 115.
KNAUER, PAUL I., confirmed, 111.
KNEEZEL, CLEMENT F., confirmed, 116.
KNELL, JAY MORE, confirmed, 118.
KNOFF, MISS ANNA C., confirmed, 111.
KOCSIS, JOSEPH, J., confirmed, 112.
KOEGLER, MISS LAURA, confirmed, 146.
KOEHLER, ADOLPH C., confirmed, 114.
KOHLER, MISS IRENE H., confirmed, 117.
KOHLER, MRS. MARGARET M., confirmed, 285.
KOLONITS, W. A., confirmed, 110.
KONNERTH, J. F., confirmed, 118.
KOPCSAK, JULIUS J., confirmed, 119.
KORNMAN, MISS GLADYS C., confirmed, 111.
KOSER, MISS VERNA V., confirmed, 284.
KOSSA, MISS MARGARET H., confirmed, 115.
KOVAL, MRS. KATHRYN E., confirmed, 115.
KRATZ, GEORGE S., confirmed, 116.
KRAWITZ, HARRY, confirmed, 118.
KREIDER, MISS BEATRICE J., confirmed, 114.
KREPPS, MARK E., confirmed, 110.
KRIEGER, MISS EVA R., confirmed, 110.
KRIMM, A. JOHN, confirmed, 117.
KROMBOLZ, MISS MILDRED, confirmed, 116.
KRYDER, MISS KATHARINE C., confirmed, 478.
KRZYWICKI, T. A., confirmed, 115.
KUBANCEK, ALBERT J., confirmed, 111.
KUECH, MRS. HELEN C., confirmed, 118.
LA BARR, MRS. ANNA W., confirmed, 283.
LA CAMERA, VINCENT, confirmed, 312.
LACEY, MISS MARGARET D., confirmed, 112.
LAGEMAN, HARRY A., confirmed, 110.
LAIRD, ELMER, confirmed, 114.
LALOR, JOSEPH K., confirmed, 329.
LANDIS, FRANK B., confirmed, 116.
LANDIS, GEORGE E., confirmed, 119.
LANDIS, VERNON S., confirmed, 116.
LANE, JAMES H., confirmed, 112.
LANEY, JAMES H., confirmed, 111.
LANG, ALEXANDER, confirmed, 110.
LASHER, RALPH C., confirmed, 282.
LASHNER, ALBERT J., confirmed, 117.

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LAUGHNER, SAMUEL B., confirmed, 111.
LAUSBERG, C. H., confirmed, 110.
LAW, MISS ESTHER D., confirmed, 113.
LEAHY, RAYMOND J., confirmed, 405.
LE BAR, MRS. MABEL J., confirmed, 116.
LECOQ, VICTOR F, 3D, confirmed, 623.
LEDDON, ELMER R., confirmed, 115.
LEE, JAMES T., confirmed, 113.
LEE, MRS. ELEANOR H., confirmed, 378.
LEHMAN, HERMAN R., confirmed, 114.
LENAHAN, MISS THERESE L., confirmed, 115.
LENARCIC, MISS MOLLY, confirmed, 624.
LENGEL, ARTHUR C., confirmed, 110.
LENTZ, MISS RUTH E., confirmed, 114.
LENTZ, MRS. B. KATHERINE, confirmed, 113.
LENTZ, PALMER O., confirmed, 377.
LEVIN, JOSEPH M., confirmed, 113.
LEVIN, WALTER, confirmed, 117.
LEVIN, WILLIAM I., confirmed, 116.
LEVINE, ISADORE, confirmed, 405.
LEVINE, SHERMAN KAY, confirmed, 284.
LEVIS, MISS C. E., confirmed, 112.
LEVY, MRS. JENNIE, confirmed, 116.
LEWARS, THOMAS B., confirmed, 116.
LEWIS, MISS MARY, E., confirmed, 116.
LIGHTCAP, ALBERT Y., confirmed, 113.
LIGHTNER, RALPH E., confirmed, 116.
LIMBAUGH, CHARLES S., JR., confirmed, 580.
LINDLE, MISS MARIE, confirmed, 113.
LINDSAY, ROBERT J., confirmed, 111.
LINDSEY, F. H., confirmed, 580.
LING, MISS DOROTHY E., confirmed, 284.
LINHART, J. R., confirmed, 119.
LINK, MRS. FLORENCE M., confirmed, 118.
LINKHORN, WALTER L., confirmed, 118.
LIPPERT, LEONARD M., confirmed, 111.
LIPPINCOTT, ROBERT H., confirmed, 112.
LIPSHUTZ, CHARLES K., confirmed, 113.
LIPSITZ, MISS EMMA, confirmed, 623.
LITTLE, MISS AUGUSTE M., confirmed, 114.
LITTS, MISS BLANCH A., confirmed, 116.
LIVENGOOD, HARRY E., confirmed, 116.
LIVINGSTON, GEORGE L., confirmed, 113.
LLOYD, RICHARD E., confirmed, 110.
LOBS, MISS EMMA, confirmed, 632.
LOEBRICH, MISS VERA M., confirmed, 112.

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LOESCH, MISS RUTH E., confirmed, 113.
LOFTUS, CORNELIUS J., confirmed, 116.
LOGAN, ROBERT H., confirmed, 110.
LOHR, JOSEPH, M., confirmed, 119.
LONG, IRON A., confirmed, 115.
LONG, MISS EMILY, confirmed, 113.
LONG, MISS RUTH R., confirmed, 112.
LONG, RAYMOND A., confirmed, 111.
LORDAN, JOHN V., confirmed, 117.
LOTZ, MRS. LOTTIE D., confirmed, 284.
LOUGH, GEORGE A., confirmed, 117.
LOUGHRAN, MISS CLARA ANNE, confirmed, 110.
LOVE, MRS. G. D., confirmed, 110.
LOVE, N. ALLEN, confirmed, 113.
LOVETT, JOHN E., confirmed, 112.
LOVEWELL, MRS. ADA, confirmed, 111.
LUCAS, MISS MAUDE M., confirmed, 478.
LUDROF, JOSEPH A., confirmed, 115.
LUDWIG, EDWARD, confirmed, 117.
LUDWIG, MRS. MADELYN B., confirmed, 118.
LUTTRELL, MISS HELEN M., confirmed, 216.
LUTZ, FRANK E., confirmed, 115.
LUTZ, JOHN W., JR., confirmed, 116.
LYET, J. PAUL, confirmed, 506.
LYMAN, BERNARD M., confirmed, 709.
LYNCH EDWARD A., confirmed, 115.
MABERRY, ALBERT R., confirmed, 118.
MAC ADAM, MISS MILLIE, confirmed, 115.
MAC BLAIN, ANDREW C., confirmed, 652.
MAC BRIDE, ROBERT J., JR., confirmed, 377.
MACCARONE, JOHN, confirmed, 110.
MAC DOWELL, MRS. VERNA T., confirmed, 118.
MAC FAYDEN, E. G., confirmed, 113.
MACK, MISS RACHEL, confirmed, 115.
MAC LEAN, MISS ELIZABETH, confirmed, 284.
MAEDER, LOUIS P., confirmed, 217.
MAGES, ISIDORE, confirmed, 113.
MAGUIRE, ROBERT A., confirmed, 118.
MAHANY, ROWLAND B., confirmed, 113.
MAHONEY, BERNARD E., confirmed, 116.
MAHONY, MRS. CELIA A., confirmed, 406.
MAIER, MISS HELEN C., confirmed, 111.
MAIER, MRS. CATHERINE A., confirmed, 110.
MAIER, ROBERT A., confirmed, 377.
MAITLAND, MRS. JANET F., confirmed, 118.
MAIZLAND, MISS MARIE, confirmed, 623.
MAJOR, C. LLOYD, JR., confirmed, 113.

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MALONY, RALPH L., confirmed, 312.
MALOY, MISS VIOLET V., confirmed, 117.
MANHART, MISS LA VERNE L., confirmed, 118.
MANN, MISS MARGARET C., confirmed, 111.
MANN, R. W., confirmed, 377.
MANNING, MISS NAOMI E., confirmed, 117.
MANSFIELD, MISS MARION H., confirmed, 405.
MANTOR, MAURICE H., confirmed, 114.
MARGOLIS, MISS PAULINE E., confirmed, 116.
MARK, MISS CHARLOTTE E., confirmed, 118.
MARLEY, WILLIS J., confirmed, 116.
MARQUIS, W. P., confirmed, 111.
MARR, CHARLES W., confirmed, 119.
MARSH, MISS BERNADETTE, confirmed, 114.
MARSHALL, WILLIAM F., confirmed, 115.
MARSHALWITZ, MISS CLARA, confirmed, 283.
MARTIN, MISS ELIZABETH M., confirmed, 117.
MARTIN, MISS HELEN E., confirmed, 112.
MASCIO, FRANK J., JR., confirmed, 113.
MASER, HENRY S., confirmed, 116.
MASON, ALVIN E., confirmed, 110.
MASON, MRS. GLADYS F., confirmed, 111.
MASON, STUART H., confirmed, 116.
MATHEWS, MISS MADALENE J., confirmed, 284.
MAURER, MRS. IRENE E., confirmed, 116.
MAY, JOHN F., confirmed, 114.
MAY, LOUIS J., confirmed, 114.
MAY, NOAH C., confirmed, 119.
MAYFIELD, LOGAN A., confirmed, 478.
MAZE, WILLIAM K., confirmed, 112.
MC ALONEY, MRS. MABEL H., confirmed, 111.
MC ANDREW, R. J., confirmed, 312.
MC BRIDE, MISS MARGARET L., confirmed, 217.
MC CAFFREY, F. R., confirmed, 478.
MC CAFFREY, MISS EVA A., confirmed, 478.
MC CARTHY, JOHN F., confirmed, 117.
MC CARTHY, MRS. RUTH A., confirmed, 311.
MC CLAIN, CHARLES L., confirmed, 117.
MC CLEARY, DAVID S., confirmed, 112.
MC CLELLAN, EMMERT B., confirmed, 113.
MC CLELLAND, MRS. MARY E., confirmed, 216.
MC CLENATHAN, MISS MARGARET, confirmed, 623.
MC CLURE, MELVIN W., confirmed, 377.
MC COMBS, FRANCIS, confirmed, 119.
MC CORMICK, J. E., confirmed, 110.
MC CORMICK, RUSSELL T., confirmed, 119.
MC COY, MISS DOROTHY A., confirmed, 111.
MC CRACKEN, W. E., confirmed, 506.

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MC CRADY, WILLIAM F., JR., confirmed, 110.
MC CRORY, MISS ROSEMARY M., confirmed, 111.
MC DONALD, MISS CATHERINE, confirmed, 116.
MC DONALD, MISS EVELYN, confirmed, 113.
MC ELROY, EDWIN L., confirmed, 117.
MC FADDEN, MIMSS PEGGY C., confirmed, 117.
MC FADDEN, RAYMOND J., confirmed, 118.
MC FADDEN, VINCENT D., confirmed, 112.
MC FALL, HOWARD W., confirmed, 377.
MC GEHEE, HARRY A., confirmed, 117.
MC GILL, MISS DOROTHY A., confirmed, 115.
MC GINNIS, M. G., confirmed, 329.
MC GLYNN, MISS H. R., confirmed, 115.
MC GLYNN, MISS JANET M., confirmed, 377.
MC GARDY, MISS ELIZABETH H., confirmed, 115.
MC GRAW, MISS JESSIE P., confirmed, 112.
MC GROARTY, JOHN J., confirmed, 406.
MC GUIGAN, GEORGE F., confirmed, 282.
MC GUIRE, CLAIRE A., confirmed, 115.
MC HENRY, C. L., confirmed, 709.
MC HUGH, MISS ELLEN M., confirmed, 117.
MC KAY, WARREN S., confirmed, 377.
MC KEAG, MISS HELEN S., confirmed, 111.
MC KEE, MISS MARY M., confirmed, 115.
MC KEEVER, MISS CAROLYN M., confirmed, 117.
MC KINNEY, MISS B. E., confirmed, 728.
MC LAUGHLIN, MRS. NADINE, confirmed, 581.
MC LEOD, GEO. E. O., confirmed, 478.
MC MILLEN, A. W., confirmed, 111.
MC MILLEN, MISS MAE S., confirmed, 118.
MC NAMEE, B. L., confirmed, 113.
MC NARY, B. E., confirmed, 284.
MC NULTY, MISS MARIE H., confirmed, 652.
MC VAY, WILLIAM L., confirmed, 216.
MC WILLIAMS, MISS BERYL M., confirmed, 111.
MEAGHER, MISS MARGARET A., confirmed, 111.
MEALE, MISS IDA, confirmed, 117.
MEASE, CHARLES R., confirmed, 115.
MEEHAN, MISS GENEVIEVE, confiirmed, 113.
MEERS, MISS ELIZABETH L., confirmed, 117.
MEGAHEN, MRS. GERALDINE, confirmed, 112.
MEHAFFEY, MISS LILLIAN B., confirmed, 110.
MEHRING, MRS. CHARLOTTE MONROE, confirmed, 284.
MEHRLICH, EUGENE, confirmed, 110.
MEICHNER, AUGUST B., confirmed, 115.
MEIKLEJOHN, JAMES J., JR., confirmed, 116.
MEISER, MRS. EMMA M., confirmed, 111.
MELLETT, MISS MARY F., confirmed, 110.
MELWERT, MISS MARGAREITA S., confirmed, 117.
MEMINGER, MRS. RUTH S., confirmed, 113.
MENDENHALL, F. G., confirmed, 118.

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MENNA, JESSE, confirmed, 116.
MEREDITH, MISS DOROTHY, confirmed, 113.
MESTIER, CLAYTON R., confirmed, 623.
METZ, MISS MARJORIE R., confirmed, 116.
METZGER, JOSEPH B., confirmed, 113.
METZINGER, MISS HELEN A., confirmed, 312.
MEYER, MISS MARIE C., confirmed, 113.
MEYERS, HARRY C., confirmed, 117.
MEYERS, SAMUEL, confirmed, 116.
MICHAELSON, ABRAHAM, confirmed, 116.
MIDDLEBERG, DAVID G., confirmed, 118.
MILBURN, R. PAUL, confirmed, 114.
MILES, MISS MARY EMILY, confirmed, 112.
MILHEIM, LLOYD C., confirmed, 217.
MILICH, NICHOLAS, confirmed, 110.
MILLARD, MISS IRENE A., confirmed, 709.
MILLER, DAVID, confirmed, 624.
MILLER, EARL L., confirmed, 283.
MILLER, ELLSWORTH W., confirmed, 115.
MILLER, HUGH C., confirmed, 112.
MILLER, JOHNSTON B., confirmed, 312.
MILLER, MISS CLARA, confirmed, 216.
MILLER, MISS DOROTHEA M., confirmed, 113.
MILLER, MISS E. LILLIAN, confirmed, 112.
MILLER, MISS EMMA R., confirmed, 114.
MILLER, MISS FLORENCE, confirmed, 110.
MILLER, MISS LAVINA M., confirmed, 110.
MILLER, MISS MARY C., confirmed, 473.
MILLER, MISS PAULINE M., confirmed, 283.
MILLER, MISS RUTH S., confirmed, 110.
MILLER, MRS. ADELLE M., confirmed, 284.
MILLER, MRS. BELLE M., confirmed, 116.
MILLER, MRS. ETHEL G., confirmed, 117.
MILLER, WILLIAM L., confirmed, 114.
MILLIKEN, J. F., confirmed, 114.
MILLS, MISS RUTH A., confirmed, 581.
MINER, MISS NELLE, confirmed, 119.
MISSMER, JAMES E., confirmed, 217.
MITCHELL, MISS GRACE E., confirmed, 118.
MITCHELL, MRS. JEANNETTE R., confirmed, 119.
MKITARIAN, ROBERT, confirmed, 117.
MOHLER, MISS MARGARET M., confirmed, 117.
MOLL, AMBROSE L., confirmed, 111.
MOLLOY, WILLIAM H., confirmed, 112.
MOLOGNE, FRANK E., confirmed, 110.
MONAGHAN, MISS MARGARET C., confirmed, 110.

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MONAHAN, MISS MARGARET T., confirmed, 329.
MONKS, JOHN G., confirmed, 116.
MONTGOMERY, THOS. G., confirmed, 112.
MOOK, HAROLD F., confirmed, 113.
MOONEY, JOHN J., confirmed, 118.
MOORE, CLARENCE E., confirmed, 329.
MOORE, G. PAUL, confirmed, 110.
MOORE, HOWARD D., confirmed, 116.
MOORE, MISS J. M., confirmed, 312.
MOORE, MISS LEAH, confirmed, 117.
MOORE, R. M., confirmed, 117.
MORELL, WILBERT J., confirmed, 377.
MORELLI, MISS ADALINE B., confirmed, 405.
MORGAN, MISS ALICE ANNE, confirmed, 506.
MORGAN, MISS ELSIE MAE, confirmed, 114.
MORGENSTERN, G. H., confirmed, 110.
MORROW, DAVID J., confirmed, 113.
MORROW, MISS MARY C., confirmed, 115.
MORROW, MRS. NELLIE HANSON, confirmed, 284.
MOSSER, MRS. KATIE R., confirmed, 111.
MOTTA, GEORGE, confirmed, 111.
MOULIN, ARCHIE J., confirmed, 118.
MOYER, EARL H., confirmed, 111.
MOYER, GEORGE C., confirmed, 118.
MOYER, I. B., confirmed, 118.
MUCHOW, MRS. CECELIA, confirmed, 110.
MULDOWNEY, MISS KATHRYN M., confirmed, 118.
MULLEN, MISS MARY GRACE, confirmed, 210.
MULLIGAN, M. M., confirmed, 284.
MULLIGAN, MISS ROSE A., confirmed, 623.
MUMAW, MISS MARGARET, confirmed, 113.
MURRAY, MISS ANNA M., confirmed, 506.
MURRAY, MRS. MINETTE A., confirmed, 111.
MUSSER, MISS MARY I., confirmed, 111.
MUSSER, MRS. VERNA F., confirmed, 114.
MYERS, EARL W., confirmed, 110.
MYERS, MISS HELEN M., confirmed, 216.
MYERS, MISS SARA, confirmed, 216.
MYERS, MRS. H. N., confirmed, 113.
NAGLE, MISS GLADYS A., confirmed, 115.
NAHN, AUGUST E., confirmed, 283.
NAHRGANG, JOHN J., confirmed, 146.
NALBACH, LEON P., confirmed, 115.
NASH, FRED L., confirmed, 113.
NASTASE, MRS. ELLEN, confirmed, 284.
NEARY, BALA S., confirmed, 115.

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NEEGER, J. MILLER, confirmed, 116.
NEELY, MISS KATHRYN D., confirmed, 110.
NEIL, MRS. HANNAH R., confirmed, 406.
NEIMAN, MRS. M. LILLIE, confirmed, 116.
NEIMEYER, C. C., confirmed, 110.
NELSON, MISS ELLEN W., confirmed, 377.
NELSON, MISS HELEN, confirmed, 115.
NELSON, MISS MARTHA V., confirmed, 623.
NESBITT, RAY C., confirmed, 580.
NEU, MRS. ANNE M., confirmed, 421.
NEUHAEUSLER, HENRY F., confirmed, 283.
NEUHART, MISS CHARLOTTE M., confirmed, 110.
NEWBURY, S. H., confirmed, 111.
NEWCOMER, CHARLES R., confirmed, 113.
NEWHOUSE, MISS RUTH, confirmed, 329.
NEWINGHAM, NATHANIEL, confirmed, 111.
NEWMAN, MRS. CECILIA M., confirmed, 284.
NEWTON, MRS. MARIAN, confirmed, 115.
NICELY, MISS ELLA RUTHE, confirmed, 111.
NICHOLAS, MISS JANE, confirmed, 112.
NICHOLAS, CLARENCE L., confirmed, 581.
NIEDELMAN, HERMAN L., confirmed, 117.
NNIESSNER, A. F., confirmed, 285.
NIESSNER, A. F., confirmed, 285.
NIGHTLINGER, MISS DORIS, confirmed, 118.
NOAH, MISS M. A., confirmed, 110.
NOBLE, MISS GLADYS E., confirmed, 118.
NOEL, MISS GERTRUDE C., confirmed, 217.
NOLEN, RAYMOND A., confirmed, 652.
NORRITO, MRS. KATHERINE E., confirmed, 115.
NORTHRUP, DELOS R., confirmed, 112.
NORTON, MRS. LORETTA S., confirmed, 378.
NOTHACKER, HARRY E., confirmed, 118.
NAVAK, MISS SADIE, confirmed, 115.
NOVELLO, MANES, confirmed, 117.
OBERLIN, ALEXANDER C., confirmed, 329.
O'CONNOR, MISS C. M., confirmed, 216.
O'DONNELL, EMMETT, confirmed, 329.
O'DONNELL, MISS MARY R., confirmed, 115.
OEHLRICH, MISS RETIA, confirmed, 113.
OGDEN, MRS. EDITH M., confirmed, 284.
O'HAIR, JAMES E., confirmed, 118.
O'HANLAN, MISS JANE F., confirmed, 117.
OLDENBURG, MISS VERA E., confirmed, 110.
OLEWINE, MISS MARIAN J., confirmed, 113.
OLLOMAN, WALTER, confirmed, 118.

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OLSON, MISS THELMA M., confirmed, 117.
O'NEIL, MRS. KATHRYN, confirmed, 118.
O'NEILL, MRS. MARY R., confirmed, 283.
ORBEN, MISS SARAH, confirmed, 312.
ORLANDO, LOUIS A., confirmed, 114.
O'ROURKE, WILLIAM J., confirmed, 117.
ORR, ROBERT B., confirmed, 111.
ORRES, MISS MARGARET M., confirmed, 114.
OSBORNE, C. H., confirmed, 112.
OTTEY, MISS MILDRED E., confirmed, 117.
OVERHOLTZER, MRS. MABEL S., confirmed, 377.
OVERLY, HAROLD R., confirmed, 114.
OWENS, JAMES C., confirmed, 113.
OYER, MRS. MARGARET R., confirmed, 110.
PACIAN, JOHN C., confirmed, 118.
PAGE, CHARLES E., confirmed, 119.
PAGE, JOHN J., confirmed, 114.
PAIGE, H. RONALD, confirmed, 284.
PARKER, MRS. ETHEL W., confirmed, 284.
PARKER, MRS. MARY T., ERWIN, confirmed, 113
PARROTT, EDWIN P., confirmed, 111.
PARSHALL, WM. B., confirmed, 113.
PARTHMORE, IRA E., confirmed, 111.
PASTRICK, JOHN L., confirmed, 116.
PASTUSZEK, MARTIN, confirmed, 113.
PATERSON, D. S., confirmed, 117.
PATLER, LOUIS, confirmed, 117.
PATRICK, R. JONESS, confirmed, 112.
PATTERSON, CAMERON M., confirmed, 111.
PATTERSON, HARRY C., confirmed, 119.
PATTERSON, MISS FRANCES, confirmed, 216.
PATTERSON, MISS MIRIAM E., confirmed, 119.
PATTON, JOHN, confirmed, 117.
PAUL, AARON, confirmed, 146.
PAYNE, H. C., confirmed, 111.
PEERBOOM, MRS. ALICE C., confirmed, 113.
PEGG, ALBERT E., confirmed, 116.
PEIFLY, MISS MARION A., confirmed, 115.
PEIPER, SAUL, confirmed, 117.
PELLICCIOTTA, DONATO, confirmed, 116.
PELOSI, SEVERIO, confirmed, 111.
PENSINGER, LLOYD, confirmed, 623.
PENTRACK, FRANK, J., confirmed, 112.
PENTZ, MRS. EMMA F., confirmed, 405.
PENTZ, MRS. KATHERINE M., confirmed, 117.
PEOPLES, MISS ANNA, confirmed, 112.

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PERKS, ALBERT H., confirmed, 623.
PERRY, MRS. BEATRICE L., confirmed, 117.
PERSON, WILBUR W., confirmed, 112.
PETREY, CLIFFORD, confirmed, 115.
PETRO, JOHN, confirmed, 217.
PETROVICH, ALEX S., confirmed, 116.
PFAFF, MISS NANCY A., confirmed, 112.
PFOUTZ, PERCIVAL M., confirmed, 117.
PHILBIN, JOSEPH T., confirmed, 283.
PHILIP, MISS ELIZABETH, confirmed, 623.
PHILIPS, BEN W., confirmed, 112.
PHILLIPS, CHARLES M., confirmed, 282.
PHILLIPS, DAVID, confirmed, 117.
PHILLIPS, DAVID W., confirmed, 114.
PHILLIPS, JOSEPH V., confirmed, 284.
PICKENS, WILLIAM M., confirmed, 114.
PICONE, BARTOLO, confirmed, 116.
PIEDI, MISS VERA K., confirmed, 623.
PIPER, MISS CATHERINE E., confirmed, 113.
PLATT, EARL L., JR., confirmed, 623.
PLOUGH, JOHN M., confirmed, 216.
PLUMER, LOUIS J., confirmed, 116.
PLUMMER, MISS ETHEL, confirmed, 112.
POLANSKI, STANLEY R., confirmed, 406.
PORTER, MISS ELSIE, confirmed, 312.
PORTER, PAUL W., confirmed, 652.
POSCH, MISS M. A., confirmed, 110.
POSTLEWAIT, HERBERT R., confirmed, 478.
POTOSKI, CARL B., confirmed, 115.
POTTER, THEODORE P., confirmed, 581.
POTTHOFF, ALFRED L., confirmed, 421.
POWELL, MISS CATHERINE H., confirmed, 113.
POWERS, CORNELIUS J., confirmed, 113.
PRELLER, MISS BETTY, confirmed, 405.
PRESTON, EDWARD W., confirmed, 118.
PRESTON, WM. H., confirmed, 118.
PRICE, MRS. CATHARINE M., confirmed, 114.
PRICE, WILLIAM H., confirmed, 110.
PRITZKER, MISS FRANCES, confirmed, 283.
PROTZMAN, MRS. JO, confirmed, 285.
PUGH, CHARLES E., confirmed, 113.
PURNELL, MISS L. MAE, confirmed, 116.
PURRING, GEORGE A., confirmed, 406.
PURSELL, MISS MARGARET S., confirmed, 111.
PYLE, E. WILLIAM, confirmed, 283.
PYLE, MRS. ANNE B., confirmed, 113.

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PYOTT, MISS SARAH M., confirmed, 112.
QUAIN, MRS. ANNA M., confirmed, 116.
QUINN, MISS KATHLEEN M., confirmed, 709.
RADACSY, JOHN J., confirmed, 284.
RADER, CHRISTIAN L., confirmed, 118.
RAEKE, MISS VIOLET A., confirmed, 113.
RAGAN, JNO. D., confirmed, 216.
RAHM, JOSEPH D., confirmed, 112.
RAMER, MRS. NAOMI L., confined, 116.
RAMSEY, LYNN R., confirmed, 283.
RANKIN, J. W., confirmed, 117.
RANKIN, MISS KATHRYN H., confirmed, 113.
RANKIN, MISS MARY M., confirmed, 112.
RAUSCHER, MISS HELEN M., confirmed, 112.
REA, JAMES A., confirmed, 110.
REAGAN, TERENCE, JR., confirmed, 113.
REDDEN, MRS. RHEA Z., confirmed, 113.
REDMAN, MRS. BERNICE E., confirmed, 283.
REESE, HOWARD B., confirmed, 114.
REESE, MISS KATYE M., confirmed, 216.
REHM, MRS. ALICE R., confirmed, 114.
REHMEYER, CURTIS H., confirmed, 119.
REICHENBACH, MISS JEAN S., confirmed, 115.
REID, JOHN W., confirmed, 111.
REIDEL, MISS HELEN C., confirmed, 119.
REILLY, MRS. MARIE L., confirmed, 115.
REIMER, MISS MARJORIE, confirmed, 116.
REINSMITH, MARTIN A., confirmed, 709.
REMALY, KENNETH W., confirmed, 116.
REMS, MISS WINIFRED E., confirmed, 115.
RENNER, GEORGE R., confirmed, 506.
RENNINGER, HARRY, confirmed, 116.
RENTSCHLER, MRS. ALMA R., confirmed, 283.
REPINE, ARCH, confirmed, 114.
RETTEW, MRS. JANE G., confirmed, 110.
REUTER, H. P., confirmed, 110.
REYNOLDS, GEO. A., confirmed, 111.
REYNOLDS, MISS BEATRICE, confirmed, 112.
RHOADS, JOSEPH R., confirmed, 116.
RHODES, R. P., confirmed, 114.
RICE, ROBERT E., confirmed, 216.
RICHARDS, MISS D. V., confirmed, 329.
RIDDLE, S. KEITH, confirmed, 111.
RIEFLER, JOHN F., confirmed, 118.
RIEGEL, JOHN O., confirmed, 116.
RIEHL, C. H., confirmed, 115.

NOTARIES PUBLIC—Continued.

RITTENHOUSE, JACOB A., confirmed, 115.
RITTER, EDWARD J., confirmed, 377.
RITTER, MISS LENORA, confirmed, 217.
RIVELE, JOHN F., confirmed, 116.
ROBACKER, R. A., confirmed, 113.
ROBERSON, WALTER C., confirmed, 312.
ROBERTS, CHANDLER P., confirmed, 112.
ROBINS, PAUL C., confirmed, 377.
RODGERS, DANIEL C., confirmed, 284.
ROEDER, LEE E., confirmed, 120.
ROESCH, WILLIAAM V., confirmed, 118.
ROGERS, BARNET, confirmed, 581.
ROLLER, REX H., confirmed, 111.
ROLLINSON, H. J., confirmed, 115.
ROLSHOUSE, MRS. JOY, confirmed, 217.
ROMINE, MISS VIVIAN M., confirmed, 217.
ROSENFELD, MRS. PAULINE, confirmed, 406.
ROSENSTEIN, SAUL S., confirmed, 377.
ROSENZWEIG, MISS ETHEL, confirmed, 119.
ROSS, CHARLES W., confirmed, 284.
ROSSMAN, MISS GRACE MADELINE, confirmed, 113.
ROTHMAN, MRS. BLANCHE L., confirmed, 117.
ROUGHTON, MISS ELIZABETH, confirmed, 114.
RUBEN, MRS. ETHEL G., confirmed, 118.
RUBENS, HERMAN J., confirmed, 117.
RUBIN, MRS. LILLIAN B., confirmed, 283.
RUDERT, E. W., confirmed, 110.
RUDOLPH, M. LOUIS, confirmed, 111.
RUPP, MISS ELEANOR M., confirmed, 117.
RUSS, JOHN C., confirmed, 117.
RUTAN, ARTHUR S., confirmed, 112.
RUTZ, MISS ELEANOR M., confirmed, 113.
RYAN, MISS ELLANOR R., confirmed, 117.
RYAN, MISS GEORGINA E., confirmed, 114.
RYAN, MISS MARIE, confirmed, 115.
SABETTA, THOMAS J., confirmed, 119.
SABIN, R. W., confirmed, 111.
SABOL, JOHN A., confirmed, 112.
SADDIC, ALBERT H., confirmed, 117.
SAGENDORPH, THOMAS M., confirmed, 116.
SALY, VINCENT B., confirmed, 112.
SAMUELS, BERNET B., confirmed, 110.
SANDERSON, JOHN F., confirmed, 624.
SANDLER, MISS MARGARET, confirmed, 110.
SAPPINGTON, MRS. MARION E., confirmed, 580.
SARACHEK, MISS SARA, confirmed, 111.

NOTARIES PUBLIC—Continued.
SAUDER, PAUL N., confirmed, 114.
SAVAGE, WILLIAM S., confirmed, 120.
SAVAKO, MISS STELLA E., confirmed, 623.
SAVILLE, MISS F. A., confirmed, 378.
SAXON, MISS HELEN, confirmed, 115.
SAYLOR, HALDOR E., confirmed, 118.
SAYLOR, MISS MILDRED B., confirmed, 116.
SCALES, A. C., confirmed, 118.
SCHAAKE, MRS. MARION, confirmed, 421.
SCHADE, MERVYN M., confirmed, 113.
SCHADEWALD, HARRY J., confirmed, 406.
SCHADT, MISS DOROTHY MAE, confirmed, 113.
SCHAFFER, RAYMOND, confirmed, 283.
SCHAFLE, JOSEPH J., confirmed, 282.
SCHALL, J. M., confirmed, 114.
SCHAPPET, MISS CHRIS, confirmed, 113.
SCHARF, CLYDE L., JR., confirmed, 110.
SCHARFF, MISS LOUISE M., confirmed, 478.
SCHARPF, ROY E., confirmed, 216.
SCHEIDMANTEL, MRS. GLADYS BLANK, confirmed, 216
SCHELLENBERGER, WILLIAM A., confirmed, 117.
SCHELLHAMER, MRS. MAMIE M., confirmed, 115.
SCHERMERHORN, AUGUSTUS F., confirmed, 623.
SCHIAVO, MISS THERESA M., confirmed, 115.
SCHIEDT, RICHARD C., JR., confirmed, 114.
SCHLEGEL, J. A., confirmed, 111.
SCHLOSBERG, ALBERT R., confirmed, 118.
SCHMEHL, MISS EDNA B., confirmed, 111.
SCHMID, MISS HELEN M., confirmed, 111.
SCHMIDT, ROBERT, confirmed, 113.
SCHNEIDER, EDWIN J., confirmed, 113.
SCHNEIDER, MISS NAOMI R., confirmed, 110.
SCHNEIDER, MRS. CATHERINE D., confirmed, 113.
SCHNEIDERMAN, BENJ. H., confirmed, 111.
SCHNEPP, ELMER J., confirmed, 111.
SCHNORR, MISS GERTRUDE A., confirmed, 377.
SCHOEDLER, JULIUS A., confirmed, 117.
SCHOLL, MRS. BERTHA R., confirmed, 284.
SCHONEK, WILBUR E., confirmed, 112.
SCHORNAGLE, MISS JANE, confirmed, 111.
SCHRAMM, WILLIAM T., JR., confirmed, 116.
SCHRECKENGOST, MISS CATHERINE, confirmed, 506.
SCHREIBEIS, J. F., confirmed, 111.
SCHREIBER, WILLIAM, JR., confirmed, 116.
SCHREINER, J. WILLIAM, confirmed, 115.
SCHU, MISS IRENE A., confirmed, 623.
NOTARIES PUBLIC—Continued.
SCHULTZ, LOUIS R., confirmed, 118.
SCHULZ, AUGUST P., confirmed, 117.
SCHUTTER, WILLIAM H., confirmed, 506.
SCHWAB, MISS KATHERINE M., confirmed, 111.
SCHWAGER, MISS MARGARET E., confirmed, 283.
SCHWAMB, HOWARD K., confirmed, 117.
SCHWARTZ, RUDOLPH, confirmed, 216.
SCHWARTZ, SAMUEL M., confirmed, 117.
SCHWEIGER, MISS MIRIAM, confirmed, 116.
SCHWEIKERT, MISS H. M., confirmed, 110.
SCHWEIZER, GEORGE, confirmed, 406.
SCHWING, MISS KATHERINE H., confirmed, 377.
SCIOSCIA, MRS. FRANCES A., confirmed, 110.
SCIRICA, MRS. ANNA S., confirmed, 115.
SCLAROW, MITCHELL E., confirmed, 378.
SCOTT, MISS FLORENCE H., confirmed, 581.
SCOTT, MISS SARA LOUISE, confirmed, 118.
SCOTT, MRS. MIRIAM B., confirmed, 118.
SCOTT, PORTER, confirmed, 112.
SEAMAN, A. H., confirmed, 114.
SEDLAK, W. J., confirmed, 114.
SEEGER, MISS KATHRYN, confirmed, 110.
SEEMILLER, GEORGE P., confirmed, 117.
SEGAL, ALBERT, confirmed, 116.
SEGEL, ALBERT M., confirmed, 117.
SEIP, MISS BERNICE F., confirmed, 113.
SELECKY, ALOIS J., confirmed, 115.
SEMASHKO, MRS. SOPHIE, confirmed, 112.
SENA, MISS VENZINA, confirmed, 114.
SENESE, OTTO R., confirmed, 117.
SENNETT, CLARENCE C., confirmed, 378.
SEPP, MISS MYRA M., confirmed, 405.
SERAFINE, MISS WILHELMINA, confirmed, 118.
SETFKO, JOHN F., confirmed, 116.
SHAFER, RUSSELL T., confirmed, 217.
SHANK, MISS S. ELIZABETH, confirmed, 217.
SHANNON, MISS HELEN M., confirmed, 284.
SHAW, CHARLES R., confirmed, 117.
SHEELER, MRS. ELMIRA F., confirmed, 112.
SHEETZ, PAUL W., confirmed, 115.
SHEETZ, SAMUEL B., confirmed, 114.
SHELGREN, MISS DOROTHY E., confirmed, 115.
SHENEMAN, F. T., confirmed, 118.
SHENK, ROY J., confirmed, 113.
SHEPERD, MISS MARION, confirmed, 111.

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SHERMAN, MRS. DORA, confirmed, 118.
SHERRICK, MRS. CORNELIA R., confirmed, 399.
SHIDLER, MISS S. KATHRYN, confirmed, 623.
SHILLING, H. M., confirmed, 378.
SHIMKO, MICHAEL, confirmed, 115.
SHINDLEDECKER, MRS. OPAL R., confirmed, 626.
SHIPKOWSKI, EDWARD, confirmed, 115.
SHIRE, JOSEPH, confirmed, 119.
SHIREY, MRS. CHARLOTTE V., confirmed, 112.
SHIRK, DAVID L., confirmed, 114.
SHOEMAKER, MRS. BLANCHE, confirmed, 116.
SHOLLENBERGER, MISS MYRTLE, confirmed, 708.
SHOLLY, MRS. GLADYS E., confirmed, 114.
SHONTZ, MISS EDITH, confirmed, 110
SHORTLIDGE, H. E., confirmed, 113.
SHRADER, PAUL H., confirmed, 119.
SHREFFLER, ROBERT I., confirmed, 113.
SHUBIN, MISS YETTA, confirmed, 623.
SHUMAKER, CLYDE S., confirmed, 709.
SHUPECK, HARRY, confirmed, 115.
SHYOSKY, MISS ANN, confirmed, 623.
SIARD, PAUL W., confirmed, 623.
SIATOWSKI, LEONARD T., confirmed, 116.
SIBEL, MISS MARIE, confirmed, 119.
SIEGRIST, J. MORGAN, confirmed, 120.
SILBERT, MISS IDA A., confirmed, 118.
SILVANO, DOMINIC, confirmed, 116.
SISK, CARL M., JR., confirmed, 111.
SKALUBA, ROBERT J., confirmed, 114.
SKILTON, MISS IRENE T., confirmed, 116.
SLOAN, MISS MARGARET E., confirmed, 217.
SMITH, A. AUGUST, confirmed, 116.
SMITH, A. D., confirmed, 119.
SMITH, ALBERT E., confirmed, 113.
SMITH, AMMON H., confirmed, 116
SMITH, C. P., confirmed, 112.
SMITH, CLOYD M., confirmed, 112.
SMITH, FRANK M., confirmed, 118.
SMITH, HORACE H., confirmed, 115.
SMITH, HUBERT M., confirmed, 116.
SMITH, JOSEPH H., confirmed, 116.
SMITH, MISS HELEN F., confirmed, 112.
SMITH, MISS GLADYS M., confirmed, 709
SMITH, MISS KATHRYN E., confirmed, 112.
SMITH, MISS MARIAN J., confirmed, 113.

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SMITH, MRS. ETHEL, confirmed, 118.
SMITH, MRS. EVELYN L., confirmed, 111.
SMITH, MRS. FLORENCE A., confirmed, 306.
SMITH, MRS. FLORENCE L., confirmed, 118.
SMITH, MRS. MARGARET E., confirmed, 312.
SMITH, MRS. MILDRED W., confirmed, 113.
SMITH, WARREN K., confirmed, 112.
SMOLEN, ALLEN E., confirmed, 478.
SMOLEY, GEORGE, confirmed, 580.
SNOWBERGER, NORMAN F., confirmed, 114.
SNYDER, C. LEE, confirmed, 623.
SNYDER, CLYDE W., confirmed, 113.
SNYDER, H. GILBERT, confirmed, 111.
SNYDER, MARTIN F., confirmed, 311.
SNYDER, MISS DOROTHY M., confirmed, 115.
SNYDER, MISS MARY, confirmed, 217.
SNYDER, MRS. VERNA M., confirmed, 115.
SNYDER, VERNON G., confirmed, 116.
SOBOTKA, JOSEPH F., confirmed, 115.
SOELLNER, MISS RUBY H., confirmed, 652.
SOLDRESSEN, JOHN, confirmed, 111
SOLONER, E., confirmed, 117.
SORICE, MISS ANGELINE, confirmed, 118
SOSLOW, HERMAN S., confirmed, 217.
SOTTILE, LOUIS, confirmed, 312.
SPADAFORA, CECIL, confirmed, 111
SPAIDE, HERALD H., confirmed, 118.
SPALDING, M. G., confirmed, 118.
SPANGLER, JOHN L., confirmed, 114.
SPANGLER, MRS. LILLIAN S., confirmed, 378.
SPARROW, EDGAR R., confirmed, 114.
SPEER, KENDALL, JR., confirmed, 118.
SPEERS, CHARLES P., confirmed, 311.
SPEICHER, WILLIAM A., confirmed, 114.
SPEIDEL, ALBERT I., confirmed, 117
SPENCE, J. S., confirmed, 112.
SPENCER, GORDON A., confirmed, 111.
SPOHN, MRS. EDITH M., confirmed, 111.
SPORY, MISS GERTRUDE, confirmed, 112.
STADLER, MISS ROSE M., confirmed, 113.
STAFFORD, WALTER H., confirmed, 117.
STALL, C. H., confirmed, 112.
STAUFFER, J. R., confirmed, 113.
STAVRU, PETER N., confirmed, 116.
STEELY, MISS MIRIAM K., confirmed, 112.

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STEFANSKI, RICHARD, confirmed, 216.
STEGMEYER, MISS DOROTHY, confirmed, 119.
STEIN, MEYER, confirmed, 329.
STEIN, MRS. ETHEL H., confirmed, 283.
STEIN, MRS. RUTH G., confirmed, 120.
STEINBERG, MISS H. L., confirmed, 284.
STEINBERGER, EDGAR, confirmed, 110.
STEPHENS, WILLOUGHBY W., confirmed, 115.
STERLING, MISS ARLINE, confirmed, 112.
STERN, CYRUS Y., confirmed, 112.
STEVENS, SAMUEL W., confirmed, 111.
STEWARD, RICHARD P., confirmed, 111.
STEWART, T. DALE, confirmed, 119.
STEWART, WALTER, confirmed, 112.
STINSON, MISS ROSEMARY, confirmed, 117.
STINSON, W. ROWLAND, confirmed, 118.
STOBART, MRS. CAROLYN E., confirmed, 110.
STOFFER, JAMES W., confirmed, 118.
STONE, J. R., confirmed, 110.
STONER, CHAS. F., confirmed, 119.
STOOPS, R. GLENN, confirmed, 112.
STOUFFER, MISS ELVA M., confirmed, 114.
STOYER, MRS. BESSIE E., confirmed, 506.
STOYER, RAY W., confirmed, 115.
STRAUSS, MISS VIOLET M., confirmed, 623.
STRAWCUTTER, MISS MAXINE, confirmed, 114.
STRAWN, THOMAS, confirmed, 112.
STREIB, G. A., confirmed, 110.
STRESNIESKI, MISS SALLIE R., confirmed, 114.
STRITE, W. W., confirmed, 114.
STROSS, CARLETON M., confirmed, 116.
STRUMP, ERVIN J., confirmed, 113.
STUDT, MISS KATHRYN L., confirmed, 112.
STULER, MISS MARIE, confirmed, 146.
STUMPF, MRS. CECELIA W., confirmed, 116.
STUMPP, MISS HILDA M., confirmed, 506.
STURTEVANT, BENJAMIN J., confirmed, 623.
SUCCOP, MISS KATHRYN L., confirmed, 111.
SULLIVAN, MRS. JEAN D., confirmed, 118.
SUMMERELL, MISS MYRTLE E., confirmed, 112.
SUMMERVILLE, MRS. ELIZABETH, confirmed, 111.
SUPER, CHARLES G., confirmed, 116.
SUTTNER, SIMON, confirmed, 110.
SWEENEY, J. CARROLL, confirmed, 116.
SWEENEY, MISS MAUDE H., confirmed, 311.

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SWEETSER, ARTHUR A., SR., confirmed, 114.
SWEGER, W. DONALD, confirmed, 113.
SWETLAND, W. R., confirmed, 118.
SWIFT, LAYTON, confirmed, 113.
SWITZER, RAYMOND E., confirmed, 110.
SZEGEDY, JULIUS R., confirmed, 112.
TAINTOR, MISS C. P., confirmed, 116.
TAIT, JOHN A., confirmed, 117.
TARMAN, WILLIAM M., confirmed, 112.
TAYLOR, MISS GENEVIEVE N., confirmed, 506.
TELEP, MISS MARTHA, confirmed, 146.
TERRY, C. HAROLD, confirmed, 112.
TERRY, MISS ELIZABETH J., confirmed, 110.
TERWILLIGER, WALTER, confirmed, 110.
TETI, CAMILLO J., confirmed, 285.
THOMAS, E. J., confirmed, 118.
THOMAS, GRIFF, confirmed, 114.
THOMAS, MISS GERTRUDE T., confirmed, 113.
THOMPSON, J. R., confirmed, 283.
THOMPSON, JAMES NEIL, confirmed, 114.
THOMPSON, PAUL E., confirmed, 119.
THOMPSON, PAUL E., confirmed, 623.
THRASHER, MISS AMELIA, confirmed, 112.
TIGHE, MRS. HELEN, confirmed, 709.
TIMBLIN, MRS. HELEN B., confirmed, 217.
TOBIN, MISS MARION E., confirmed, 652.
TOMAJKO, FRANK J., confirmed, 119.
TOMASCIK, GEO., confirmed, 115.
TOMLINSON, J. H., confirmed, 111.
TORTORELLA, MISS MARY E., confirmed, 114.
TOTORA, MISS JOSEPHINE S., confirmed, 709.
TRAUTMAN, MRS. ETHEL L., confirmed, 377.
TRAVIS, ALFRED, confirmed, 119.
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WALKER, MRS. FLORENCE K., confirmed, 216.
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WALLACE, GEO. B., confirmed, 118.
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WEARY, MISS ELMIRA, confirmed, 114.
WEAVER, IRVIN H., confirmed, 114.
WEAVER, MRS. ESTHER E., confirmed, 112.
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WEBER, J. R., confirmed, 113.
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WEIBLE, MISS ETTA A., confirmed, 110.
WEIL, MRS. CAROL L., confirmed, 117.
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WEINSTEIN, MISS ESTHER, confirmed, 406.
WEISHAUP, ROY G., confirmed, 110.
WEISS, JOSEPH K., confirmed, 110.
WELSH, ALFRED F., confirmed, 116.
WELSH, H. E., confirmed, 406.
WELCH, HARRY M., confirmed, 581.
WELSH, MISS MARY C., confirmed, 623.
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WERNER, FRED R., confirmed, 283.
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WHITE, WALTER T., confirmed, 114.
WHITE, WILLIAM J., JR., confirmed, 110.
WHITMAN, DAVID, confirmed, 377.
WHYENNY, MISS MARY, confirmed, 216.
WICKENHAVER, J. A., confirmed, 113.
WILBAR, GEORGE H., JR., confirmed, 113.
WILCOX, MISS V. E., confirmed, 283.
WILCOX, MRS. GERTRUDE E., confirmed, 113.
WILEY, MISS MILDRED, confirmed, 217.
WILFONG, MILLARD N., confirmed, 216.
WILLIAMS, EDWIN F., confirmed, 421.
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WILLIAMS, RUSSELL G., confirmed, 116.
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WILLIS, CEPHAS A., confirmed, 377.
WILLOCK, GEORGE K., confirmed, 110.
WILSON, EDMUND R., confirmed, 113
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WILSON, MISS JEAN M., confirmed, 286.
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WILSON, MRS. HELEN L. P., confirmed, 115.
WILSON, MRS. LILLIAN SULLIVAN, confirmed, 113
WILSON, ROSS S., Jr., confirmed, 111.
WING, MISS LA RUE, confirmed, 112.
WINGER, MISS CORA E., confirmed, 421.
WINGERSON, R. E., confirmed, 405.
WINNENBERG, WALTER G., confirmed, 110
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WINTERS, G. F., JR., confirmed, 506.
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WIRSING, HERBERT, confirmed, 119.
WISE, BERNARD G., JR., confirmed, 117.
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WOISTMAN, HENRY F., confirmed, 703.
WOLAK, MRS. GERTRUDE G., confirmed, 110.
WOLF, FRED J., confirmed, 117.
WOLF, MISS MARY M., confirmed, 111.
WOLF, MISS MARY M., confirmed, 119.
WOLF, MORTON A., confirmed, 113.
WOLFE, D. MARTIN, confirmed, 117.
WOLFE, E. B., confirmed, 111.
WOOD, JOHN P., confirmed, 115.
WOODBRIDGE, ARTHUR J., confirmed, 632.
WOOTTEN, MRS. REBA C., confirmed, 703.
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WOSHNER, MISS VALENTINA A., confirmed, 282.
WOTRING, L. W., confirmed, 115.
WRIGHT, GEO. E., confirmed, 118.
WRIGHT, MISS ANNE C., confirmed, 117.
WRIGHT, ROBERT P., confirmed, 110.
WUNDERLE, ALBERT J., confirmed, 118.
WUSTER, WILLIAM EDWARD, confirmed, 118.
WYATT, J. S., confirmed, 113.
YABLONSKI, MISS OLGA, confirmed, 115.
YEAGLEY, ROBERT E., confirmed, 628.
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YODER, MISS MARY, confirmed, 111.
YOLTON, G. GUY, confirmed, 284.
YON, JAMES A., confirmed, 112.
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PENNSYLVANIA ANTHRACITE COMMISSION see (Administrative Code, Coal).

PENNSYLVANIA GAME COMMISSION, Ross L. Leffler, Nominated as member of the, 423; referred to Committee on Executive Nominations, 422.

PENNSYLVANIA HISTORY, resolution (Senate) by Sipe, requesting Superintendent of Public Instruction to furnish the Senate copies of replies from publishers relative to texts on, 205; information furnished, 243, 244.

PENNSYLVANIA INDUSTRIAL SCHOOL, Walter F. Enfield, Nominated as member of Board of Trustees of the, 425; referred to Committee on Executive Nominations, 422.

PENNSYLVANIA INDUSTRIAL SCHOOL, Swengel H. Smith, nominated as member of Board of Trustees of the, 503; referred to Committee on Executive Nominations, 503.

PENNSYLVANIA LABOR RELATIONS BOARD, J. Dress Pannell, Nominated as member of the, 425; referred to Committee on Executive Nominations, 422.

PENNSYLVANIA LIQUOR CONTROL BOARD, Leo A. Crossen, Nominated as member of the Pennsylvania, 423; referred to Committee on Executive Nominations, 422; reported, 647; rejected by Senate, 648.

PENNSYLVANIA MOTOR POLICE see (Motor Police).

PENNSYLVANIA PUBLIC UTILITY COMMISSION, Arthur Colegrove, Nominated as member of the, 423; referred to Committee on Executive Nominations, 423; reported, 647; rejected by Senate, 647.

PENNSYLVANIA SOLDIERS' AND SAILORS' HOME, Walter E. Nick, Nominated as member of the Board of Trustees of the, 425; referred to Committee on Executive Nominations, 422.

PENNSYLVANIA STATE COLLEGE, members of Board of Trustees of the Nominated, 423; referred to Committee on Executive Nominations, 422.

PENNSYLVANIA STATE ORAL SCHOOL FOR THE DEAF, members of Board of Trustees of, Nominated, 425; referred to Committee on Executive Nominations, 422.

PENNSYLVANIA TURNPIKE COMMISSION, Edward N. Jones, Nominated as member of the, 426; referred to Committee on Executive Nominations, 422; reported, 647; rejected by Senate, 647.

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PERRY, DAVID R., Representative from Blair County (Second District).

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Favoring passage of House Bill No. 17, amending Workmen's Compensation Act, 226; referred to Committee on State Government, 226.

Favoring passage of legislation prohibiting sale of fireworks, 503.

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Opposing amendment to school code, 508.

Opposing change in method of fixing school tax levy in Philadelphia, 653.

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PHILADELPHIA GOVERNMENTAL EXPENSES, report of committee to study the, presented to Senate, 572, 573, 635; appendix, 917.

PHILADELPHIA SAVING FUND SOCIETY, report of, presented to House, 11; to Senate, 19; appendix, 906.

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First reading, 366.
Second reading, 392.
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Returned from Senate without amendment, 485.
Signed by Speaker, 489.
Approved by Governor, 507; Act No. 23.

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McDevitt, 416, 417.

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Signed by President, 477.

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PHILIPSBURG STATE HOSPITAL, J. Emory McGowan and W. Ludwig Erb, Nominated as Members of Board of Trustees of the, 424; referred to Committee on Executive Nominations, 422.

PIERSON, HENRY J., Senator from Lebanon County and Lancaster County (part of) (Seventeenth District).

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POOR DISTRICTS and counties of cost of maintaining indigent insane, amending Mental Health Law of 1923, by relieving

Senate Bill No. 29.
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Referred to Committee on County Government, 128.
Reported without amendment, 162.
First reading, 162.
Second reading and recommitted, 179-184.
Re-reported with amendment, 313.
Third reading and final passage, 350.
Returned from House without amendment, 477.
Signed by President, 477.
Approved by Governor, 524; Act No. 26.

In House (No. 76).
Referred to Committee on Welfare, 374.
Reported without amendment, 396.
First reading, 412.
Second reading, 454.
Third reading and final passage, 487.
Signed by Speaker, 500.

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Senate Bill No. 27.
Read in place in Senate by Mr. Shapiro, 127.
Referred to Committee on County Government, 127.
Reported without amendment, 162.
First reading, 162.
Second reading and recommitted, 178.
Re-reported without amendments, 313.
Third reading and final passage, 350.
Over in order, 332, 333.
Returned from House without amendment, 477.
Signed by President, 477.
Approved by Governor, 523; Act No. 25.

In House (No. 75).
Referred to Committee on Welfare, 373.
Reported without amendment, 396.
First reading, 411, 412.
Second reading, 454.
Third reading and final passage, 487.
Signed by Speaker, 500.

POWERS, JOHN L., Representative from Allegheny County (Seventh District).

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PRISON INMATES to be disciplined by means of heat, resolution (House) by Miss Brancato, prohibiting, 294.

PRIVATE WIRES, prohibiting dissemination of information pertaining to horse racing over

Senate Bill No. 67.
Read in place in Senate by Mr. E. J. Thompson, 610.
Referred to Committee on Judiciary General, 610.
Reported without amendment, 611.
First reading, 613.
Second reading and amended, 625-628.
Third reading and final passage, 637.
Returned from House with amendment in which Senate non-concurred, 709, 710.
Returned from House with amendments insisted upon, 726.
Resolution recalling bill from Senate concurred in by Senate, 726.
Returned from House with amendments receded from, 729.
Signed by President, 729.
Approved by Governor December 1, 1938; Act No. 45.

Remarks on, by
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Owlett, 625, 626.
Pytko, 626.
Shapiro, 625, 626.

PRIVATE WIRES—Concluded.

In House (No. 97).
Referred to Committee on Judiciary Special, 653.
Reported without amendment, 659.
First reading, 669.
Second reading, 692.
Recommitted, 692, 693.
Re-reported with amendment, 694.
Third reading and final passage, 716.
Returned from Senate with amendments non-concurred in, 718.
Motion to recede from amendments defeated, 718-720.
Resolution recalling bill from Senate adopted by House, 735.
Resolution and bill returned from Senate, 737, 738.
House recedes from amendments, 738, 739.
Signed by Speaker, 741.

Remarks on, by
Brown, 718, 719.
Cohen, Herbert B., 692; 718, 719; 738.
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Moomaw, 719; 739, 740.
Woodside, 738.

Reasons for vote filed by Elpern, 739.

PROCLAMATION OF THE GOVERNOR, presented to Senate, 2, 3; to House 8-10.

PROPERTY AND SUPPLIES, DEPARTMENT OF, for expenses in proposed acquisitions of real property from housing authorities, making appropriation ($50,000) to

House Bill No. 50.
Read in place in House by Mr. Dickinson, 174.
Referred to Committee on Appropriations, 174.
Reported without amendment, 530.
First reading, 556.
Second reading, 585.
Third reading and final passage, 614, 615.
Returned from Senate without amendment, 654.
Signed by Speaker, 658.
Approved by Governor, December 1, 1938; Act No. 42

Remarks on, by
Spengler, 614, 615.

In Senate (No. 71).
Referred to Committee on Appropriations, 611.
Reported without amendment, 611.
First reading, 613.
Second reading, 631.
Third reading and final passage, 638.
Signed by President, 645.

PROPERTY AND SUPPLIES, DEPARTMENT OF, for rentals and other charges due on contracts with the General State Authority, making appropriation ($2,000,000) to

House Bill No. 8.
Read in place in House by Mr. Jirolanio, 22.
Referred to Committee on Appropriations, 22.
Reported without amendment, 124.
First reading, 137.
Second reading, 152.
Third reading and final passage, 171.
Returned from Senate with amendment in which House concurred, 372, 373.
Signed by Speaker, 374.
Resolution recalling bill from Governor adopted by House, 454.
Resolution returned from Senate concurred in, 464.
Resolution approved by Governor, 488.
Vote reconsidered on third and second reading, amended and read second time, 488.
Final passage, 501.
Returned from Senate with amendments concurred in, 658.
Signed by Speaker, 660.
Approved by Governor December 1, 1938; Act No. 40.

Remarks on, by
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PROPERTY AND SUPPLIES, DEPARTMENT OF—Concluded.

In Senate (No. 36).
Referred to Committee on Appropriations, 161.
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First reading, 163.
Second reading and recommitted, 184, 185.
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Over in order, 308; 330.
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Returned from House with amendments concurred in, 364.
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Senate concurred in resolution recalling bill from Governor, 438.
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Senate concurred in House amendments, 645.
Signed by President, 645.

Remarks on, by
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PROTHONOTARY OF COURT OF COMMON PLEAS OF CARBON COUNTY, Joseph Bonacci, Nominated, 307; referred to Committee on Executive Nominations, 307; reported, 437; confirmed, 438.

PUBLIC ACCOUNTANTS, Sidney G. Handler, Nominated as Member of State Board for examination of, 423; referred to Committee on Executive Nominations, 422.

PUBLIC ASSISTANCE BOARDS see Assistance Boards.

PUBLIC ASSISTANCE DEPARTMENT OF, Arthur W. Howe, Jr., Nominated as; Secretary of, and referred to Committee on Executive Nominations, 422; reported, 647; confirmed, 648.

PUBLIC ASSISTANCE, DEPARTMENT OF, for carrying out the Public Assistance Law, supplementing Act of 1937, making appropriation ($25,000,000) to

House Bill No. 11.
Read in place in House by Mr. Herbert B. Cohen, 22.
Referred to Committee on Welfare, 22.
Returned and re-referred to Committee on Appropriations, 102.
Reported without amendment, 124.
First reading, 138.
Second reading, 153.
Third reading and final passage, 171, 172.
Returned from Senate without amendment, 270.
Signed by Speaker, 270.
Approved by Governor, 314; Act No. 9.

In Senate (No. 37).
Referred to Committee on Appropriations, 161.
Reported without amendment, 161.
First reading, 163.
Second reading and recommitted, 185.
Re-reported without amendment, 206.
Over in order, 222.
Third reading and final passage, 245-247.
Signed by President, 273.

Remarks on, by
Buckman, 245, 246, 247.
Thompson, 246, 247.

PUBLIC ASSISTANCE, DEPARTMENT OF, for payment of salaries and expenses of Employment Board, making appropriation to

House Bill No. 12.
Read in place in House by Mr. Herbert B. Cohen, 22.
Referred to Committee on Appropriations, 22.

PUBLIC ASSISTANCE, DEPARTMENT OF, resolution (Senate) by Cavalcante, restricting civil service qualifications required in the, 441; referred to Committee on Labor and Industry, 441; reported without amendment, 447; adopted by Senate, 450.

Remarks on, by Cavalcante, 441; Kunkel, 450.

PUBLIC ASSISTANCE LAW OF 1937, by classifying blind persons entitled to receive assistance and those entitled to receive pensions, amending

Senate Bill No. 6.
Read in place in Senate by Mr. Kunkel, 7.
Referred to Committee on Welfare, 7.

PUBLIC ASSISTANCE LAW OF 1937, by providing medical care in place of services, amending

Senate Bill No. 5.
Read in place in Senate by Mr. Rice, 7.
Referred to Committee on Welfare, 7.
Reported without amendment, 20.
First reading, 21.
Second reading, 28.
Third reading and final passage, 46.
Returned from House with amendment, 185.
Over in order, 206, 222.
Senate concurred in House amendments, 244, 245.
Signed by President, 250.
Approved by Governor, 346; Act No. 10.

In House (No. 28).
Referred to Committee on Welfare, 68.
Reported with amendment, 135.
First reading, 151.
Second reading, 169.
Third reading and final passage, 195, 196.
Returned from Senate with amendments concurred in, 270.
Signed by Speaker, 270.

Remarks on, by
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PUBLIC ASSISTANCE, STATE BOARD OF, Members of nominated, 422; referred to Committee on Executive Nominations, 422.

PUBLIC INSTRUCTION, DEPARTMENT OF, for payment of salaries of members and attorneys employed by county boards of school directors, making appropriation to the

Senate Bill No. 41.
Read in place in Senate by Mr. Ruth, 204.
Referred to Committee on Appropriations, 204.
Reported without amendment, 646.
First reading, 652.
Second reading, 665, 666.
Third reading and final passage, 685.

In House (No. 101).
Referred to Committee on Appropriations, 691.

PUBLIC INSTRUCTION, DEPARTMENT OF, for rentals and expenses in connection with public school buildings constructed or improved by the General State Authority, making appropriation to

Senate Bill No. 9.
Read in place in Senate by Mr. Thompson, 7.
Referred to Committee on Appropriations, 7.
Reported without amendment, 49.
First reading, 50.
Second reading and amended, 71, 72.
Third reading and final passage, 83, 84.
Returned from House without amendment, 185.
Signed by President, 186.
Approved by Governor, 307; Act No. 8.

In House (No. 34).
Referred to Committee on Appropriations, 101.
Reported without amendment, 124.
First reading, 138.
Second reading, 153.
Over in order, 172.
Third reading and final passage, 192.
Signed by Speaker, 252.

PUBLIC UTILITY COMMISSION, Arthur Colegrove, Nominated as Member of the Pennsylvania, 423; referred to Committee on Executive Nominations, 422; reported, 647; rejected by Senate, 647.

PUBLIC UTILITY COMMISSION, licensing and regulating the transmission of racing information and providing for issuance of licenses by the

House Bill No. 95.
Read in place in House by Messrs. Moomaw and Ostroff, 634.
Referred to Committee on Public Utilities, 634.
Reported without amendment, 635.
First reading, 654.
Second reading and amended, 669, 671.
Third reading and defeated, 694-696.

PUBLIC UTILITY COMMISSION the duty of approving contracts for private wires and prohibiting dissemination of information pertaining to horse racing over private wires, imposing upon the

Senate Bill No. 67.
Read in place in Senate by Mr. E. J. Thompson, 610.
Referred to Committee on Judiciary General, 610.
Reported without amendment, 611.
First reading, 613.
Second reading and amended, 625-628.
Third reading and final passage, 637.
Returned from House with amendment, in which Senate non-concurred, 709, 710.
Returned from House with amendments insisted upon, 726.
Resolution recalling bill from Senate concurred in by Senate, 726.
Returned from House with amendments receded from, 729.
Signed by President, 729.
Approved by Governor, December 1, 1938; Act No. 45.

Remarks on, by
Law, 626.
Owlett, 625, 626.
Pytko, 626.
Shapiro, 625, 626.

In House (No. 97).
Referred to Committee on Judiciary Special, 653.
Reported without amendment, 659.
First reading, 669.
Second reading, 692.
Recommitted, 692-693.
Re-reported with amendment, 694.
Third reading and final passage, 716.
Returned from Senate with amendments non-concurred in, 718.
Motion to recede from amendments defeated, 718-720.
Resolution recalling bill from Senate adopted by House, 735.
Resolution and bill returned from Senate, 737, 738.
House recedes from amendments, 738, 739.
Signed by Speaker, 741.

Remarks on, by
Brown, 718, 719.
Cohen, Herbert B., 692, 718, 719, 738.
Jirolanio, 738, 739.
Moomaw, 719, 739, 740.
Woodside, 738.
Reason for vote filed by Elpern, 739.

PUBLIC UTILITY LAW of 1937, by providing for elimination of overhead wires along highways and in vicinity of aviation fields, amending

House Bill No. 74.
Read in place in House by Mr. Ostroff, 373.
Referred to Committee on Public Utilities, 373.

PUBLIC UTILITY LAW of 1937, variously amending

House Bill No. 23.
Read in place in House by Mr. Achterman, 44.
Referred to Committee on Public Utilities, 44.
Reported without amendment, 135, 136.
First reading, 136, 137.
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Second reading and amended, 229-233.
Third reading and final passage, 265-268.
Returned from Senate without amendment, 411.
Signed by Speaker, 415, 416.
Approved by Governor, 480; Act No. 19.

PUBLIC UTILITY LAW—Concluded.

In Senate (No. 45).
Referred to Committee on Public Utilities, 272.
Reported without amendment, 312.
First reading, 314.
Second reading, 363.
Third reading and final passage, 379, 380.
Signed by President, 407.

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PYTKO, WALTER S., Senator from Philadelphia County (Eighth District).

Bill reported by,
No. 28.
Providing for management and operation of Byberry Hospital by the Commonwealth, 313.

Member of Special Committees, 243, 540.

Motion by, to
Dispense with further reading of Journal, 619.

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Bill No. 24 (House No. 5), suspending investigations of charges of misdemeanor in office on the part of civil officers liable to impeachment which the House of Representatives undertakes to investigate, 99, 100.

Bill No. 58 (House No. 65), creating a Joint Legislative commission to study devices used to further gambling. 497.

Bill No. 67, imposing upon the Public Utility Commission the duty of approving contracts for private wires and prohibiting dissemination of information pertaining to horse racng, 626.

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Whether bills are being read for the first time or if the titles are being read for the information of the House, by Turner, 662.

Whether House is about to recess, by Turner, 190.

Whether Senate Bill No. 13, reducing number of mine foremen in bituminous coal mines comes within the call of the Governor for the Extraordinary Session, by Haluska, 28.

Whether Senate Bill No. 67 to regulate transmission of gambling information has been held constitutional by the Philadelphia Inquirer, by O'Brien, 718.

Whether Senator Dent has prepared resolution referred to by him at a previous session, by Gilson, 440.

Whether vote on motion to suspend Rule 39 for immediate consideration of resolution carries the resolution, by Cavalcante, 492.

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Whether motion to suspend rule is debatable, by Dent, 220.

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Communication from Mr. Boak of the State Grange, by Thompson, 158.

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Requesting Secretary of Internal Affairs to conduct survey of the amount of real estate owned by public utilities which is exempt from local real estate taxes (House) by Holland, 690; referred to Committee on Rules, 690; reported with amendment, 714; adopted by House, 716, 717.

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Authorizing payment of postage on Legislative Journal (Senate) by Lanius, 4; returned from House concurred in, 6; concurred in by House, 17; approved by Governor, 27.

Authorizing payment of salaries of employes of Senate and House of Representatives during Extraordinary Session of 1938, (Senate) by Huffman, 71; returned from House concurred in, 83; concurred in by House, 80; approved by Governor, 109.

Authorizing payment of salaries of Senators and members of House of Representatives during Extraordinary Session of 1938, (Senate) by Ruth, 4; returned from House concurred in 6; concurred in by House, 16; approved by Governor, 27.

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Memorializing President of United States to call conference of representatives of all nations to discuss the question of lasting peace, (House) by Messrs. Ostroff, Shepard, Thompson, McDevitt, Woodside and Lewis, 396; referred to Committee on Rules, 396.

Memorializing Secretary Hull on his stand concerning Mexican policy of seizing proprieties of American citizens, (House) by Zappala, 365; referred to Committee on Rules, 365; reported without amendment, 410; adopted by House, 463; referred to Committee on Federal Relations in Senate, 450.

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SIMON, JOSEPH A., Representative from Clinton County.

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SIPE, C. HALE, Senator from Armstrong and Butler Counties (Forty-first District.)

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SLOAN, J. CLAIR, Representative from Indiana County.

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SMITH, JAMES A., Representative from Philadelphia County (Twenty-second District).

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SMITH, JOHN A., Representative from Cumberland County.

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SOLLENBERGER, D. RAYMOND, Representative from Blair County (Second District).

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STATE BOARD OF EXAMINERS OF ARCHITECTS, members of the, Nominated, 423; referred to Committee on Executive Nominations, 422.

STATE BOARD OF HOUSING, members of the, Nominated, 425; referred to Committee on Executive Nominations, 422.

STATE BOARD OF OPTOMETRICAL EXAMINERS, C. C. Law, Nominated as member of the, 423; referred to Committee on Executive Nominations, 422.

STATE BOARD OF OSTEOPATHIC EXAMINERS, members of the, Nominated, 423; referred to Committee on Executive Nominations, 422.

STATE BOARD OF UNDERTAKERS, David H. Woodward Nominated as member of the, 423; referred to Committee on Executive Nominations, 422.

STATE BOARD OF VETERINARY MEDICAL EXAMINERS, members of the, Nominated, 423; referred to Committee on Executive Nominations, 422.

STATE BRIDGE AND TUNNEL COMMISSION, Leonard Shaffer, Nominated as member of the, 425; referred to Committee on Executive Nominations, 422.

STATE COLLEGE, members of Board of Trustees of the Pennsylvania, Nominated, 423; referred to Committee on Executive Nominations, 422.

STATE COUNCIL FOR THE BLIND, Isaac Dornblum, Nominated as member of the, 424; referred to Committee on Executive Nominations, 422.

STATE COUNCIL OF EDUCATION, Francis R. Cope, Jr., Nominated as member of the, 423; referred to Committee on Executive Nominations, 422.

STATE INDUSTRIAL HOME FOR WOMEN, Mrs. Nellie Lee Bok and Mrs. Eleanor R. Lineaweaver Nominated as members of the Board of Trustees of the, 425; referred to Committee on Executive Nominations, 422.

STATE ORAL SCHOOL FOR THE DEAF, members of Board of Trustees of the Pennsylvania, Nominated, 425; referred to Committee on Executive Nominations, 422.

STATE PLANNING BOARD, Roy E. Brownmiller, Nominated as member of the, 426; referred to Committee on Executive Nominations, 422.

STATE VETERANS COMMISSION, members of the, Nominated, 424; referred to Committee on Executive Nominations, 422.

STATE WELFARE COMMISSION, Mrs. Eleanor Robb Lineaweaver, Nominated as member of the, 424; referred to Committee on Executive Nominations, 422.

STATE WORLD'S FAIR COMMISSION, members of the Nominated, 425; Referred to Committee on Executive Nominations, 422; Reported, 436; confirmed, 438.

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Recommit Bill No. 2, defining procedure for investigation by House of Representatives of charges of misdemeanor in office on part of civil officers liable to impeachment, 58, 59.

Recommit Bill No. 3, defining relative powers of the Attorney General and District Attorneys in proceedings in criminal courts and authorizing judges to appoint special prosecutors in certain cases, 61.

Recommit Bill No. 5, suspending investigations of charges of misdemeanor in office on the part of civil officers liable to impeachment which the House of Representatives undertakes to investigate, 62.

Recommit Resolution authorizing appointment of committee to investigate misconduct of Magistrate John J. O'Malley of Philadelphia, 589.

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Bill No. 30 (Senate No. 8), amending School Code of 1911, by authorizing school districts to lease projects from the General State Authority, 261, 262.

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UNDERTAKERS, STATE BOARD OF, David H. Woodward Nominated as member of, 423; referred to Committee on Executive Nominations, 422.

UNEMPLOYMENT COMPENSATION REFEREES, Nominated, 426; referred to Committee on Executive Nominations, 422.

UNEMPLOYMENT COMPENSATION SYSTEM, resolution (Senate) by Dent, restricting civil service qualifications required in, 400; referred to Committee on Labor and Industry, 441; reported without amendment, 447; adopted by Senate, 447-449.

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UTILITY COMMISSION, PENNSYLVANIA PUBLIC, Arthur Colgrove, Nominated as member of the, 423; referred to Committee on Executive Nominations, 422; reported, 647; rejected by Senate, 647.

VALIBUS, ALBERT J., Representative from Luzerne County (Fifth District).

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VALLEY FORGE PARK COMMISSION, Frederick S. Fox, Nominated as member of the, 424; referred to Committee on Executive Nominations, 422;

VAN ALLSBURG, JOHN E., Representative from Erie County (Third District).

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VAN DYKE, HON. WARREN, upon his death, resolution (House) by Spengler, extending sympathy of House to family of, 80, 81.

VAN SICKLE, HENRY K., Representative from Northampton County (Second District).

Leaves of absence granted, 163, 190.

Member of Special Committee, 741.

VENUE CHANGES OF, in criminal cases by forbidding changes of venue in criminal prosecutions by any court on application of the Commonwealth or prosecutor, supplementing Act of 1875, authorizing

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Referred to Committee on Judiciary General, 6.
Reported without amendment, 20.
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Reported without amendment, 633.
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VETERANS COMMISSION, STATE, members of the nominated, 424; referred to Committee on Executive Nominations, 422.

VETERINARY MEDICAL EXAMINERS, STATE BOARD OF, Dr. Philip J. McCarthy, nominated member of, 45; referred to Committee on Executive Nominations, 45; reported, 436; confirmed, 438.

VETERINARY MEDICAL EXAMINERS, STATE BOARD OF, members of, Nominated, 423; referred to Committee on Executive Nominations, 422.

VOCATIONAL SCHOOLS see (Schools).

VOGT, JOSEPH H., Representative from Pike County.

Member of Special Committee, 741.

WAGNER, JOSEPH G., Representative from Erie County (First District).

Files reasons for vote on Bill No. 73 (Senate No. 28), providing for management and operation of Byberry Hospital by the Commonwealth, 462, 463.

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WALL, ARTHUR J., Representative from Wayne County.

Member of Special Committee, 741.

WALSH, JAMES F., Representative from Philadelphia County (Twenty-third District).

Best wishes of House extended to, upon his fortieth birthday, 68.

Motion by, to
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Extending congratulations of House to Samuel Baker and Charles L. Fluck on the success of their efforts for removal of Glenwood cemetery for slum clearance, 676.

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WAMPOLE, HARRY Z., Representative from Montgomery County (Third District).

WARREN STATE HOSPITAL, member of Board of Trustees of, Wade D. Mertz, Nominated, 242; referred to Committee on Executive Nominations, 241; reported, 437; confirmed, 438.

WARREN STATE HOSPITAL, member of Board of Trustees of, J. D. Landers nominated, 204; referred to Committee on Executive Nominations, 204; reported, 437; confrmed, 438.

WARREN STATE HOSPITAL, member of Board of Trustees of, J. Theodore Valone, nominated 424; referred to Committee on Executive Nominations, 422.

WATKINS, IVAN C., Representative from Schuylkill County (Fourth District).

WEBSTER, RAYMOND C., Representative from Chester County (First District).

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WEIDEMANN, THOMAS, Representative from Delaware County (Second District).

Member of Special Committee, 716.

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Request for verification of roll call by, on
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WEISS, DAVID H., Representative from Westmoreland County (Third District).

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Bills introduced by,
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Remarks by, on
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Resolution, concurrent offered by,
Extending sympathy of General Assembly to families of Joseph R. Williams and Charles Craven, Motor Police killed in line of duty near Gettysburg, 597.

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WEISS, SAMUEL A., Representative from Allegheny County (Tenth District).

Bill introduced by,
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Files reasons for vote on Bill No. 1, providing that House of Representatives shall have precedence over grand juries to investigate charges against civil officers subject to impeachment, 56.

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Recommit Bill No. 54 (Senate No. 14), providing for adjournment of county treasurer's sales in counties of third class, 254.

Remarks by, on
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WELFARE COMMISSION, Mrs. Eleanor Robb Lineaweaver, nominated as member of the, 424; referred to Committee on Executive Nominations, 422.

WELFARE, DEPARTMENT OF see (Administrativ Code).

WELFARE, SECRETARY OF, Charles I. Engard, nominated as, 424; referred to Committee on Executive Nominations, 422; reported, 647; confirmed, 648.

WELLIVER, LLOYD W., Representative from Montour County.

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WELSH, MATTHEW J., Representative from Fayette County (Second District).

Bills reported by,
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Making appropriation to Department of Health for pumping water from slate quarries and coal mines, 124.

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WEST CHESTER STATE TEACHERS COLLEGE, Dr. Robert F. Anderson and Mrs. Mary T. Farrell, nominated as members of the Board of Trustees of, 504; referred to Committee on Executive Nominations, 503.

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WESTRICK, DENNIS L., Representative from Cambria County (Second District).

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Member of Special Committee, 12.

Resolution offered by,
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WHALEN, Ray, Representative from Luzerne County (Seventh District).

WHITENIGHT, M. P., Representative from Columbia County.

Resolution offered by,
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WILLIAMS, JOSEPH R., and Charles Craven, Motor Police who were killed in line of duty near Gettysburg, concurrent resolution (House) by David H. Weiss, extending sympathy of General Assembly to families of, 597; returned from Senate concurred in, 603; concurred in by Senate, 583.

WILSON, HENRY I., Representative from Jefferson County.

Files reasons for vote on Bill No. 17, amending Workmen's Compensation Law of 1915, by imposing presumption of negligence upon employers, 141.

Files reasons for vote on Bill No. 78 (Senate No. 15), abating certain tax penalties and interest, 535.

Leave of absence granted, 289.

Member of Special Committee, 716.

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WILSON, S. DAVIS, Mayor of Philadelphia, Judge Curtis Bok presents certified copy of Twelfth Special Presentment made by October, 1937, Grand Jury regarding dealings of, to Senate, 699; to House, 713; referred to Committee on Judiciary General in House, 713; reported from committee, 720; appendix, 914.

WINNER, EDWIN, Representative from Montgomery County (Third District).

Motion by, to
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Request for vertification of roll call, by, on
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WOLFENDEN, G. GILBERT, Senator from Indiana and Jefferson Counties (Thirty-seventh District).

Bills reported by,
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WOOD, NORMAN, Representative from Lancaster County (Second District).

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Motion to take from table Senate conc. resolution providing that the Speaker of the House and the President pro tempore of the Senate, during any recess of the General Assembly, may jointly reconvene the Legislature at a date prior to the date already fixed for reconvening, 600.

Request for vertification of roll call by, on
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Resolution offered by,
Extending sympathy of House to family of Senator John G. Homsher upon his death, 371, 372.

WOODSIDE, ROBERT E., JR., Representative from Dauphin County (Second District).

Bill introduced by,
No. 59.
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Bill reported by,
No. 59.
Validating Joint Resolution of Session of 1937, creating a commission to make investigation of practice and procedure in the various courts of the Commonwealth, 632.

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Resolution, concurrent offered by,
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WOODWARD, GEORGE, Senator from Philadelphia County (Sixth District).

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Joint Resolution proposing amendment to Constitution of Pennsylvania, Article 9, Section 4 of, permitting debt for buildings or other public works if anticipated revenue is pledged for repayment, 6, 7.

No. 3.
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No. 4.
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No. 55.
Joint Resolution proposing amendment to Constitution of Pennsylvania, Article 9, Section 8, separating real and personal property to ascertain basis of borrowing capacity of political subdivisions, 401.

No. 66.
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Postpone Bill No. 4, Joint Resolution proposing amendment to Article 9, Section 1 of Constitution to permit graded income tax, 247.

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Recommit Bill No. 21 (House No. 1), providing that House of Representatives shall have precedence over grand juries to investigate charges of misdemeanor in office against certain civil officers subject to impeachment, 74.

Recommit Bill No. 22 (House No. 2), defining procedure for investigation by House of Representatives of charges of misdemeanor in office on part of civil officers liable to impeachment, 77.

Recommit Bill No. 23 (House No. 3), defining relative powers and duties of Attorney General and District Attorneys in proceedings in criminal courts, 79.

Recommit Bill No. 24 (House No. 5), suspending investigations of charges of misdemeanor in office on the part of civil officers liable to impeachment which the House of Representatives undertakes to investigate, 79.

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Bill No. 28, providing for management and operation of Byberry Hospital by the Commonwealth, 337.

Bill No. 36 (House Bill No. 8), making appropriation to Department of Property and Supplies for rentals and other charges due on contracts with the General State Authority, 349.

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Extending sympathy of Senate to Hon. Harvey Huffman in his illness, 528.

WORKMEN'S COMPENSATION see (Insurance Rates).

WORKMEN'S COMPENSATION LAW of 1915, by imposing presumption of negligence upon employers and providing for admission of certain evidence and providing for double damage under certain circumstances, amending

House Bill No. 17.

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Referred to Committee on Labor, 43.
Reported without amendment, 53.
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Third reading and final passage, 140, 141.
Returned from Senate with amendment, in which House concurred, 372.
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WORKMEN'S COMPENSATION LEGISLATION, concurrent resolution (Senate) by Dent, authorizing appointment of joint legislative Committee to ascertain and conciliate views of employers and employes on, 329, 330; adopted by Senate, 330; returned from House concurred in, 405; referred to Committee on Rules in House, 366; reported without amendment, 411; adopted by House, 411; approved by Governor, 504.

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WORKS PROGRESS ADMINISTRATION projects can be carried, concurrent resolution (House) by Messrs. Lewis, Ostroff and Reuben Cohen, memorializing City Council of Philadelphia to appropriate funds so that work on, 102; referred to Committee on Rules, 102; reported without amendment, 122; adopted by House, 141, 142; laid on table in Senate, 131, 132; amended by strike out, 132, 133; concurred in, by Senate, 133, 134; ret. from House with amendments conc. in, 145; House concurred in Senate amendments, 149, 150.

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WORLD'S FAIR COMMISSION, Members of the State, nominated, 425; referred to Committee on Executive Nominations, 422; reported, 436; confirmed, 438.

WRIGHT, CHARLES, Representative from Luzerne County (Fourth District).

Bill introduced by,

No. 43.

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